

Minutes of Zoning Commission

July 27, 2021

The regular meeting of the Bainbridge Township Zoning Commission was called to order by Mr. Dennis Williams, Vice Chairman at 7:01 P.M. Members present were: Ms. Kristina Alaei and Ms. Marlene Walkush. Mr. John Lateulere; Ms. Marion Perry; Ms. Laura Weber, Alternate and Ms. Stacy Westervelt, Alternate were absent. Ms. Karen Endres, Zoning Inspector and Mr. David Dietrich, Planning and Zoning Coordinator were present.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

PUBLIC COMMENTS: None.

GUEST:

Mr. Mike Hetman of Estates Landscaping who is a Bainbridge Township resident met with the Zoning Commission to discuss the possibility of leasing or purchasing the vacant building at 8300 E. Washington Street for the purpose of establishing his landscaping business there and for the zoning to allow landscaping businesses in a CB District. Currently landscaping businesses are not specifically permitted in the CB District.

The Zoning Commission suggested that Mr. Hetman appeal to the Board of Zoning Appeals for a use variance.

MINUTES

Ms. Walkush moved to adopt the minutes of the June 29, 2021 meeting as written.

Ms. Alaei seconded the motion that passed unanimously.

OLD BUSINESS

Proposed Zoning Amendment Z-2021-1 – Food Trucks and Mobile Food Units

Ms. Walkush made a motion to recess the regular meeting.

Ms. Alaei seconded the motion that passed unanimously.

The regular meeting was recessed at 7:38 P.M.

PUBLIC HEARING

Mr. Dennis Williams, Vice Chairman, called the public hearing to order at 7:38 P.M.

Zoning Commission members present were: Ms. Alaei; Ms. Walkush and Mr. Williams. Mr. Lateulere and Ms. Perry were absent.

Proposed Zoning Amendment Z-2021-1 proposes to amend Chapter 105 – Definitions and Chapter 161 – General Provisions regarding Food Trucks and Mobile Food Units.

The public hearing was advertised in the News Herald on July 16, 2021.

Mr. Williams read into the record the recommendation of the Geauga County Planning Commission in a letter dated July 19, 2021 in which the Planning Commission recommended denial of the proposed zoning amendment as follows:

1. Proposed language appears to exceed the powers granted under O.R.C. 519.02.
2. Proposed language is ambiguous and difficult to enforce. Examples include inspections by the Fire Department for each site and “certification by a qualified entity” is not defined relating to the LP gas supply system.

Ms. Walkush stated that she could not get that, she looked at our wording and a qualified entity is a qualified entity.

Mr. Dietrich said that is the language that Mr. Bill Lovell, Assistant Fire Chief desired.

Ms. Walkush said she thinks it is fine, it absolutely explains an entity who is qualified to do the inspections, she thinks it is fine the way it is written.

Mr. Dietrich said that there are entities in the State of Ohio that are certified and they would be contacted, that is why it was written that way.

Ms. Walkush said she has no problem with the way it was written but as far as the unit where it says: Page 6 – paragraph (2)*A mobile food unit shall not operate without prior approval by the fire department based upon an on-site inspection...* maybe the addition of three words ...*on-site inspection of the unit* to make it more specific and tie it down but she doesn't see anything wrong with that either the way it is written.

Mr. Dietrich reiterated that this amendment was reviewed by the Prosecutor's Office before it was put in front of the Zoning Commission.

Mr. Williams solicited comments for the amendment: None.

Mr. Williams solicited comments against the amendment: None.

Ms. Walkush moved to close the public hearing.

Ms. Alaei seconded the motion.

Vote: Ms. Alaei, aye; Ms. Walkush, aye; Mr. Williams, aye.

The public hearing was closed and the regular meeting was reconvened at 7:48 P.M.

Proposed Zoning Amendment – Z-2021-1

Ms. Walkush moved the adoption of the following motion:

That the Bainbridge Township Zoning Commission recommend the approval of the following proposed amendment to the Bainbridge Township Zoning Resolution attached hereto: Z-2021-1 with the modification.

