

## Minutes of Zoning Commission

June 29, 2006

The regular meeting of the Bainbridge Township Zoning Commission was called to order by Ms. Lorrie Sass, Chairman, at 7:35 P.M. Members present were: Ms. Chris Fine and Mr. David Weiss. Mr. Raymond Richards and Mr. Donald Sheehy were absent.

### MINUTES

Ms. Fine made a motion to approve the minutes of the May 25, 2006 meeting as written.

Mr. Weiss seconded the motion that passed unanimously.

Ms. Fine made a motion to approve the minutes of the June 7, 2006 meeting as written.

Mr. Weiss seconded the motion that passed unanimously.

### NEW BUSINESS

#### Proposed Zoning Amendment Z-2006-5

The Zoning Commission accepted a proposed amendment submitted by John R. Andras which proposes to rezone property at 9451 E. Washington Street from R-5A (Residential Five Acre) to CB (Convenience Business).

Mr. Weiss made a motion to accept this proposed amendment and to enumerate it as Proposed Amendment Z-2006-5 and to set the public hearing for July 27, 2006 at 7:40 P.M. at the Bainbridge Town Hall, 17826 Chillicothe Road, Bainbridge Township, Ohio and to request that the Bainbridge Township Board of Trustees issue a purchase order for necessary legal advertising.

Ms. Fine seconded the motion.

Vote: Ms. Fine, aye; Ms. Sass, aye; Mr. Weiss, aye.

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

Mr. Weiss seconded the motion that passed unanimously.

The regular meeting was recessed at 7:42 P.M.

## PUBLIC HEARING

### Proposed Zoning Amendment Z-2006-4

Ms. Sass called the public hearing to order at 7:42 P.M. Members present were: Ms. Chris Fine and Mr. David Weiss. Mr. Raymond Richards and Mr. Donald Sheehy were absent.

Proposed amendment Z-2006-4 is an application by The Montefiore Housing Corporation to amend the following:

To add skilled nursing facilities as a conditional use in the R-5A and R-3A Districts.

Mr. Dale Markowitz, Attorney for the applicant and Mr. Keith Meyers from The Montefiore Housing Corporation were present to represent this application.

Ms. Sass noted that the legal advertisement for the public hearing had been duly advertised in the News Herald on June 19, 2006.

Ms. Sass then read into the record the recommendation of the Geauga County Planning Commission in a letter dated June 14, 2006 in which the planning commission recommended approval of Z-2006-4 with comments listed.

Ms. Sass stated that subsequent to the Geauga County Planning Commission hearing, Mr. Markowitz did make several of the revisions that were suggested and asked Mr. Markowitz to explain them to the zoning commission.

Mr. Markowitz stated that after he received the letter dated June 14, 2006 from Mr. David Dietrich, Geauga County Planning Director, which was very well thought out and Mr. Dietrich had some very good points to consider, he made all of the changes suggested other than he did not change the minimum frontage and minimum acreage because he did not know whether the zoning commission wanted to tackle that issue tonight but if it did, he asked what acreage the zoning commission would want. He said from his client's perspective, they are not worried or concerned about it because they have 40 acres and a substantial amount of frontage so it would not be tough for them but it may be something that the zoning commission may want to study later on by looking at all of the different lots that could qualify and decide what impact it may have based on what acreage the zoning commission may want to impose and the zoning commission may want to take more consideration other than something arbitrarily such as ten acres and 300 feet of frontage, so he did not come up with anything different on that. He said he does think that the two active developments in the RCF both have substantial amount of acreage with a lot of frontage so it is not going to affect us or them, it is what the zoning commission might want to do at Bainbridge Road and Rt. 306 or perhaps somewhere along E. Washington Street that may be adjacent to a commercial area and added that he did not have a map big enough of the township to try and figure it out.

Mr. Markowitz continued by saying he did find one error that he made and nobody else caught, and it is on page three under the RCF, in paragraph 8 at the beginning he had used "Any proposal for a nursing home" and he should have used "Any proposal for an RCF". He submitted a copy of the proposed amendment that he had rewritten with the suggested changes from the planning commission and added that this is Version 5 and said he did address the changes that Mr. Dietrich had regarding the 208 Service Plan, he put in the word "driveway access" and took out the commercial recreation reference since the facilities will be limited to E. Washington Street and Rt. 306 and CR does not abut any of those areas. He said he also did it with the residential facilities as well and did it again with the nursing homes as well as the RCF and those are the only changes. He added that it was one of the best zoning meetings he ever attended when they had the trustees attend with the fire department and planning director, it was great, and he hopes to see that happen again, and as a matter of interest that came up at the joint meeting, the Asst. Fire Chief had talked about his concern he had for water for firefighting capabilities so we had our architects and engineers follow up on it and they called the county water resource department and called the fire department and they talked to the engineers and what we have determined is when we do the addition assuming everything gets passed and we get the conditional use permit, we will have to put in a diesel pump inside of our building in one of the rooms because the problem with our area is not static water pressure but what they call residual water pressure but what it means is they will now have a big pump inside of their building that will pump water through the sprinkler system should there be a need to have the sprinklers go on automatically and the back up, if the electricity goes out, is the diesel powered engine that is 5' x 8' and it is a pretty big pump.

Ms. Sass asked if it will be stinky.

