

Bainbridge Township, Ohio
Board of Zoning Appeals
October 18, 2001

Pursuant to notice by publication and certified mail, a public hearing was called to order at 7:40 P.M. by Mr. Michael Lamanna, Chairman. Members present were Mr. John Kolesar, Mr. Todd Lewis, Mrs. Ellen Stanton and Mr. Donald Takacs. The following matters were then heard:

Mr. Lamanna swore in all persons who intended to testify.

Application 2001-39 by 422 Company for property at 8198 East Washington Street

The applicant is requesting a conditional use permit for the purpose of creating a small scale baseball practice infield and outfield area. The property is located in a CB (Convenience Business) District.

The zoning inspector's letter dated October 8, 2001 was read and photos of the site were submitted.

Mr. Matt Dolan, Attorney and Mr. David Herr were present to represent this application.

Mr. Dolan testified that the proposal does not increase lot coverage and no additional parking spaces will be required and this is currently being done but without a safe atmosphere. He added that they need a minimal baseball field for sports camps.

Mr. Herr testified that two seasons ago, they opened the batting cages and started a new program with baseball camps using the batting cages and the parking lot was used as a batting field for the camps. He said there were skinned knees and it was not the best situation. He added that this will not be a regulation size field and there will be 150' from the home plate to the outfield fence so it will not be set up for teams but it will be used as a secondary field for practice and they will just be moving the use from the parking lot to the grassy area, therefore it is not a lot coverage issue.

Mr. Takacs asked if games will be played there.

Mr. Herr said there will be no high school nor Little League games played there, but maybe inter-league squads with part in the batting cages and part in the infield.

Mr. Takacs asked if school games will be played there.

Mr. Herr replied no. He showed photos of the proposed area and said the home plate will look out towards the woods and said this will be for the little guys, ages 8 - 12 years.

Mr. Lewis asked if there will be any lights.

Mr. Herr replied no.

Mr. Lewis asked if there will be electrical power there.

Mr. Herr said maybe only enough to run power for a portable scoreboard.

Mr. Kolesar asked what is adjacent to that corner of the property.

Mr. McIntyre explained where the condominiums are located and said this will be 300' to the closest condo.

Mr. Takacs asked about the size of the area.

Mr. Herr said the area will be 120' x 120'.

Mr. Dolan said the use will be Monday - Friday from 9:00 A.M. - 3:00/4:00 P.M. in the summer and maybe sometimes from 3:00 P.M. - 5:00 P.M.

Mr. Herr said that some kids may want some infield practice but it is not a regulation league field. He said some people wanted them to make it a regulation size but we said no and added that no 13 year old will show up because of the size.

Ms. JoAnn Dooney of Wren Road asked if it will be facing Buildings 1 and 2.

Mr. McIntyre explained the location according to the site plan.

Ms. Dooney said she is concerned with the sound and asked if she will be hearing any of this.

Mr. Herr explained that the sound will be of a wooden bat hitting a ground ball a few feet away.

Ms. Dooney said the parking lot is a hang-out from the Arabica and we can hear the people at the miniature golf facility and asked about lighting.

Mr. Herr said the scoreboard will be pretty small, about 3' x 4' and will face home plate.

Mr. Dolan said they can put up something along the outfield for the sound.

Mr. Herr said it will be bermed.

Mrs. Christine Racic of Wren Road testified that the people living in the condos can hear everything from the whole area and said it is becoming over-developed.

Ms. Dooney asked if they start to play ball in the evening, who do we complain to.

Mr. Herr said the dimensions of this field are too small to hold league games, it will be complimentary to the batting cages.

Mr. Lewis asked how it will be staffed to regulate the ages using the field.

Mr. Herr said they have a kiosk 80' from the field with locks on the fence and they would have to go over the fence plus we have a staff at the miniature golf facility.

Mr. Takacs asked if they will allow just anyone to play catch there.

Mr. Herr said if they are in one of the camps we may allow it, but this is not a public park, they're paying for the use of it and it will be tied into league practice.