Page 6 – paragraph (2)*A mobile food unit shall not operate without prior approval by the fire department based upon an on-site inspection **of the unit.***

Added text is in ***bold italics.***

Ms. Alaei seconded the motion and the roll being called the vote of the Bainbridge Township Zoning Commission was as follows:

Vote: Ms. Alaei, aye; Ms. Walkush, aye; Mr. Williams, aye.

The amendment will be submitted to the Bainbridge Township Board of Trustees for its action.

(Audio Recording of Public Hearing on File)

Proposed Zoning Amendment Z-2021-2 – Drive-In, Drive-Through Facilities

Ms. Walkush made a motion to recess the regular meeting.

Ms. Alaei seconded the motion that passed unanimously.

The regular meeting was recessed at 7:50 P.M.

PUBLIC HEARING

Mr. Dennis Williams, Vice Chairman, called the public hearing to order at 7:50 P.M.

Zoning Commission members present were: Ms. Alaei; Ms. Walkush and Mr. Williams. Mr. Lateulere and Ms. Perry were absent.

Proposed Zoning Amendment Z-2021-2 proposes to amend Chapter 105 – Definitions; Chapter 143 – Convenience Business District and Chapter 169 – Off-Street Parking and Loading Facilities regarding Drive-In, Drive-Through Facilities.

The public hearing was advertised in the News Herald on July 16, 2021.

Mr. Williams read into the record the recommendation of the Geauga County Planning Commission in a letter dated July 19, 2021 in which the Planning Commission recommended approval of the proposed zoning amendment with recommendations as follows:

1. Section 143.06(b)(2): Recommend increasing the minimum distance as ten (10) feet is not sufficient.
2. Recommend reviewing the sections for practicality and enforceability.

Ms. Walkush asked why isn't ten feet enough.

Mr. Dietrich said actually it is not minimum, it is maximum. He explained that when you are trying to determine where a setback should be for the menu board and speaker system we would go a maximum distance from the building and the discussion was 10 feet max.

Ms. Walkush said she remembers.

Mr. Dietrich said it is not minimum so this is just wrong.

Ms. Walkush said right it is. She said and point number two that was stated in the letter, she thinks the amendment is fine.

Mr. Dietrich said the problem now is Ms. Endres really doesn't have much to go on with these drive-throughs at all.

Ms. Walkush said her opinion is she looked at it, we talked about it, we put it in there and sometimes when we are initiating something new like this, the practicality and enforceability can only come up in a challenge, we are doing our job to the best of our ability.

Ms. Endres said drive-through facilities are becoming more and more prevalent because of COVID.

Ms. Walkush said and people are now opening up with less workers.

Mr. Williams said he is good with the way we have it.

Ms. Alaei said she is good with it.

Mr. Williams solicited comments for the amendment: None.

Mr. Williams solicited comments against the amendment: None.

Ms. Walkush moved to close the public hearing.

Ms. Alaei seconded the motion.

Vote: Ms. Alaei, aye; Ms. Walkush, aye; Mr. Williams, aye.

The public hearing was closed and the regular meeting was reconvened at 7:55 P.M.

Proposed Zoning Amendment – Z-2021-2

Ms. Walkush moved the adoption of the following motion:

That the Bainbridge Township Zoning Commission recommend the approval of the following proposed amendment to the Bainbridge Township Zoning Resolution attached hereto: Z-2021-2.

Ms. Alaei seconded the motion and the roll being called the vote of the Bainbridge Township Zoning Commission was as follows:

Vote: Ms. Alaei, aye; Ms. Walkush, aye; Mr. Williams, aye.

The amendment will be submitted to the Bainbridge Township Board of Trustees for its action.

(Audio Recording of Public Hearing on File)

Proposed Zoning Amendment Z-2021-3 – Electric Vehicle Charging

Ms. Walkush made a motion to recess the regular meeting.

Ms. Alaei seconded the motion that passed unanimously.

The regular meeting was recessed at 7:57 P.M.

PUBLIC HEARING

Mr. Dennis Williams, Vice Chairman, called the public hearing to order at 7:57 P.M.

Zoning Commission members present were: Ms. Alaei; Ms. Walkush and Mr. Williams. Mr. Lateulere and Ms. Perry were absent.

Proposed Zoning Amendment Z-2021-3 proposes to amend Chapter 105 – Definitions; Chapter 143 – Convenience Business District; Chapter 161 – General Provisions and Chapter 190 – MUP Mixed Use Planned Unit Development District regarding Electric Vehicle Charging.

