

## Minutes of Zoning Commission

July 28, 2020

The regular meeting of the Bainbridge Township Zoning Commission was called to order by Mr. John Lateulere, Chairman at 7:06 P.M. Members present were: Ms. Marion Perry; Ms. Marlene Walkush and Mr. Dennis Williams. Ms. Kristina Alaei was absent. Ms. Karen Endres, Zoning Inspector was present in person and Mr. David Dietrich, Assistant Zoning Inspector/Zoning and Planning Coordinator was present via Zoom.

Secretary's note: The meeting was held in accordance with COVID-19 Social Distancing guidelines and also held as a "Zoom" meeting.

### PLEDGE OF ALLEGIANCE

The Zoning Commission recited the Pledge of Allegiance.

GUESTS: Those present in person were Mr. Ted Otero, Mrs. Kelly Otero and Mr. Jared Flynn.

Those present via Zoom were Mr. Dale Markowitz; Mr. Michael Cooper; Mr. Glenn Knific, Ms. Linda Nolan, Mr. Joe Gutoskey and Mr. Jeffrey Markley, Township Trustee.

PUBLIC COMMENTS: None.

### MINUTES

Mr. Williams moved to adopt the minutes of the June 30, 2020 meeting as written.

Ms. Perry seconded the motion that passed unanimously.

### OLD BUSINESS

Secretary's note: This public hearing is a continuance of Z-2020-4 from June 30, 2020.

### PROPOSED ZONING AMENDMENT Z-2020-4 - Continuance

Ms. Walkush moved to recess the regular meeting.

Mr. Williams seconded the motion that passed unanimously.

The regular meeting was recessed at 7:10 P.M.

Ms. Perry moved to reconvene the public hearing.

Ms. Walkush seconded the motion that passed unanimously.

PUBLIC HEARING - Continuance

Mr. Lateulere, Chairman, called the public hearing to order at 7:10 P.M. He noted that this public hearing is being recorded on Zoom with a regular audio recording as well.

Zoning Commission members present were: Mr. Lateulere; Ms. Perry; Ms. Walkush and Mr. Williams. Ms. Alaei was absent.

Proposed Zoning Amendment Z-2020-4 is an application by Signature Square of Bainbridge, LLC which proposes to rezone PPN# 02-262000 (16832 Chillicothe Road) and PPN# 02-261900 (Chillicothe Road) from R-3A Rural Residential District to CB Convenience Business District.

Mr. Ted Otero and Mrs. Kelly Otero, Applicants and Mr. Jared Flynn, Attorney for the applicants were present in person to represent this proposed zoning amendment.

Mr. Lateulere stated that the applicants submitted a Declaration of Covenants, Agreements and Restrictions and there was only one comment on the site plan and he thinks it can be handled administratively. He gave the applicants the floor to bring the Zoning Commission up to speed this month.

Mr. Ted Otero thanked the Zoning Commission for having them again and stated that he will let Mr. Flynn handle the covenants but the four adjustments that were recommended on the site plan, he did speak to Mr. Cliff Hershman a couple of times so they did add a connector between Discount Drug and Key Bank's property and they did have multiple discussions and until the final drawings are done and the topos done on their property and their plan is superimposed onto our plan he thinks he put it where it makes logical sense but there could be another option further down towards Washington which might be better if that is what the bank and Discount Drug decide and the we also indicated that that parking that is on Key Bank's property right now would be optional, obviously he doesn't own that property, could potentially but they don't own it right now and they added the berm over on the Discount Drug Mart and Dunkin Donuts and they put the ODOT extension on the plan as well so he thinks those are the four that were asked for to have on the site plan and they have paper copies if anybody wants them.

Ms. Walkush said she is familiar with Discount Drug Mart and asked where the access would go for Discount Drug Mart.

Mr. Otero said where it would make sense would be if you are coming in front of the building and go straight here, that is where the grade makes more sense.

Ms. Walkush said if you are facing Discount Drug Mart would it be on the right-hand side.

Mr. Otero said left, it is a two lane berm right there, the grade makes more sense there because of the elevation and it comes back down to more level for the front but again, until they figure out how they want it and Mr. Cliff Hershman indicated to him that he was interested.

Mr. Lateulere said it shows it across the front of the Discount Drug Mart but obviously the location is to be determined.

Mr. Otero said he thinks they have to see what makes sense, there is some handicapped parking that has to be dealt with and some things of that nature so he thinks they tabled that until all of the properties are certain.