Ms. Dooney asked if there was any other place to put this.

Mr. Herr said it is the only flat area on the site and will be used as a compliment to the cages and part of the idea was to keep it as far away from the condos as possible, and it cannot go near the detention pond where the water from the Timberfire drains.

Mrs. Racic said they are not complaining about the children, it is the night life in the parking lot.

Mr. Lamanna said the issue should be discussed with the owner some other time.

Mrs. Racic asked if by adding structures it will change the use.

Mr. Takacs said it will not increase the lot coverage.

Mr. McIntyre said the only lot coverage is the fence posts which are absolutely minimal. He added that if they put down concrete and astro turf, then it would be a lot coverage issue.

Ms. Dooney said she is basically concerned about the sound.

Mr. Lamanna said this is a commercial area and if reasonable, they are entitled to a reasonable use of their property and these problems need to be addressed with the owners of the property. He added that they are a service attraction type business and they don't want anyone to be angry with them but it is a big facility with a lot of parking and it is difficult to police this all the time but this will not be a further attraction to add to your problem.

Mrs. Racic said she did not want to see it become a bigger facility for people to hang out.

The board discussed the fact there will be no structured games and the fence height.

Since there was no further testimony, this application was concluded.

Motion BZA 2001-39 - 8198 E. Washington Street

Mr. Lamanna made a motion to grant a modification to the current conditional use permit to permit a use for a baseball practice field as shown by the applicant on the drawing submitted with this application.

Based on the following findings of fact:

1. The applicant will be using these fields as an adjunct to its existing batting cages for supervised practice facilities as an additional use to that. From that standpoint it is consistent with and merely an extension of that use.

With the following conditions:

1. There will be no lighting at this facility for night-time use and it will not be used at night.
2. When it is used, it will always require that the use be under the supervision of an adult.
3. The field will be used exclusively for practice and an adjunct to the batting cages and will not be used for any type of regularly scheduled team competition, regular leagues or other similar type of activities that would draw large numbers of fans or spectators to that type of competition.

Mr. Takacs seconded the motion.

Vote: Mr. Kolesar, aye; Mr. Lamanna, aye; Mr. Lewis, aye; Mrs. Stanton, aye; Mr. Takacs, aye.

Application 2001-40 by Chagrin Falls Park Community Center c/o Pat Johnson for property at 7060 Woodland Avenue

The applicant is requesting area variances for the purpose of maintaining two storage sheds. The property is located in a R-3A District.

Secretary's note: The applicant was not present.

Motion BZA 2001-40 - 7060 Woodland Avenue

Mr. Lamanna made a motion to table this application until the next regularly scheduled meeting to be held November 15, 2001.

Mr. Takacs seconded the motion.

Vote: Mr. Kolesar, aye; Mr. Lamanna, aye; Mr. Lewis, aye; Mrs. Stanton, aye; Mr. Takacs, aye.

Application 2001-41 by Anthony J. Piteo for property at 17380 Haskins Road

The applicant is requesting an area variance for the purpose of installing a driveway. The property is located in a R-3A District.

The zoning inspector's letter dated October 8, 2001 was read and photos of the site were submitted.

Mr. Anthony Piteo was present to represent this application.

Mr. Piteo testified that Haskins Road has been re-done and this is a safety issue. He said he wants a circular drive with landscaping in front of his home because the road has been widened and people will be driving faster and he is worried for his children's safety and the safety of his guests. He added that he built a large addition to the back of his home which enhanced the value of it.

Mr. Lamanna asked if this proposed drive is subject to the Tanglewood Subdivision Architectural Review Board.

Mr. Piteo said this is a zoning issue, but he did get approval from the ARB.

Mr. Takacs asked what the lot coverage is without the drive.

Mr. Lamanna said it is 4.2% over.

Mr. Takacs said the lot coverage is at 10% already.

Mr. McIntyre explained that houses built prior to 1979 are subject to 20% lot coverage but since the driveway is not part of the house it is subject to 10% lot coverage.