The public hearing was advertised in the News Herald on July 16, 2021.

Mr. Williams read into the record the recommendation of the Geauga County Planning Commission in a letter dated July 19, 2021 in which the Planning Commission recommended approval of the proposed zoning amendment with modifications as follows:

1. Section 161.18(C): 5% maximum of the total off-street parking is too small.
2. Section 161.18(E): Recommend language related to the 12” curbing be reviewed/clarified as curbing is not defined (full depth concrete curbing, wheel stops, etc.).
3. Section 161.18(F): Recommend this sentence be deleted to permit canopies.
4. Section 161.18(G): Recommend allowing EVSE’s closer to the building than proposed.
5. Section 161.18(H): Recommend reviewing the exclusion of EVSE’s within underground parking garages or other enclosed buildings.
6. Section 161.18(K): Recommend reviewing for necessity of Fire Department review as EVSE’s are regulated under the National Electric Code.

Ms. Walkush stated that she looked at Section 169.06 and she understood how it was figured and she was thinking that maybe 5% isn't enough. She said her thinking for not changing it is that there are so many variations in 169.06 it would be hard to actually put a higher percentage on it because she thinks it would cause a lot of problems. She said leave it the way it is and if more is needed then they would need to go to the BZA.

Ms. Endres said they would need a variance.

Mr. Dietrich said with cases like Walmart, 5% is substantial versus another area.

Ms. Walkush said it is.

Mr. Dietrich said maybe it sounds like a low number but then again maybe not.

Ms. Endres said she was trying to think enforcement wise if you have a small lot of 10 parking spaces.

Ms. Walkush said she thought of that too.

Ms. Endres said one space would be 10%.

Ms. Walkush said this is new for us and probably new for anybody and she thinks, leave well enough alone and let it unfold as the need occurs.

Ms. Alaei said part of her work that she does now is servicing these stations so we actually have electricians go out and service them and update them and everything and they are almost all in large parking structures, libraries, Walmarts, they are expensive, you don't see small buildings or residential condominium complexes even putting these units in because who is going to pay for them.

Mr. Williams asked if Assistant Fire Chief Lovell was asked to be here tonight.

Ms. Endres said she can call him.

Mr. Williams said his concern with all of this was that the NEC has put a lot of time and effort into this.

Ms. Endres said he reviewed it.

Mr. Williams said his intention has almost pretty much been the same that he is not opposed to canopies, he is not opposed to closer to the building than proposed, the NFPA, the National Fire Prevention yet is the National Electric Code and that is the fire department so they have already gone through this extensively to come up with the codes.

Ms. Endres said he is trying to make it even more safe.

Mr. Williams said at some point in time where is the happy medium, he does that without the benefit of electricians and being a fire department, if that was the case, you could run pretty rampant with this to make it too safe. He said he is more inclined to go along with the commission's recommendations on this one. He said he is not opposed to EVSEs in underground parking garages.

Ms. Alaei said we service a lot of these that are in underground parking garages, college complexes.

Mr. Williams said a lot of these canopies are solar and converters that are also helping charge to go green and keep the cars cooler while they are charging them that causes less of a stress on the vehicle.

Ms. Walkush said she has a question about the 30', how did we determine 30'.

Mr. Dietrich said it was the recommendation of the fire department.

Mr. Williams said his concern with that is the further you go the bigger the cabling has to be for the charging station and infrastructure and the rest of it, and he is not quite sure where he came up with the numbers on this but he is inclined to approve everything the way the planning commission has made the recommendations here from his point of view.

Ms. Walkush asked Mr. Williams if he wants the changes.

Mr. Williams said he would be in favor of all of those changes yes.

Ms. Walkush asked what would be the 5%, what would be the maximum.

Mr. Williams said that is also the one, 5%, if you have the 10 parking spaces.

Ms. Endres said it could be addressed in a manner to allow for one space.

Mr. Williams said a minimum of at least one.

Ms. Alaei said if you have ten spaces, allocating one space to solely an electronic vehicle.

Ms. Endres said just because it has got the ability.

Ms. Alaei said it doesn't say electric vehicle only so maybe we could just add a maximum of one space.

