

Minutes of Zoning Commission

March 28, 2017

The regular meeting of the Bainbridge Township Zoning Commission was called to order by Mr. John Lateulere, Vice Chairman at 7:08 P.M. Members present were: Ms. Shannon Byrne and Mr. Howard Miller, Alternate. Mr. Brent Classen and Mr. Charles Nichols were absent. Ms. Karen Endres, Zoning Inspector was present.

GUESTS: Mrs. Linda Miller, Russell Township
Mr. and Mrs. John Leech, Chester Township
Ms. Janie Hanna, inSITE

Secretary's Note: The special meeting that was scheduled for March 21, 2017 could not be held due to lack of a quorum however an informal work session was conducted with the members that were present on the current Encode software and the proposed development standards amendment.

MINUTES

Mr. Miller moved to adopt the minutes of the February 28, 2017 meeting as written.

Ms. Byrne seconded the motion.

Vote: Ms. Byrne, aye; Mr. Lateulere, aye; Mr. Miller, aye.

NEW BUSINESS

Proposed Re-zoning of Various Properties in Bainbridge Township

Ms. Karen Endres, Zoning Inspector explained that there was an inquiry regarding rezoning the Eagles club and the Herald building on Chagrin Road to Professional Office. The properties are currently zoned residential. She also said there are two lots on Chillicothe Road south of Dunkin Donuts that are the subject of a rezoning to allow a mixed use concept however there have been other rezoning attempts on these properties that were denied.

PUBLIC HEARING

Z-2017-1

Proposed Zoning Amendment Z-2017-1 (Medical Marijuana)

Mr. Lateulere, Vice Chairman called the public hearing to order at 7:17 P.M. Members present were Ms. Shannon Byrne and Mr. Howard Miller, Alternate. Mr. Brent Classen and Mr. Charles Nichols were absent.

Proposed amendment Z-2017-1 is a motion by the Zoning Commission for the purpose of prohibiting marijuana grow sites in the township.

Mr. Lateulere noted for the record that the legal advertisement for the public hearing had been duly advertised in the News Herald on March 17, 2017.

Mr. Lateulere read into the record the recommendation of the Geauga County Planning Commission in a letter dated March 21, 2017 in which the planning commission recommended approval of Z-2017-1 with comments listed.

“Please be advised that the Geauga County Planning Commission, at its regular meeting held on March 21, 2017 voted to recommend approval of proposed Bainbridge Township Zoning Amendment Z-2017-1 initiated on February 28, 2017 by the Zoning Commission.

Pursuant to R.C. Section 519.12, the County Planning Commission’s recommendation must be considered at the public hearing held by the Zoning Commission on the subject amendment. Subsequent to the hearing, the recommendation must be forwarded to the Board of Township Trustees for review. If the amendment is ultimately adopted, copies thereof must be submitted to the County Recorder and to the County Planning Commission within five working days after its effective date.

If there are any questions, kindly contact the undersigned.

David C. Dietrich, AICP
Planning Director”

Mr. Lateulere stated that the proposed amendment inserts into Chapter 105 (Definitions), the definition of Medical Marijuana and because this is a fairly small amendment relative to the actual verbiage he will actually read how this was put into the code for everybody's review. Under Chapter 105 – Definitions, we will add the definition of “Medical marijuana as defined in the Ohio Revised Code Section 3796.01 (A) (1) that is cultivated, processed, dispensed, tested, possessed or used for a medical purpose per Ohio Revised Code Section 3796.01 (A) (2)”. He said the second part of the amendment would add to Chapter 177 under Prohibited Uses subsection (z) which would read “Medical marijuana cultivators, processors, or retail dispensaries shall be prohibited in accordance with O.R.C. Section 519.21”.

Mr. Lateulere solicited comments for the proposed amendment.

Mrs. Linda P. Miller of 15071 Hawthorne Lane, Russell Township submitted some material to the board relating to the prohibition of medical marijuana. She stated that one of the things she would like to raise awareness about is the water consumption and the electricity consumption for marijuana which for each marijuana plant it takes six gallons of water a day which is a pretty amazing amount of water and in Colorado they were looking at the research and they were concerned about the impact that it might have on the environment which we can look at that multiple different ways. She said the other thing is that the electricity that is consumed for indoor growing in Colorado, the indoor growing uses 2% of the state's electrical load and 45% of all new electricity demands coming on line so it is going to be a burden in Colorado. She said the other interesting thing, and they did some research in Washington State, and in Washington State they have to use 1,000 watt light bulbs if they are growing it inside and those produce a lot of heat which then means there has to be a lot of fans and air conditioning facilitated. She said she was in Denver, Colorado and she has a picture of one of the facilities, one of the grow sites and they have got multiple air handling pieces of equipment at their site, at the one that she saw, so if they don't use that much electricity and light then the plants don't grow right so those two are what she considers at this stage to be pretty critical issues in a community, she could go on for hours about everything from here to there and back because they have been working hard on this for a couple of years but those are the two critical things and Mrs. Pat Leech will talk about the rest.