Mr. Lamanna asked Mr. Piteo if his is the last lot before the water treatment facility.

Mr. Piteo said his is the second lot.

The board reviewed the site plan submitted by the applicant.

Mr. Piteo said he is Vice President of Schloss Paving and said the asphalt will be a stamped asphalt and will really enhance the property with an all brick color coded appearance.

Mr. Lewis asked if the turn-around is presently used.

Mr. Piteo said no it is a basketball area. He explained where they back up and pull out.

Mr. Lamanna said there are a lot of houses that have drives like this.

Mr. Piteo said other than the asphalt apron, he will tear out the rest of the driveway and put in all new.

The board viewed photos of the site.

Since there was no further testimony, this application was concluded.

Motion BZA 2001-41 - 17380 Haskins Road

Mr. Lamanna made a motion to grant the variance for the purposes of installing an additional turn-around driveway and an additional variance of 4.6% of lot coverage for a total lot coverage of 18.8%.

Based on the following findings of fact:

1. A practical difficulty exists because this is approximately a 1/2 acre lot in a 3 acre lot area therefore the existing original small size of the lot would make it very difficult to meet the lot coverage requirements while still building in a manner consistent with the other properties in this area.
2. The board notes that this turn-around U-shaped type of driveway is a common feature within this area and is therefore consistent with the type of development and will not adversely affect any of the neighboring properties, which there is a substantial side setback already in existence.
3. Also, additionally, the property is on Haskins Road which with the recent widening, it has become a more major thoroughfare and is therefore also beneficial in improving the safety of vehicles entering and exiting from the property.

Mr. Takacs seconded the motion.

Vote: Mr. Kolesar, aye; Mr. Lamanna, aye; Mr. Lewis, aye; Mrs. Stanton, aye; Mr. Takacs, aye.

Application 2001-37 by Six Flags Worlds of Adventure for property at 1060 North Aurora Road

The applicant is requesting a conditional use permit for the purpose of developing an area to create a uniquely themed section of the park that features exotic land and water animals and attractions that compliment the other "worlds" of rides, water park and marine life. The property is located in a CR (Commercial Recreation) District.

The zoning inspector's letter dated September 14, 2001 was read and photos of the site were submitted.

Mr. Lamanna stated that the board is looking at this application and how it fits in procedurally and if the same issues, questions and standards will apply. He said it appears there are several things in question, is it a permitted use or a conditional use, and does Section 177 - Prohibited Uses apply because it deals with non-domestic animals, public shows require a conditional use, and whether it requires a variance or a conditional use. He said it is his understanding that this will not go forward for awhile and the zoning commission may want to look at this to clarify it as a conditional use.

Mr. David Ondrey of Thrasher, Dinsmore and Dolan, attorney for Six Flags, testified that he has had discussions with the county prosecutor and Mr. McIntyre and said there is rationale for classifying this as a conditional use. He said they have experts on housing and transportation, etc. and unlike some conditional use applications where everything is written in stone, ours is a concept plan, wetlands are involved and we want to make certain we can go ahead with this kind of use. He said this is a concept plan and not written in stone.

Mr. Joe Costa, Park Manager, testified that the proposed Lost World is a working concept and said they are trying to take advantage of Zone A to create an interactive animal area so visitors can observe, feed and take a jungle ride (a flat boat ride) to view different animals such as monkeys, turtles, etc. and the bird show will be relocated to this area. He said they are trying to obtain swimming tigers and will provide a most natural habitat which will be a family attraction, not a zoo and because there are wetlands issues, it could be a long process. He said today represents a starting point.

Mr. Patrick McCafferty, Director of Park Facilities, presented a rendering of the old property line down by the Wolf Bob wooden coaster which shows the township/county line.

Mr. Costa indicated on the drawing what will take the place of the old hard path.

Mr. Jack Bateman, General Manager of Six Flags, testified that they are staying with the judgment entry with all the guidelines and added that there will be a slow moving Jungle Cruise.

Mr. Costa said the standards are established by the American Zoological and Aquarium Association (AZA).

