

## Minutes of Zoning Commission

January 25, 2011

The regular meeting of the Bainbridge Township Zoning Commission was called to order by Mr. Donald Sheehy, Chairman at 7:00 P.M. Members present were: Mr. Steve Hunder, Mr. Charles Nichols, Mr. Ken Watson and Mr. Stephen Yingling.

Guests: Mr. Shane Wrench, Zoning Inspector  
Students from Notre Dame-Cathedral Latin School

The Zoning Commission members explained the functions of the Zoning Commission and Board of Zoning Appeals to the high school students in attendance.

### MINUTES

Mr. Watson made a motion to approve the minutes of the January 11, 2011 meeting as written.

Mr. Hunder seconded the motion.

Vote: Mr. Hunder, aye; Mr. Nichols, aye; Mr. Sheehy, aye; Mr. Watson, aye; Mr. Yingling, aye.

### Organizational Session

#### Sunshine Law

Mr. Yingling made a motion to adopt and support the Sunshine Law as provided in the O.R.C.

Mr. Nichols seconded the motion.

Vote: Mr. Hunder, aye; Mr. Nichols, aye; Mr. Sheehy, aye; Mr. Watson, aye; Mr. Yingling, aye.

### Secretary

Mr. Hunder made a motion to reappoint Linda Zimmerman as secretary for the zoning commission.

Mr. Yingling seconded the motion.

Vote: Mr. Hunder, aye; Mr. Nichols, aye; Mr. Sheehy, aye; Mr. Watson, aye; Mr. Yingling, aye.

### Meeting Notification

Mr. Hunder made a motion that the Zoning Commission require a \$25.00 fee, 20 self-addressed stamped envelopes and a written request for notification of regular, special and/or emergency meetings of the zoning commission.

Mr. Sheehy seconded the motion.

Vote: Mr. Hunder, aye; Mr. Nichols, aye; Mr. Sheehy, aye; Mr. Watson, aye; Mr. Yingling, aye.

### Meeting Schedule

Mr. Hunder made a motion to hold the meetings on the last Tuesday of each month at 7:00 P.M. at the Town Hall.

Mr. Watson seconded the motion.

Vote: Mr. Hunder, aye; Mr. Nichols, aye; Mr. Sheehy, aye; Mr. Watson, aye; Mr. Yingling, aye.

### Acceptance of Proposed Amendments

The zoning commission was in general agreement to retain the policy of accepting any proposed amendment applications on the last meeting night of each month. (Generally to be the last Tuesday of the month.)

### Election of Officers

#### Chairman

Mr. Watson made a motion to nominate Mr. Sheehy as Chairman.

Mr. Nichols seconded the motion.

Vote: Mr. Hunder, aye; Mr. Nichols, aye; Mr. Sheehy, aye; Mr. Watson, aye; Mr. Yingling, aye.

#### Vice Chairman

Mr. Watson made a motion to nominate Mr. Yingling as Vice Chairman.

Mr. Hunder seconded the motion.

Vote: Mr. Hunder, aye; Mr. Nichols, aye; Mr. Sheehy, aye; Mr. Watson, aye; Mr. Yingling, aye.

NEW BUSINESS

Proposed Zoning Amendment Z2011-1 (Rezoning of Properties to Passive and Active Public Park Districts)

The Zoning Commission discussed the proposed amendment to rezone certain Bainbridge Township and Geauga Park District owned properties to Passive and Active Public Park Districts. Mr. Nichols expressed his concerns for the rezoning because he feels it will limit the use of the properties in the future and could affect the potential sale of them which would generate taxes. He said the township already owns the properties and has control of them now. Mr. Sheehy stated that almost all of the properties are deed restricted already and feels they should be zoned the way they are currently being used.

Mr. Watson made a motion to adopt the following motion:

That an amendment to the Bainbridge Township Zoning Resolution identified as Number Z-2011-1, consisting of 105 pages, marked Exhibit B, and attached hereto and incorporated herein as though fully rewritten, and an amendment to the Bainbridge Township Zoning Map marked Exhibit A and attached hereto and incorporated herein, be hereby initiated by the Bainbridge Township Zoning Commission this 25<sup>th</sup> day of January, 2011.

Mr. Yingling seconded the motion.

Vote: Mr. Hunder, aye; Mr. Nichols, nay; Mr. Sheehy, aye; Mr. Watson, aye; Mr. Yingling, aye.