Ms. Endres said a maximum of one space or 5% whichever.

Mr. Williams said a minimum of one space or 5%.

Ms. Alaei said she is sure the 30' from the building is because the electrical charge in these things is massive and their electricians have to suit up in full gear before they can go on the site.

Mr. Williams said that is NEC for the charging, for the code, boundary limits so even with 30' on a masonry building or a non-flammable structure he doesn't see the need, if it is covered by NEC a lot more hours have been put into that than we will ever put into this.

Ms. Alaei said she doesn't have a problem with any of the other ones, if we could just amend the first one to say "a maximum of one space or 5%".

Mr. Williams said a minimum of one space.

Ms. Alaei said no, they are going to have a maximum of one space, if they have ten spaces the max they could allocate would be one space which is 10% so it would be a maximum of one space or 5% of the parking.

Ms. Endres said whichever is greater.

Mr. Williams said with the cars becoming more and more prevalent, do we want to make it a maximum of two spaces or 5%, that sliding rule if you've got one space and that is the only place around with a charging station, gas stations now have charging stations behind them that there are two or three cars sitting there waiting to charge. He asked Ms. Endres if there are any headaches with having two electrical charging stations.

Ms. Endres said she doesn't know that much about these.

Ms. Alaei said a lot of times the charging unit will have one on each side.

Ms. Endres said it is almost as cheap to install one and allow for two.

The Zoning Commission was in agreement to modify 161.18 C. on page 4 to read “*The maximum number of EVSE spaces on a lot shall be **two (2) or five percent (5%) of the total off-street parking spaces for the affected use as required in Section 169.06.***”

The addition is in ***bold italics***.

Ms. Walkush asked about the curbing.

Mr. Williams said he thinks it makes sense to clarify there is curbing, a full-depth concrete curbing so basically it is going to be instead on the surface to push or plow around there will be a curb.

The Zoning Commission was in agreement to modify 161.18 E. on page 5 to read “*EVSE shall be protected by permanent concrete filled bollards a minimum of three (3) feet in height or by **full depth** concrete curbing a minimum of twelve (12) inches in height.*”

The addition is in ***bold italics***.

Ms. Alaei said we don’t see wheel stops on these things but the curbing added because you don’t want a car rolling away with the charger attached.

Ms. Walkush asked about deleting the sentence to permit canopies.

Mr. Williams said he is a fan of that because from years gone by when these things first started coming out he had been to facilities where the training is going on in Pennsylvania and Eaton where they have training centers for this a lot and theirs have solar panel canopies covering the actual charging station so the car stays cooler.

Ms. Walkush said if she remembers correctly the reason that we did that with no canopy was because of fire.

Mr. Williams said apparently there was a video and Mr. Lovell made a recommendation.

Ms. Walkush said that one fire doesn’t make all, so she is all for allowing them.

Ms. Alaei said she is aware of canopies.

The Zoning Commission was in agreement to remove 161.18 F. on page five that reads “*No canopy shall be erected over any EVSE or space.*”

The Zoning Commission discussed item 161.18 G. on page five and was in agreement to remove “*EVSE shall be located a minimum of thirty (30) feet from any building.*”

The Zoning Commission was in agreement to remove 161.18 H. on page five that reads *“EVSE shall not be located within any underground parking garage or any other enclosed building or structure that is accessory to a multi-family dwelling, commercial or industrial use.”*

The Zoning Commission discussed 161.18 K.

Mr. Williams said you have the building department inspecting it to NEC code so he doesn't see a reason for another body to review it.

The Zoning Commission was in agreement to remove 161.18 K. on page five that reads *“Prior to the issuance of a zoning certificate, the EVSE application shall be reviewed by the Township Fire Department and a written report provided to the Zoning Inspector that it complies with applicable provisions of the fire code.”*

Ms. Endres said it is not unusual that the fire department reviews applications anyhow.

Mr. Williams said a recommendation but he doesn't think they should have the authority.

Mr. Williams solicited comments for the amendment: None.

Mr. Williams solicited comments against the amendment: None.

Ms. Walkush moved to close the public hearing.

Ms. Alaei seconded the motion.

Vote: Ms. Alaei, aye; Ms. Walkush, aye; Mr. Williams, aye.