Mrs. Stanton asked if they had all the guidelines and if they will work with the police department.

Mr. William Hughes, Director of Zoology testified that they will care for the animals and are accredited and they will select a group of zoo professionals.

Mr. Costa said they will call on the zoological experts and they have attractions like this at their other parks.

Mr. Ondrey said they will provide a list of all permits that Six Flags maintains.

Mr. Costa referred to the United States Department of Agriculture (USDA) and said they cannot ignore the issues.

Mrs. Stanton asked if they are looking to increase the park attendance and if any studies have been done regarding the impact on traffic.

Mr. Costa said they hope to increase attendance but he did not think this will push it to a new level. He said he did not think this will surpass the attendance of both parks and we have been successful in moving the traffic. He said they are just trying to continue at the Sea World side and balance it out a little bit.

Mr. Takacs asked if this is to make a profit.

Mr. Costa said there are a large number of folks on the ride side, but we want to utilize the other side of the park for families.

Mr. Lamanna asked if there will be significant mechanical noise.

Mr. Costa replied no and said hopefully only jungle type noise.

Mr. Takacs asked about the land across the street.

Mr. Bateman said that Six Flags owns that.

Mr. Takacs asked about the location to the closest homes.

Mr. McCafferty indicated on a map the location of the closest homes.

Mr. Lamanna asked if this will be minimal to the adjacent residential area.

Mr. Costa said this will secure that space for the long term future.

Mr. Takacs asked if there are plans for across the street.

Mr. Costa said there are no future long term plans and there are some restrictions.

Mr. Bateman said per the judgment entry we could build an administration building there.

Mr. Costa added that Geauga Lake Road will be re-located.

Mr. Lewis said he has questions for the group and added that this is meaningful different for Bainbridge Township, Six Flags has previous experience but Bainbridge does not.

Mr. Lewis submitted the following Zoning Application Qualifications and Usage Checklist (*in italics*).

Animal Ownership

Company Owned Animals
Lease - Third Party Owned Animals

Mr. Lewis asked about animal ownership.

Mr. Costa said the animals are company owned but the bird show is leased.

Liability Insurance

Insurance Company Name

Self-Insured
Policy Copy
Animal Event Insurance - Attack/Injury
Employees, Caretakers, Public (On Site, Off Site), Veterinarians (Staff, Contract)

Mr. Lewis asked about liability insurance.

Mr. Costa said they are self-insured, are making a change, but will remain self-insured and can get a copy of the information to the township.

Mr. Lewis asked if there is a liability with untrained animals.

Mr. Costa said all the employees in the zoology department are under Mr. Hughes' control and added that they take a number of precautionary steps.

Mr. Lewis said that the killer whale was contained to the water.

Mr. Bateman said the veterinarians are employees and covered under workers' compensation.

Animal Facilities

Display Cage/Habitat
Off Display Cage/Habitat
Off Season Cage/Habitat
Public Viewing Areas & Boundary Restrictions
Exhibit Animal Retention Security
Premises Animal Retention Security
Odor Control

Mr. Lewis asked about the animal facilities and if the animals will be housed year round.

Mr. Hughes said yes they will be housed year round.

Mr. Lewis asked if the exhibits will be year round.

Mr. Hughes said no they are seasonal exhibits.

Mr. Costa said the AZA guidelines will establish the standards.

Mr. Hughes testified that these animals will be trained and the staff will interact with the animals. He said they will be housed nightly in an enclosed building and the animals will be conditioned to eat once a day (at night) and come out in the morning and each animal will be housed separately. He said the cats will frequent one place in the exhibit with a concrete floor and wooden decks to perch on with a pond. He said it will be very cleanable and added that cats love to swim when they are out and the staff will be with the cats at all times. He said they will be a trained group of animals and firearms will be available and they are told to shoot to kill but the Sheriff's Department personnel will also be there, and we will make sure that does not happen.