Mrs. Pat Leech of 10149 Cedar Road, Chesterland stated that she just wanted to commend the zoning commission for what it has done so far and she wanted to add why they are all concerned about this and the kids and how having a grow site in your neighborhood so she asked her grandchildren what they thought about this, they live in Chardon and Chardon has gone forward like you have, fortunately, but she just thought it would be interesting, she quoted them verbatim, she asked what their thoughts were if Chardon allowed a marijuana grow site and her 17 year old granddaughter said “She thinks some people would be more apt to try it if the community was more accepting of it” and she didn't prompt her at all. She said the 14 year old said “if a grow site is allowed in Chardon then people my age would be using it more” and her daughter in Chardon said “marijuana is a drug and I don't want that negative connotation in our community” so she just thought those are an interesting way to look at it too and she commends this zoning commission for what it has done and said thank you.

Mr. John Leech of 10149 Cedar Road, Chesterland stated that he happens to be an attorney but he is not practicing right now but he thinks as the zoning commission looks at what you should or shouldn't permit in your community you have to look at the advantages and disadvantages and he knows that is what the zoning commission is weighing as you are going through situations on various kinds of things and it seems to be what the advantages might be against what the perceived disadvantages may become that at this point in time there is really no reason to permit either the growing or the processing or the distribution and he thinks the zoning commission may have come to that conclusion but he would say that is the test that you need to follow and he hopes that you would continue to do that and he thinks that the whole Geauga County is what we are trying to protect, our lifestyle, and this doesn't accommodate that kind of a process in our residential areas. He asked the zoning commission members to thoughtfully look at that and come to their own conclusion.

Mr. Lateulere solicited comments against the proposed amendment.

None.

Ms. Endres asked Mrs. Miller and Mr. and Mrs. Leech if there are any townships in the county that are thinking they would like to permit the growing and selling of marijuana.

Mrs. Miller said not that they know of.

Mr. Leech said there was a request in Chardon and there was someone who actually came to them with a location in mind and his understanding is that it was withdrawn.

Mrs. Miller replied yes.

Mr. Leech said that there is no final solution in Chardon yet whether or not they decided to go somewhere else but they are not there anymore but they are going into other locations and there are going to be some locations approved.

Mrs. Miller said so far so good, we go to meetings and try to educate because she thinks it is real important. She said Middlefield does not have a zoning commission and they have postponed it for six months, they have a moratorium on it for six months as of March so hopefully the people will fade away somewhere.

Mr. Lateulere said he wonders of other communities, if they do look at if it would be looked at as an industrial use given the type of power and water usage that it uses.

Ms. Endres said she heard that they can charge huge permit fees, like one-half million dollar permit fees and rake in the money that way.

Mr. Leech said apparently Wickliffe is thinking about that.

Mrs. Miller said Eastlake.

Ms. Endres said there could be a financial incentive but she doesn't know where it is going in some of the other communities.

Mr. Lateulere said hearing nobody coming forward with a comment against the proposed amendment he will take a motion to close the public hearing.

Ms. Byrne moved to close the public hearing.

Mr. Miller seconded the motion.

Vote: Ms. Byrne aye; Mr. Lateulere, aye; Mr. Miller, aye.

The public hearing was closed and the regular meeting was reconvened at 7:30 P.M.

Mr. Lateulere asked if there were any comments from the zoning commission members.

There were none.

Mr. Lateulere stated that zoning is there to protect the public health, safety, morals and general welfare of the community and as he looks at the proposed amendment in front of the zoning commission he looks at it relative to other potential uses that could be problematic in a community to those same points in that there could be certain safety concerns there, public safety, police concerns and security concerns. He said when you look at the general welfare and the health certainly the testimony we heard tonight looks at informally what the community may look at relative to what is acceptable within the community and for those reasons his consideration for this goes down those tracks. He asked for a motion on the amendment.

Proposed Zoning Amendment Z-2017-1

Recommendation

Ms. Byrne moved the adoption of the following motion:

That the Bainbridge Township Zoning Commission recommend the approval of the proposed amendment to the Bainbridge Township Zoning Resolution.

Mr. Miller seconded the motion.

Vote: Ms. Byrne, aye; Mr. Lateulere, aye; Mr. Miller, aye.

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

(Audio Recording on File)

OLD BUSINESS

Proposed Subdivision Tables and Development Standards Amendment

The Zoning Commission discussed the proposed subdivision tables and development standards that Ms. Endres has compiled and whether or not they should be placed in the zoning resolution or as an appendix and not part of the zoning resolution. Mr. Lateulere will be meeting with Mr. David Dietrich, Geauga County Planning Director for further discussion on this proposed amendment.

EnCode Plus Software

The Zoning Commission discussed the EnCode software and licensing agreement with Kendig Keast along with alternative software packages for the zoning resolution.

CORRESPONDENCE

1. Bainbridge Township Board of Trustees Meeting Minutes, dated February 1, 2017; February 13, 2017; February 21, 2017 and February 27, 2017.
2. Bainbridge Township Board of Zoning Appeals Meeting Minutes, dated February 16, 2017.
3. Memo from the Geauga County Planning Commission, dated March 7, 2017. RE: Geauga County Planning Commission meeting agenda for March 14, 2017.
4. Memo from the Geauga County Planning Commission, dated March 14, 2017. RE: Geauga County Planning Commission meeting agenda for March 21, 2017 (Rescheduled from March 14, 2017).
5. Memo from the Geauga County Planning Commission, dated March 17, 2017. RE: Stoneridge of Geauga Subdivision, Phase 10 – Final Plat.

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

Ms. Byrne seconded the motion that passed unanimously. The meeting was adjourned at 8:40 P.M.

Respectfully submitted,

Linda L. Zimmerman
Zoning Secretary

John Lateulere, Vice Chairman

Date Approved: June 27, 2017