The public hearing was closed and the regular meeting was reconvened at 8:19 P.M.

Proposed Zoning Amendment – Z-2021-3

Ms. Walkush moved the adoption of the following motion:

That the Bainbridge Township Zoning Commission recommend the approval of the following proposed amendment to the Bainbridge Township Zoning Resolution attached hereto: Z-2021-3 with modifications.

Ms. Alaei seconded the motion and the roll being called the vote of the Bainbridge Township Zoning Commission was as follows:

Vote: Ms. Alaei, aye; Ms. Walkush, aye; Mr. Williams, aye.

The amendment will be submitted to the Bainbridge Township Board of Trustees for its action.

(Audio Recording of Public Hearing on File)

Proposed Zoning Amendment Z-2021-4 – Miscellaneous

Ms. Walkush made a motion to recess the regular meeting.

Ms. Alaei seconded the motion that passed unanimously.

The regular meeting was recessed at 8:21 P.M.

PUBLIC HEARING

Mr. Dennis Williams, Vice Chairman, called the public hearing to order at 8:21 P.M.

Zoning Commission members present were: Ms. Alaei; Ms. Walkush and Mr. Williams. Mr. Lateulere and Ms. Perry were absent.

Proposed Zoning Amendment Z-2021-4 proposes to amend Chapter 135 – R-5A Rural Open Residential District and Chapter 155 – Light Industry Restricted District regarding Miscellaneous items.

The public hearing was advertised in the News Herald on July 16, 2021.

Mr. Williams read into the record the recommendation of the Geauga County Planning Commission in a letter dated July 19, 2021 in which the Planning Commission recommended approval of the proposed zoning amendment.

Mr. Williams solicited comments for the amendment: None.

Mr. Williams solicited comments against the amendment: None.

Ms. Walkush moved to close the public hearing.

Ms. Alaei seconded the motion.

Vote: Ms. Alaei, aye; Ms. Walkush, aye; Mr. Williams, aye.

The public hearing was closed and the regular meeting was reconvened at 8:22 P.M.

Proposed Zoning Amendment – Z-2021-4

Ms. Walkush moved the adoption of the following motion:

That the Bainbridge Township Zoning Commission recommend the approval of the following proposed amendment to the Bainbridge Township Zoning Resolution attached hereto: Z-2021-4.

Ms. Alaei seconded the motion and the roll being called the vote of the Bainbridge Township Zoning Commission was as follows:

Vote: Ms. Alaei, aye; Ms. Walkush, aye; Mr. Williams, aye.

The amendment will be submitted to the Bainbridge Township Board of Trustees for its action.

(Audio Recording of Public Hearing on File)

Proposed Zoning Amendment – Architectural Review Board – Chapter 119

The Zoning Commission was in agreement to table this proposed amendment and to keep it on the agenda.

Proposed Zoning Amendment – PUD (Planned Unit Development)

The Zoning Commission was in agreement to table this proposed amendment and to keep it on the agenda.

Site Plan Review

The Zoning Commission reviewed a proposed amendment for Site Plan Review and was in agreement to table it and to keep it on the agenda.

Mr. Dietrich and Ms. Endres explained that this proposed amendment does not apply to residential uses in residential districts.

CORRESPONDENCE

1. Bainbridge Township Board of Trustees Meeting Minutes dated June 14, 2021; June 28, 2021; June 30, 2021; July 6, 2021 and July 7, 2021.
2. Bainbridge Township Board of Zoning Appeals Meeting Minutes dated June 17, 2021.
3. Memo from the Geauga County Planning Commission, dated July 22, 2021. RE: Rivers Edge Subdivision Replat – Replat of Sublots 121 & 122 – Final Plat.
4. Memo from the Geauga County Planning Commission, dated July 22, 2021. RE: Big Dipper Dedication Plan – Final Plat.

Since there was no further business to come before this meeting of the Bainbridge Township Zoning Commission, Ms. Walkush made a motion to adjourn.

Ms. Alaei seconded the motion that passed unanimously. The meeting was adjourned at 8:39 P.M.

Respectfully submitted,

Linda L. Zimmerman
Zoning Commission Secretary

Dennis Williams, Vice Chairman

Date Approved: October 26, 2021