Animal Quarantine

Written Policy

Facility(s) On Site Location(s), Facility(s) Description, New Arrivals, Sick/Injured, Traded or Exchanged to be removed from Location

Mr. Hughes testified that whether or not the animals are quarantined will depend on where the animals come from and said there will be an exercise yard beside the main exhibit area.

Mr. Lewis asked if they had a policy on quarantine.

Mr. Hughes replied by saying yes and said the policy is all part of the AZA and USDA and the USDA perform two unannounced visits per year and added that the AZA's standards are much more stringent.

Cage/Habitat Maintenance

Written Procedure

Daily, Weekly, Monthly Procedures

Disease Prevention

Disease Testing

Environment (Soils, Water)

Caretakers (Routine Time Lines, Immunizations)

Tests performed by whom

Mr. Lewis asked about cage and habitat maintenance and disease testing.

Mr. Hughes said that routine physicals are given to the animals, sometimes once a month or every two weeks and every cat that goes on exhibit will go through the squeeze cage for blood to be drawn from the tail and programs are put in place to make sure the animals get the best of care.

Mr. Lewis asked about the staff.

Mr. Hughes said that vaccinations are always available and our staff will go to the park in California to work with the staff there.

Mr. Costa said they also have a close relationship with the Cleveland Zoo.

Waste Materials

Written Procedures

Animal (Solid, Liquid)

Cage/Habitat

(Bedding, Soils)

Food

(Uneaten waste, Kitchen preparation waste)

Soiled & Used Supplies

(Cleaning Cage/Habitat Materials)

(Kitchen Food Preparation Materials)

Medical Supplies

(Animal/Injury/Testing/Treatment/Medical Supplies)

(Caretaker/Injury/Testing/Treatment/Medical Supplies)

Mr. Lewis asked about waste materials, what will be done with it and if there are any procedures.

Mr. Hughes said absolutely, we perform surgeries so we have bio-hazardous containers that a company comes in and removes and evaluates where the waste will go. We may find a company that will incinerate it also.

Varmint Control

Written Procedure & Policy

Deterrent Maintenance Schedule (Within Cage/Habitat, Within Park Perimeter, Outside Park Perimeter - Local Vicinity)

Disease Spread Control Testing & Schedule (Within Cage/Habitat, Within Park Perimeter, Outside Park Perimeter - Local Vicinity)

Mr. Lewis asked how they will deal with varmint control.

Mr. Hughes said the grains and foods are stored in stainless steel bins with regular inspection programs.

Mr. Lewis said that rodents are easy carriers of disease and asked how potential diseases are handled.

Mr. Hughes said that sick animals remain in an enclosed area and said that as long as the exhibit is maintained, you will eliminate 99% of rodents and if we have a problem, we will use a licensed trapper.

Dead Animal Disposal

Written Procedure

Certificate of Death

Autopsy

Removal From Premises (Transport Company, Disposal Location)

Mr. Lewis asked about dead animal disposal.

Mr. Hughes said that autopsies are done and the animal is put into a freezer and shipped out as bio-hazardous waste.

Off Season Animal Care

Written Policy

Animal Residence (On Site - Full Time - Local (At Park), Off Site - Where - Non Local (Not At Park))

Exhibit Access By Public

Extended Park Hours

Emergency Care Within Exhibit Areas

Written Procedures

Animal, Caretakers, Public

Emergency Care By Animal Induced Injury

Written Procedures

Caretakers, Public, Disease/Infection Control

Veterinary Care

Veterinarian

Staff

Primary Office Location (On Premises, Off Premises)

Residence Location

Contractor

Primary Office Location

Residence Location

Vacationing/Not Available Vet Alternate

Primary Office Location

Residence Location

Written Procedures

Animal Injury (Life Threatening, Non-Life Threatening, Caretaker vs. Vet Administer Care)

Medical Treatment Facilities

Location (On site, Alternate Off Site)

Description (Office, Surgery, Labs, Drugs Stored)

Mr. Lewis asked about ill animals.

Mr. Costa said that ill animals are put in the building at the top of the hill which is a vet clinic. He added that there is a full lab and a surgery suite and autopsies can be conducted there.

