

Minutes of Zoning Commission

February 22, 2011

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

MINUTES

Mr. Hunder made a motion to approve the minutes of the January 25, 2011 meeting as written.

Mr. Nichols seconded the motion that passed unanimously.

OLD BUSINESS

The Zoning Commission discussed the former Geauga Lake Park property and the proposed Flea Market to be located there and noted that the application for the proposed Flea Market will be heard before the Board of Zoning Appeals in March. Also discussed were Internet Cafes and regulations and standards for Cluster Developments as a conditional use. The members were in agreement to continue that discussion at the next regular meeting.

Mr. Watson made a motion to recess the regular meeting.

Mr. Miller seconded the motion that passed unanimously.

The regular meeting was recessed at 7:15 P.M.

PUBLIC HEARING

Proposed Zoning Amendment Z-2011-1

Mr. Ken Watson, Acting Chairman called the public hearing to order at 7:15 P.M. Members present were: Mr. Steve Hunder, Mr. Howard Miller, Alternate and Mr. Charles Nichols. Mr. Donald Sheehy and Mr. Stephen Yingling were absent.

Proposed amendment Z-2011-1 is a motion by the Zoning Commission to rezone certain Bainbridge Township and Geauga Park District owned properties to Passive and Active Public Park Districts.

Mr. Watson noted for the record that the legal advertisement for the public hearing had been duly advertised in the News Herald on February 11, 2011.

Mr. Watson read into the record the recommendation of the Geauga County Planning Commission in a letter dated February 9, 2011 in which the planning commission recommended approval of Z-2011-1 with comments listed.

Mr. Watson explained the proposed amendment which is taking properties that the township already owns and properties owned by the Geauga Park District and rezoning them from the current zoning to a proposed zoning of active and passive public park districts.

Mr. Watson solicited comments for the proposed amendment: None.

Mr. Watson solicited comments against the proposed amendment:

Mr. Ted Seliga stated that his concern is to Items 2 and 3 of the Planning Commission's letter that is just a general philosophy that he has developed over the 12 years of watching things taking place in our township and just the fact that Bainbridge Township owns the property it gives us total control over the use of that property so unless we have a specific reason based on long term planning and long term considerations, he does not think that the township should rezone anything because it ties our hands. He said when he looks back, and this is a more extreme case, but putting the conservation easement on Centerville Mills has totally tied our hands with what we can do with that property in the future. He said any property the township owns and the fact that we own it gives us total control over it and any judgments we make today ties the hands of future boards and it is his belief that as long as the township owns it we shouldn't do anything to tie the hands of future boards. He said for instance if we were to rezone this area in the back behind the town hall, in fifty years from now we may want to use that for a different purpose, we may want to trade off a piece of land for another piece of land and maybe it is zoned residential now and we would use it for residential and we would pick something up somewhere else in the community. He asked the zoning commission members if they follow what he is saying.

Mr. Watson replied yes.

Mr. Seliga said it leaves the township totally open to do what we want and it is still protected by the fact that we own it so that is his reason for making the statement against the proposal.

Mr. Watson said that Mr. Seliga's reasons were very much in line with Mr. Nichols' reasons.

Mr. Hunder said the Zoning Commission had a discussion on this at the last meeting and Mr. Nichols said the same thing but the Zoning Commission's conclusion was if we ever need one of those properties to be other than passive park, we can do the round robin thing and always go back and change the zoning again.

Mr. Seliga said he understands that but that goes back to if we can always change it in the future, why change it to start out with and create the situation where you have to go back when you are already protected. He said the question to the Zoning Commission is what more protection is gained by rezoning it than you already have.

Mr. Nichols said one of his comments when the Zoning Commission met a month ago was, yes we can do the round robin thing and come back and change it again but what we are doing is making it less attractive to the future owner of that piece of property who might want to do something with it and buy it from us whereas if he didn't have to go through all of that rigmarole and paperwork it would be more conducive for him to start his project right away because as it would be now, it could be a deterrent for somebody. He said he mentioned informally before that after looking at the majority of these parcels that we are trying to change, only five of them are ones that the township actually owns, the rest of them are owned by the county, they are all part of their park system so we are not really in control of those but the five we are in control of.

Mr. Seliga said in the case of the Frohring Meadows park there is a deed restriction on the property that it can't be used for anything but a park and the deed restrictions kind of take precedence over anything so to rezone it as a park makes sense because it can never be anything but a park but any of the other parcels the township owns here has the potential, not that the township would ever do it, but should we want to take it and use it for some other purpose, all we are doing is saying, we are going to rezone it today and they want to change it in the future, rezone it back so why change it to start out with.

Mr. Hunder said he thinks Mr. Sheehy's original idea was to get these things into their proper context right now because all of these properties cannot be used as an active park and the process the Zoning Commission has been going through is to tidy up a lot of these things and referred to the sign amendment. He said the thought was if they are an active or passive park already, let's make them an active or passive park and a lot of these properties also have unique characteristics that will make them impossible to be developed in the future, either wetlands or a floodplain or the contours as such so no one would be able to reasonably develop it with any kind of commercial buildings etc. so going back the three or four months when we first started this the thinking was if it walks like a duck and talks like a duck, why don't we call it a duck and that way at least they will be organized and tidy and then down the road if anybody really wants to go back and rezone them, it is an additional hurdle irrespective of the county parks but why not just go ahead and make it uniform across the township.

Mr. Watson said that was their goal in mind and if you have the opportunity to look at the properties you might see that.

Mr. Seliga said he does not disagree, it is just the total concept that he has been trying to get across that what we saw with the last administration that they took a number of pieces of properties the township has and put conservation easements on them with absolutely no thought to the future.

Mr. Watson said he does remember that. He told Mr. Seliga that the Zoning Commission appreciates his comments and Mr. Nichols' comments were exactly the same, if the township owns it why change it but he agrees with what Mr. Hunder said about just cleaning it up and making everything uniform and if you look at these properties you would ultimately think it is the best move for the township to make.

Mr. Watson made a motion to recess the public hearing due to the fact that the Chairman and Vice Chairman are not available tonight and continue it to the next regularly scheduled meeting to be held on March 29, 2011 at 7:15 P.M.

Mr. Nichols seconded the motion.

Vote: Mr. Hunder, aye; Mr. Miller, aye; Mr. Nichols, aye; Mr. Watson, aye.

The regular meeting was reconvened at 7:27 P.M.

OLD BUSINESS

Proposed Zoning Amendment – Z-2010-1 - Signs

The Zoning Commission held a discussion on the Proposed Amendment Z-2010-1 (Signs). It was noted that the Board of Trustees will be continuing its public hearing on February 28, 2011.

CORESSPONDENCE

1. Bainbridge Township Board of Trustees Meeting Minutes dated December 13, 2010; December 27, 2010; January 10, 2011; January 12, 2011; January 17, 2011.
2. Bainbridge Township Board of Zoning Appeals Meeting Minutes, dated November 18, 2010.

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

Mr. Miller seconded the motion that passed unanimously. The meeting was adjourned at 7:49 P.M.

Respectfully submitted,

Linda L. Zimmerman
Zoning Secretary

Ken Watson, Acting Chairman

Date Approved: March 29, 2011