Mr. Lateulere said that makes sense. He said the only comment he has and he thinks we should work it into a motion and how we craft this, it is about the commitment for a left-turn lane in and what is going there, striping on Chillicothe Road is outlined well in here and when he got this it actually addressed a lot of it so he is comfortable with what was committed in here that the site plan is 95% - 99% there.

Mr. Flynn said the other piece to this was the Declaration of Covenants, Agreements and Restrictions that we were drafting for the township's purposes. He said as they stated at the last meeting they have already created declarations and we are bound to the HOA's provision and this would then be added later so the township, in the event the HOA ceases to exist, this is a protection for the township so he can provide copies and all they did was add in an architectural review provision in there and the difficulty of adding an architectural review provision is the fact that you don't have an architectural review board and if you typically have a board or standards in place, so this was the best attempt to put these in deed restrictions that will have some teeth but not be 10 or 15 pages long and then run contrary to what you might have in the future if there is an ARB board in the township.

Mr. Lateulere referred to the Declaration of Covenants, Agreements and Restrictions and said as he looked at this today he would like to talk about potentially adding to paragraph C, ingress and egress just because he thinks it is consistent with what we talked about and he would like to talk about adding into this, first of all you have a typo in one of the lines, it is turn lane and it says tum lane, that is a minor issue. He said the elimination of the full access curb cut on the parcel to the north currently occupied by Dunkin Donuts and reconstructive of the site access point as a right-in and right-out only intersection as it was shown on that site plan and the construction of an additional access point at least one to East Washington through either the parcels currently referenced as the Key Bank parcel or the Discount Drug parcel so he thinks that it encapsulates what we talked about and Mr. Flynn did not catch that last month, could you add this to it, which is you will have access out towards East Washington Street and the Dunkin Donuts will go right-in, right-out and the full access cut as you guys have committed to.

Mr. Otero said he can't make Key Bank do anything on their property, they indicated in a letter of support and Dunkin Donuts has indicated in a letter of support and they are willing to pay to do that but if for some reason that is not there, he is not in control of their property and he can't make them do something to their property.

Ms. Walkush said she agrees and it could be a potential problem but she doesn't think it will be, at least they are willing to work with you and she thinks that is important.

Mr. Otero said they have indicated that they are willing to work with us but we have to be careful because we are putting restrictions on his property that are linked to another property and whether it is this property or a future property owner that could create a problem. He said they are restricting their property and it could be open-ended to force Dunkin Donuts to make that connection, he has shown you the letter and they are willing to do that at this point and so is Key Bank but.

Mr. Lateulere said he hears you 100% on that but the request we are being asked for is to consider the rezoning of a parcel of land based on a traffic study, the impacts of that traffic study to take into account other access points out of this so if we aren't considering an obligation to provide those access points then we are being asked to look at this as a rezoning of two parcels of land in the township from residential to commercial and what the impacts are and that is not what has been represented, what has been represented is that we want to rezone these two parcels and it will work with everything surrounding it and this is how it will work with that so he hears you can't make them do that.

Mr. Otero said right.

Mr. Lateulere said what he thinks you need to have from them though then is the easements in place.

Mr. Otero said they would come back and we would have those easements in place and we would have that site plan, we would have those agreements in place and we would be sitting in front of you, the township with Ms. Endres and showing them the final drawings, here are the easements, here are the connections, here is this but if for some reason Dunkin Donuts were to sell or something else was to happen and they were not able to achieve this one but here are the other options, here is the other traffic study that shows this and here is all of this additional information of how this is supported. He said he just doesn't know if he can tie his parcels and how do we tie them and do that.

Mr. Williams said share a multiple driveway agreement between parties.

Mr. Lateulere said the problem is getting the easement in place and the timing of doing that.

Mr. Flynn said if they don't get rezoning they are not going to move forward with easements and record the easements. He said he understands your point with respect to the traffic study but that was one piece out of many and ODOT for example might have different views on Rt. 306 and at the end of the day he goes back to is this property suitable for rezoning and he thinks everything points in that favor, he thinks we have been here and we continue in good faith to modify and change if needed the site plan and the deed restrictions and everything else, his concern is that when these deed restrictions get filed and get recorded, these are long lasting and that may not mean anything or some of these clauses may not mean anything with respect to a neighboring property down the road and that is where he just wants to be careful and certainly they can consider adding that in as they continue to discuss it. He asked Mr. Lateulere to read it back to him.