Mr. Hughes said depending upon the nature of the illness, they are taken up there and then returned.

Mr. Bateman suggested that the board members take a tour of the facility.

Security

Written Policy & Procedures

Animal Cage/Habitat Surveillance

Premises Surveillance

Animal Theft

Endangered Species/CITES/Chip Implants

Mr. Lewis asked about security, surveillance.

Mr. Costa said when the animals are on display there is always a narrator there, a camera and video tape for surveillance and the animals are frequently in contact with their trainer and there is a one on one relationship. He said the trainers that raised these animals from infancy will most likely come with the animals and they can tell if the animals are sick.

Mr. Lewis asked if an off-site veterinarian has been selected.

Mr. Costa said they have one under contract now.

Escape & Capture

Written Procedures

By Animal Type, By Facility Type, Within Exhibit, Within Park Perimeter, Outside Park Perimeter

Event Simulated Practices

Frequency Time Tables, Scheduled, Unscheduled, Time Of Day (Day-In Season, Day-Off Season, Night-In Season, Night-Off Season, Holiday-In Season, Holiday-Off Season)

Township Notification

Personnel Participant Descriptions/Duties

Caretakers, Security Staff, Veterinarian, Police-Fire-Rescue

Mr. Lewis asked about escape and capture and if there are any animals that can be captured without an absolute take-down.

Mr. Hughes said the hippos would not be an immediate danger unless it had a calf with it and said they will be in the water anyway and the cats and bears would be the only ones and we have escape and capture techniques for all of the animals.

Mr. Costa said they have these types of parks in the United States already.

Escaped Animal Takedown/Destroy

Written Procedures

*By Animal Type, By Facility Type, Within Exhibit, Within Park Perimeter,
Outside Park Perimeter*

Event Simulated Practices

*Frequency Time Tables, Scheduled, Unscheduled, Time Of Day (Day-In Season,
Day-Off Season, Night-In Season, Holiday-In Season, Holiday-Off Season)*

Township Notification

Personnel Participant Descriptions/Duties

Caretakers, Security Staff, Veterinarian, Police-Fire-Rescue

Authorized Shooter(s)

Firearm Type (Bullets - Caliber)

Mr. Lewis asked who is authorized to take down the animals.

Mr. Hughes replied by saying we would have a team of people, two on site at all times as long as there is general public in the park and the animals will be in their cages at night. He said they also have the Sheriff's Department personnel as an emergency response team because with tigers, tranquilizer darts don't always affect them. He added that they have a trained staff, the Sheriff's Department personnel and a veterinarian.

Firearm Storage

Written Procedure of Event for Use (Per Animal, Per Exhibit)

Locations(s)

Firearm Type

Use Authorization

By Personnel, By Veterinarian, On Premises, Off Premises

Mr. Lewis asked where the guns and bullets are stored.

Mr. Hughes said they are kept in a location only the team will have access to.

Fire

Written Procedure

Fire Occurrence At Exhibit/Cage/Habitat

Caretaker Evacuation Plan (In Season, Off Season)

Public Evacuation (In Season, Off Season)

Animal Evacuation (In Season, Off Season)

Township Fire Department

Caretaker Rescue & Evacuation
Public Rescue & Evacuation
Animal Rescue & Evacuation

Loss Of Power, Loss Of Heat, Storm, Tornado, Flooding

Written Procedure

Occurrence At Exhibit/Cage/Habitat
Caretaker Evacuation Plan (In Season, Off Season)
Public Evacuation (In Season, Off Season)
Animal Evacuation (In Season, Off Season)

Township Fire Department

Caretaker Rescue & Evacuation
Public Rescue & Evacuation
Animal Rescue & Evacuation

Township Services

Police Department Statement of Participation

Escape, Capture and Take Down (On Premises, Off Premises)

Fire Department Statement of Participation

Firefighting Participation and Responsibilities

*Facilities Occupied by Untamed Animals (Firefighter Facility Entry,
Firefighter Rescue, Untamed Animal Rescue)*

Mr. Lewis asked what firefighter will go in with an untamed carnivore and what about acts of nature.