The proposed amendment proposes to amend the following:

**Bainbridge Township Trustees/Geauga Park District Properties  
Proposed Re-zoning  
To  
ACTIVE & PASSIVE PUBLIC PARK DISTRICTS**

PP #	Owner Name	Address	Acreage	Volume	Page	Current Zoning	Proposed Zoning
02-729361	Bainbridge Township	17535 Chagrin River Road	31.33	1278	0020	R-5A	Active Public Park
02-729364	Bainbridge Township	17699 Chagrin River Road	5.00	1340	0084	R-5A	Active Public Park
02-717200	Bainbridge Township	8558 Crackel Road	30.00	1821	1799	R-3A	Active Public Park
02-717300	Bainbridge Township	Crackel Road	59.50	1812	1799	R-3A	Active Public Park
02-717100	Bainbridge Township	Crackel Road	14.00	1812	1799	R-3A	Active Public Park
02-729362	Bainbridge Township	Bainbridge Road	31.45	1278	20	R-5A	Passive Public Park
02-726300	Bainbridge Township	Brewster Road	1.21	1882	2820	R-3A	Passive Public Park
02-729413	Bainbridge Township	Chagrin Road	10.08	1882	2823	R-3A	Passive Public Park
02-717400	Bainbridge Township	Crackel Road	21.19	1816	1799	R-3A	Passive Public Park
02-729261	Bainbridge Township	Chillicothe Road	25.98	1812	1790	R-3A	Passive Public Park
02-729367	Bainbridge Township	Geauga Lake Road	63.33	1438	1085	R-5A	Passive Public Park
02-729297	Geauga Park District	Crackel Road	53.03	0968	0036	R-5A	Passive Public Park
02-729405	Geauga Park District	16780 Savage Road	84.60	1037	1040	R-3A	Passive Public Park
02-729395	Geauga Park District	Savage Road	58.19	1037	1040	R-3A	Passive Public Park
02-729406	Geauga Park District	Savage Road	23.60	1037	1040	R-3A	Passive Public Park
02-729396	Geauga Park District	Chagrin Road	9.41	1037	1040	R-3A	Passive Public Park
02-729397	Geauga Park District	Franklin Street	20.98	1571	0876	R-5A	Passive Public Park
02-729393	Geauga Park District	Franklin Street	10.74	1520	0459	R-5A	Passive Public Park
02-729400	Geauga Park District	Country Lane	7.83	1571	0871	R-5A	Passive Public Park
02-729401	Geauga Park District	Country Lane	9.48	1571	0871	R-5A	Passive Public Park
02-729402	Geauga Park District	7250 Country Lane	28.22	1571	0871	R-5A	Passive Public Park
02-729398	Geauga Park District	Country Lane	46.54	1571	0871	R-5A	Passive Public Park
02-729399	Geauga Park District	Country Lane	7.59	1571	0871	R-5A	Passive Public Park

The Zoning Commission enumerated this amendment as Z-2011-1 and set the public hearing for February 22, 2011 at 7:15 P.M. at the Bainbridge Town Hall, 17826 Chillicothe Road, Bainbridge Township, Ohio and requested that the Bainbridge Township Board of Trustees issue a purchase order for the necessary legal advertising.

OLD BUSINESS

Former Geauga Lake Park Property – Proposed Rezoning

Mr. Sheehy announced that there is a proposed work session being organized by the Board of Trustees that will include the Board of Trustees, Board of Zoning Appeals, Zoning Commission and Geauga County Planning Commission and this type of potential meeting would be a good time to talk about the former Geauga Lake Park property. The Zoning Commission discussed the property and was in agreement that this could lead to a new type of zoning such as a mixed use because the utilities are already in place and the road will support a high volume of traffic.

## Internet Cafes

Mr. Shane Wrench, Zoning Inspector noted that there had been quite a lot of interest in Internet Cafes but since the moratorium has been in place there has not been any interest. He also noted that according to the Geauga County Prosecutor's Office, since there is a new regime in Columbus, the State might take some sort of action regarding them.

## NEW BUSINESS

### Conditional Use Permits for Cluster Housing

Mr. Wrench referred to a recent application for an addition in a cluster housing development and how it relates to lot coverage. The Zoning Commission reviewed comments from the Board of Zoning Appeals Chairman regarding the issues that he feels needs to be addressed with the cluster development section as conditional uses in the Zoning Resolution.

## OTHER BUSINESS

### Proposed Zoning Amendment – Z-2010-1 (Signs)

The Zoning Commission discussed Proposed Zoning Amendment Z-2010-1 regarding signs. Mr. Sheehy noted that the Board of Trustees had their second public hearing on the amendment on January 24, 2011 and the Board of Trustees continued their public hearing in order for the Zoning Commission to review the Geauga County Assistant Prosecutor's Opinion on the proposed amendment.

The Zoning Commission reviewed a letter to the Board of Trustees from Rebecca F. Schlag, Geauga County Assistant Prosecuting Attorney, dated January 19, 2011, regarding Proposed Zoning Amendment Z-2010-1.

### Section 173.09(f) of the Proposed Amendment

The Zoning Commission reviewed the comments from the Geauga County Prosecutor's Office which Ms. Schlag states "My concern generally is that the proposed amendment attempts to regulate "public opinion" signs in the new section 173.09(f) but fails to anywhere define such signs (see County comment #5)." After some discussion the Zoning Commission was in agreement to recommend the deletion of Item 173.09 (f) from the proposed amendment which states "One temporary, non-commercial, public opinion sign or property sale or lease sign not exceeding six (6) square feet in area per lot or parcel."