Mr. Lateulere referred to the Declaration of Covenants, Agreements and Restrictions and said he can give you, (Mr. Flynn) a copy, he only has one copy right now but he will give it to you but after C. (iii.) install a stop sign control on the west approach for the proposed new driveway on the Property. Add (iv.) *elimination of the full access curb cut on the parcel to the North (currently occupied by Dunkin Donuts) and reconstruction of the site access point as a Right-In,/Right-Out only intersection and (v.) construction of an additional access point (at least one) to East Washington, through either the parcels currently referenced as the "Key Bank Parcel" or the "Discount Drug Parcel"*. He said he is on your side of the table a lot and he respects the position you are in which is you have other property owners you have to work with to be able to make this happen but he has to ask himself as a policy standpoint and each person up here has to do their own analysis of this because does our decision on rezoning this parcel materially change if you don't have those access points, that is how he looks at it. He said it is even referenced in the traffic study and all of those of us who drive it every day, the traffic on Rt. 306 is a consideration for us, if there is not improvements that would be constructed as are warranted by ODOT and there is not other access points, once we rezone something we have accepted the impact of that zoning so right now it is zoned residential, two residential homes can go there, that would be an average daily traffic of 22 cars per day. He said rezoning two acres of land, he doesn't know how many cars per day, probably 200 or 400, he doesn't know what the number is, it is a factor of whatever more. He said having all of those cars at one defined access point on this parcel when your own traffic study indicates that road is already not operating at optimal and he thinks most of us see that but once it has been rezoned, it has been rezoned.

Mr. Otero said he would disagree, they have the commitment from the homeowners, they will make every possible effort that they can with Dunkin Donuts and with Key Bank and they plan to do that, that was their goal of what they were trying to accomplish, which they are still heading down the path of doing that but he just doesn't know how you do it with deed restrictions to make that contingent on it, when he comes back with a final site plan, yes those easements will be in place and those connections are going to be in place but if Discount Drug and Key Bank cannot come to an agreement to have a connection he can't force them to do that, how does he force them to do that on their property.

Mr. Lateulere said so this process doesn't come back with a final site plan to us, the way this is written it doesn't even go back to the trustees for the final site plan, the final site plan will be up to Ms. Endres to determine whether or not it is compliant with the requirements set forth by the zoning approval which would be two things, one would be an approval for CB zoning on these two parcels, the other one would be the trustees' signature on the document right there and without including those in the document then he doesn't believe the township has the ability to say if you don't provide those that that is a material change from what was presented at the zoning commission. He said Ms. Endres has just two documents to look at, one would be the zoning, CB, it doesn't comply with CB, that is a pretty broad item.

Mr. Otero said in that case wouldn't we be right back here and propose a different point.

Mr. Lateulere said no.

Mr. Otero said he thinks she wouldn't be able to approve it and the trustees wouldn't be able to approve it if they were not able to achieve those easements so they would have to come back to the zoning commission.

Mr. Lateulere said if it is not written in here, where is it written that if that is not included it has to come back here, it is not written anywhere.

Mr. Otero said it would go to the BZA if she denied it.

Mr. Lateulere said as zoning inspector error but again the BZA has to look at this and they have the zoning resolution and where is the commitment for those, the BZA would look at this and say okay well you didn't put it in that you had to have those connections and it is zoned CB so whether or not those connections are there are irrelevant because it is not committed to in either the zoning CB or in the deed restrictions that are there and he feels that commitment, it is on the site plan, it is shown on the site plan, he feels if it is shown on the site plan it should be journalized as well that that commitment is being made otherwise you are talking about the rezoning of two parcels from residential to commercial and without them it changes in his mind.

Mr. Otero said how do you control property that is not his, then they are in control of what can happen to his property. He said if one or the other of them do not want to come to an agreement and does not allow any construction to be done on their property then there is nothing happening with his property and he doesn't know how you do that from a legal deed restriction, it can help but how do you do that.

Mr. Lateulere said currently your property is zoned residential, once you rezone it to commercial it is rezoned to commercial, we can re-approach this as a rezoning of two parcels to commercial on Rt. 306 without any of these access points and we can see what the board says to that or we can approach it no different than if you didn't have a sewer on your frontage, if you had to go through a neighbor's property to get sewer you would need to have that easement to be able to get the sewer. He said he doesn't believe it is in there now but he thinks maybe it is about provision of sewer for commercial properties, it is something we talked about is that you have to have sewer to be able to develop a commercial property.