Mr. Hughes said that no one will be allowed to go in until the animals are secured.

Mr. Lewis asked if they have had any conversations with the safety forces (police department and fire department).

Mr. Costa said they will set a protocol with them and we train for a number of different disaster type situations and added that they will create a catastrophic situation for training purposes.

Mr. Lewis asked if they have secured the cooperation of the police and fire departments.

Mr. Hughes replied by saying not yet but there are drafts of the facility and since we don't have the exact design, we cannot solicit their help until we know.

Personnel

Written Qualifications & Certification Requirements

*Directors, Curators, Caretakers, Veterinarians, Maintenance, Security,
Food Preparation, Facilities*

Expertise of Hire Personnel

Same Above List

Training Programs - Written Programs

Mr. Lewis asked if there will be a zoo director.

Mr. Hughes said he is the zoological director.

Credentials & Certifications

Existing Parks With Untamed Animal Exhibits

*Location(s), Years of Operation(s). Exhibit(s) Description Including
Animal Type(s)*

AZA - American Zoo Association Certification

Department of Agriculture Approval/Certification

Dangerous Animals Approved

Sea World was AZA certified

Re-certified with change of ownership?

Pending/Previous Litigation at any location pertaining to Untamed Animal

Occurrence(s) of any type?

Mr. Lewis said in looking at the credentials and certifications he did not see anything about tigers and bears.

Mr. Hughes said the USDA have specific regulations to maintain a license and prior to any animals coming here, they will come and inspect the facility. He said they (Six Flags) have permits for specific species and the license that permits us to house carnivores and bears is a special license with the USDA and they come twice a year unannounced and anything not being maintained is given a non-compliance.

Mr. Kolesar said his two major concerns are traffic and noise and asked if this proposed activity will impact traffic and if there will be two seating areas outdoors.

Mr. Costa said it will be similar to what has been done in the past.

Mr. Kolesar asked how much closer to the residential area will they be.

Mr. Costa said the bird stadium will be 200' from Fairview Drive.

Mr. Kolesar asked if either or both stadiums will have outdoor speakers.

Mr. Costa replied yes but said the mission is to enclose the noise within the stadium.

Mr. Lamanna asked if the stadium can be oriented to face the park.

Mr. Costa said yes, the bird show, but the noise will be rather minor and it is an outstanding show and the asset is that it will bring the animals a little closer to the ride side.

Mr. Takacs asked about containment regulations and what kind of cages or secondary cages they have to minimize an animal getting loose.

Mr. Hughes said there will be a 16' high fence for secondary containment and the cats will not be able to climb up and out. He said the outside fence will be 10' for a secondary enclosure so they will be literally enclosed in the building and the front of the exhibit will have glass for under water viewing.

Mr. Costa said the water ride is designed with less dangerous animals, no tigers or bears. There will be penguins and monkeys and the people will look down in a pit and they will not be able to touch the animals.

Mr. Takacs said the purpose tonight is to just approve the concept and they will be come back to the board for any variances, etc.

Mr. Ondrey said they don't think they need a variance, the intention of the prohibited uses in the zoning resolution is so people cannot have lions in their backyard.

Mr. Takacs asked if this is considered agriculture.

Mr. Ondrey said they did talk about that with the prosecutor's office.

Mr. Takacs said it is still in our zoning.

Mr. Ondrey said it is their impression that they don't think they need to jump through the variance hoop for that issue, we are looking for the concept now and the variance for wild animals is another story.

Mr. Lamanna said his own view on prohibited uses is restricted to things that otherwise would be permitted in another district and agrees that the point is to deal with the situation of a homeowner that has a pet tiger. He said it could be treated as a combination variance/conditional use permit and granted on a provisional basis subject to the final detailed plans and specific design. He said he may ask the zoning commission to look at this to take it out of the prohibited use category and put it in as a conditional use and make sure it will not create an undue burden on the neighbors and will not impact traffic.