### Section 173.09(j) of the Proposed Amendment

The Zoning Commission reviewed the comments from the Geauga County Prosecutor's Office regarding Section 173.08 (j) which Ms. Schlag states "Proposed Zoning Amendment Z-2010, Section 173.08(j) prohibits "[s]igns placed on parked vehicles or trailers for the purpose of advertising a product or business located on the same or adjacent property, excepting an identification sign that is affixed to a vehicle regularly operated in the pursuance of day-to-day business or activity of an enterprise." Ms. Schlag stated that "Prohibiting these signs will be problematic for the Zoning Inspector to enforce. While a delivery vehicle must be operational, the simple fact that it has not been "regularly" used in the "pursuance of day-to-day activity" does not mean a business owner cannot own such a vehicle and park it in his designated parking area." The Zoning Commission discussed this with Mr. Wrench and was in agreement to recommend retaining this section of the proposed amendment because without it would encourage businesses in the township to leave their vehicles parked in the open with no regulations.

### Section 173.11(d)(2) of the Proposed Amendment

The Zoning Commission reviewed the comments from the Prosecutor's Office regarding Section 173.11(d)(2) "Nonresidential District Signs Requiring a Zoning Certificate" in which Ms. Schlag states "The Geauga County Planning Commission proposed that the Zoning Commission take additional factors into consideration with regard to a number of factors not adequately addressed in this section, including the number of signs allowed on a lot, minimum distance between signs on the same lot, and the utilization of specific brightness criteria which can be readily measured. In addition, the Planning Commission offered that subsection (h) "the changeable copy portion of any free-standing ground sign shall not exceed seventy-five percent (75%) of the total area of the sign" seemed excessive in terms of a possible distraction to driving. Thus, the implied suggestion was for the Zoning Commission to re-review that percentage from a safety perspective." The Zoning Commission held a discussion and was in agreement to recommend retaining this section of the proposed amendment to allow enough area for the changeable copy and because they will be the signs of the future, many are already close to 100% along freeways and they may need to have larger coverage for locations that limit the overall size and based on the distance from a road. The Zoning Commission also noted that safety and visibility issues were taken into consideration in terms of brightness.

### Section 173.11(d)(6) of the Proposed Amendment

The Zoning Commission reviewed the comments from the Prosecutor's Office on Section 173.11(d)(6) "Nonresidential District Signs Requiring a Zoning Certificate" regarding Architectural Design Standards in which Ms. Schlag states "It may be difficult for the Zoning Inspector to determine what complies with the undefined "architectural treatment" or "architectural appearance" of the principal building." The Zoning Commission was in agreement to recommend retaining this section of the proposed amendment to ensure that the signs resemble the architectural style of the building for aesthetic purposes and to minimize the need for so many variance requests on signs before the Board of Zoning Appeals.

### Section 173.14 (a) of the Proposed Amendment

The Zoning Commission reviewed the comments from the Prosecutors Office regarding the Removal of Signs (Unsafe Signs) which Ms. Schlag states "The Planning Commission's comment no. 8 simply sets forth that the proposed regulation (section 173.14) regarding the removal of signs which have become "unsafe, hazardous or endangers the safety of the public or property" is unnecessary, in that that section is duplicative of the Township's existing authority to cite for noncompliance." The Zoning Commission was in agreement to recommend that section (173.14)(a) be deleted from the proposed amendment.

The Zoning Commission was in agreement for the Board of Trustees to proceed with the proposed amendment Z-2010-1 as it has been revised by the Zoning Commission and that it is not necessary for the amendment to go back to the Planning Commission. The Zoning Commission acknowledged the comments from the Board of Zoning Appeals Chairman but since they were not received prior to the zoning amendment being initiated or before or at the public hearing, the Zoning Commission was in agreement that additional time will be required to review the lengthy comments so it will be done after the entire language has been approved.

### Correspondence

1. Zoning Permits Report, dated December 2010.
2. Copy of letter to the Bainbridge Township Board of Trustees from Rebecca F. Schlag, Assistant Prosecuting Attorney, dated January 19, 2011. RE: Proposed Zoning Amendment Z-2010-1.
3. Memo from Mr. George Smerigan, Oxbow Engineering, dated January 25, 2011. RE: Proposed Zoning Amendment Z-2010-1.
4. Memo from Mr. Michael Lamanna, Bainbridge Township Board of Zoning Appeals Chairman, dated January 20, 2011. RE: Current Cluster Housing Regulations.

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

Mr. Yingling seconded the motion that passed unanimously. The meeting was adjourned at 8:20 P.M.

Respectfully submitted,

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Linda L. Zimmerman  
Zoning Secretary

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Donald Sheehy, Chairman

Date Approved: February 22, 2011