Mr. Markowitz said no and during a fire, he does not think they will worry about the diesel and the diesel will only go on if the electricity is out. He said this is not something they were aware of before and he is glad the fire department brought it up because they would not have wanted to spend all of this time and money and do all of their plans and have the fire department say, by the way, we have this problem here and unfortunately they don't have a simple solution because it is expensive, it will be between \$45,000 and \$50,000 for this pump and they will have to redo one of the rooms. He said the county is not anywhere near laying another waterline in that area but eventually they will have to do it but in the meantime, some of the businesses, depending where they are, will have to do this. He said other than that, he does not have any more comments or thoughts and he appreciates everyone's time and appreciates all of the comments they have had as well from the township trustees and is very happy that everyone has participated and noted that Trustee Markley and Trustee White were in attendance.

Ms. Fine asked about page four, Item #21 that states "The access shall be sufficiently wide enough.... and asked if "enough" is needed because she thinks it is redundant.

Mr. Markowitz said he does not disagree but used the word to give the board of zoning appeals some discretion.

Mr. Sass said but either “sufficiently wide” or “wide enough” could be scratched.

Ms. Fine said yes, one or the other.

Ms. Sass said the only other thing she would indicate on this is that Mr. Sheehy did raise a point relative to the lighting and was hoping that he would be here, and this would be in Section 19 of the proposed amendment which addressed the exterior lighting plan which indicates it “shall be reviewed and subject to the approval of the Board of Zoning Appeals” and Mr. Sheehy’s concern was some language to strengthen that particular safety mechanism as far as the lighting not presenting any glare issues.

Mr. Markowitz said that is part of the general conditions in the township’s zoning resolution and noted that Bainbridge Township is the first one in the county to do that.

Mr. Weiss said the zoning commission got the wording from a group of amateur astronomers because they did all of the work.

Ms. Sass said it refers to the maximum pole height of 30’ and Mr. Sheehy suggested a maximum height of 20’ to 25’ and added that she was hoping that Mr. Sheehy would be here to “illuminate” or “enlighten” the zoning commission on this. She said she does not know if that extra five feet would be significant and asked about the issue in Chardon.

Mr. Markowitz said they were 42’, 12’ over.

Ms. Sass said the township’s regulations are 30’ as well.

Mr. Weiss said ours is basically a combination of what is already out there.

Mr. Markowitz said if you limit the height, you have to have more poles, so there is a trade-off because the higher they are, the wider they are spread on the site so as long as you don’t allow the light to be more than one lumens leaving the site, then it should not matter if it is 30’ high but once you go down to 20’ then you have to have more light bulbs so it gets to be less attractive and costs more money.

Ms. Sass said she will talk to Mr. Sheehy more on this and if the zoning commission gets to the point where it is going to amend the lot size or frontage requirement, then perhaps the lighting can be amended as well.

Ms. Sass solicited comments for the amendment: None.

Ms. Sass solicited comments against the amendment: None.

Ms. Fine made a motion to close the public hearing at 7:59 P.M.

Mr. Weiss seconded the motion that passed unanimously.

The regular meeting was reconvened at 7:59 P.M.

#### Proposed Zoning Amendment Z-2006-4

Mr. Weiss made a motion to recommend approval of Proposed Zoning Amendment Z-2006-4 as written.

Ms. Fine seconded the motion.

Vote: Ms. Fine, aye; Ms. Sass, aye; Mr. Weiss, aye.

#### CORRESPONDENCE

1. Bainbridge Township Board of Trustees Meeting Minutes, dated May 15, 2006, May 22, 2006, May 30, 2006, June 5, 2006.
2. Bainbridge Township Board of Zoning Appeals Meeting Minutes, dated May 18, 2006.
3. Zoning Inspector's Report, dated May 2006.
4. Memo from the Geauga County Planning Commission, dated May 24, 2006. RE: Canyon Lake Colony Subdivision No. 11-A (Re-plat of Sublots 207 and 208) – Final Plat.
5. Memo from the Geauga County Planning Commission, dated May 24, 2006. RE: Canyon Manor Condominiums (Survey for the Water and Sanitary Sewer Line Easement) – Final Plat.
6. Memo from the Geauga County Planning Commission, dated June 6, 2006. RE: Agenda for June 13, 2006 County Planning Commission Meeting.
7. Copy of letter to Mr. Dino Palmieri, Canyon Manor, Inc. from the Geauga County Planning Commission, dated June 14, 2006. RE: Canyon Manor Condominiums (Survey for the Sanitary Sewer and Water Line Easement) – Final Plat.
8. Copy of letter to Mr. Hugh Edwards, Canyon Lakes Colony Company from the Geauga County Planning Commission, dated June 14, 2006. RE: Canyon Lake Colony Subdivision Phase No. 11-A (Re-plat of Sublots 207A and 208) – Final Plat.
9. Memo from David C. Dietrich, Geauga County Planning Director, dated June 28, 2006. RE: Population Estimates.

## OTHER BUSINESS

### Resignation

Ms. Sass acknowledged the resignation of Ms. Chris Fine from the Bainbridge Township Zoning Commission and thanked her for a job well done.

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

Mr. Weiss seconded the motion that passed unanimously. The meeting was adjourned at 8:10 P.M.

Respectfully submitted,

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Linda L. Zimmerman  
Zoning Secretary

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Lorrie Sass, Chairman

Date Approved: July 27, 2006

AUDIO RECORDING ON FILE

ZC 6/29/2006