Mr. Takacs asked how this differs from a zoological park and said they are following all the laws and regulations anyway.

Since there was no further testimony, this application was concluded.

Motion BZA 2001-37 - Six Flags at 1060 North Aurora Road

Mr. Lamanna made a motion to grant a provisional conditional use permit/variance from Chapter 177.1 (aa) with regard to a themed section of the park featuring exotic land and water animals and other similar attractions related to the viewing and display and shows involving such animals. The applicant at this time has presented only a conceptual plan for this use and has not presented detailed drawings and designs. For this reason the grant is provisional and that the board finds that as generally presented to the board, this proposed activity is consistent with the current uses and activities of the Six Flags park and would not adversely affect such overall park considerations as traffic and general noise affecting the outside neighbors. However, until such time as the exact details of the proposed features and their design is completed, the specific health and safety aspect of this proposal cannot be finally evaluated and therefore the final approval of this request will be subject to the submission of complete and final designs for this area of the park and for a review of the board which finds that such designs meet all adequate safety and health and public safety concerns and do not create specific conditions associated with those uses that would adversely affect the adjacent property owners. Additionally, since this provisional action will not be final until such time as those final plans are submitted and approved and appropriate showings are made, if there is any subsequent modification of the zoning ordinance relating to how this activity would be permitted or structured as a conditional use that any final consideration will be done under any provisions that would govern the request being made. At this time the board can establish no other specific conditions because they must await the final design and details of the use of this area and how the animals will be housed, used and otherwise maintained. As a condition, applicant will maintain certification with the A.Z.A. and will comply with all U.S.D.A. (or similar) requirements for wild animals.

Mr. Takacs seconded the motion.

Vote: Mr. Kolesar, aye; Mr. Lamanna, aye; Mr. Lewis, aye; Mrs. Stanton, aye; Mr. Takacs, aye.

Since there was no further testimony the public hearing was closed at 9:41 P.M.

Respectfully submitted,

Linda L. Zimmerman, Secretary

Michael Lamanna, Chairman

Bainbridge Township, Ohio
Board of Zoning Appeals
October 18, 2001

The regular meeting of the Bainbridge Township Board of Zoning Appeals was called to order at 9:41 P.M. by Mr. Michael Lamanna, Chairman. Members present were Mr. John Kolesar, Mr. Todd Lewis, Mrs. Ellen Stanton and Mr. Donald Takacs.

Minutes

Mr. Takacs made a motion to approve the minutes of the September 20, 2001 meeting as written.

Mr. Lewis seconded the motion that passed unanimously.

Applications for next meeting

Application 2001-40 by Chagrin Falls Park Community Center c/o Pat Johnson for property at 7060 Woodland Avenue

The applicant is requesting area variances for the purpose of maintaining two storage sheds. The property is located in a R-3A District.

Application 2001-42 by David Spicer (Tanglewood Marathon) for property at 17675 Chillicothe Road

The applicant is requesting a conditional use permit for the purpose of a change of ownership. The property is located in a CB (Convenience Business) District.

Application 2001-43 by Andrew J. Lenart, Jr. for property at 18445 Snyder Road

The applicant is requesting a variance for the purpose of maintaining a barn. The property is located in a R-5A District.

Application 2001-44 by Stephen Ciciretto, A.I.A., Architect for Kevin Rehder for property at 96 South Street

The applicant is requesting a variance for the purpose of expanding a non-conforming use. The property is located in a R-3A District.

The Bainbridge Township Board of Zoning Appeals set the public hearing on the above applications for November 15, 2001 at 7:30 P.M. at the Bainbridge Community Hall, 17826 Chillicothe Road, Bainbridge Township, Ohio and unanimously resolved to request the Board of Trustees to issue a purchase order for legal advertising.

Since there was no further business, the meeting was adjourned at 10:00 P.M.

Respectfully submitted,

Linda L. Zimmerman, Secretary

Michael Lamanna, Chairman