Mr. Lateulere continued by saying if you got something rezoned and you didn't have sewer then your neighbor has power of that so you would go and get that easement worked out before applying for the zoning. He said maybe the rest of the zoning commission disagrees with him on this and you are welcome to disagree with him on it but he views this proposal as having access points to E. Washington, straightening out the Dunkin Donuts access point and having the full access cut, he believes that the warrants are in here in the traffic study that would permit that. He said he would base his vote on having that, he may not feel the same way if he was talking about two parcels on Rt. 306 without some of the other interconnections.

Mr. Otero said he thinks he is more comfortable with his connection with Key Bank and then Dunkin Donuts because he is in control of that, he doesn't have control of the other one so if we are going to add that third one in there, he doesn't have control of that one and that was brought up at the last meeting.

Mr. Lateulere said what he actually had in here was "construction of an additional access point at least one, to E. Washington through either the parcels currently referenced as Key Bank or Discount Drug Mart so that gives you the option if Key Bank says we don't want to play ball, he doesn't know if you can, but conceptually speaking you might be able to figure something out with Discount Drug Mart, that is why he said either/or.

Mr. Otero said he didn't catch the either/or, he thought all three of them but he just doesn't have any comfort level between Key Bank and Discount Drug Mart. He said he doesn't have a problem but he thought you wanted all three of them and he didn't know how to make that happen.

Mr. Lateulere said no, he actually thinks that for Key Bank and for Dunkin Donuts, this is an upgrade for them to have better access.

Mr. Otero said for the township too, it would solve that problem.

Mr. Lateulere said he views this proposal as an opportunity to fix some issues that exist. He said on the architectural review language, he wanted it to refer to the conceptual architectural elevations that have been presented here because he thinks that that is a piece of what you have presented to us understanding that the trustees, once you get a formal preliminary elevation drawn up by an architect to call out materials, you will take that back to the trustees and they will concur that they are similar.

Mr. Otero said or equal.

Mr. Lateulere said right and because the trustees are the ones signing this they are really the ones that have to have that unless they have remanded that down to an architectural review board as this talks about then it would go to the ARB on your behalf but he wanted to insert in that potentially as Exhibit C if you are agreeable to it to get conceptual architectural elevations because he thinks those are important to the conversation we are having. He said that was the easy one, you guys had 20 days and asked would they be okay with 30, we didn't specify business or calendar, 30 days is a normal month cycle and if it is made, an architectural review board would meet on a monthly basis. He said one of the benefits to go into the trustees, they meet more often. He said this is the tough one, item (ii) "based on sound architectural principles, provide comments and recommendations to the owner of the Property to consider when applying to the Zoning Inspector for a zoning certificate for the construction,...". He said the concern he has with that language is that, and he understands what you have with the HOA and this is why he is opening it up for the conversation here on the floor to talk about it because he knows there is a chicken and the egg situation where potentially two groups wouldn't agree, however, he thinks that the language that you would consider the township trustees or the architectural review board's comments, you would just consider them and then you would apply to the zoning inspector, you could easily consider them and elect not to do them if they make comments, that is great, we love your comments and then you apply for an all brick building that has no architectural embellishments and again when he puts himself in the shoes of the zoning inspector what is she looking at to say will she approve this, right, and she is looking for consistency with what has been approved by either this board or the trustees or eventually the architectural review board at such time that it is resurrected, all she has is this which says, she will consider it and the CB zoning regulations.

Mr. Otero said there would be conceptual drawings, conceptual elevations right so yes you can come back and you can say it doesn't have any pitches on it and you would like an 8/12 pitch versus a 6/12 pitch so we would have to change the drawings and make it an 8/12 pitch versus a 6/12, an architectural review board could do that.

Mr. Lateulere said he did add in which he thinks helps a little bit of that that once you've got the approved preliminary architectural elevations that she would compare to that and he or she or whoever the zoning inspector is would as long as it is consistent they could approve it accepting only minor modifications so it does allow her to consider minor modifications, if it is an 8/12 instead of a 6/12 he views that to be a minor deviation from what was approved, if she denied it you would go to the board of zoning appeals and they would adjudicate whether or not it is minor, there is an avenue for that but what he didn't see in here was anything for her to be able to say, but the way it was drafted, to say this is consistent with this because it says you will take elevations to the trustees and you will take their comments into consideration but again those comments don't become part of the record that she can judge the set of architectural plans on.



Mr. Otero said he is just trying to envision how this is possible, he is going to take it and present to the homeowner's association and they will have 100% control, the deed restrictions and the conceptual site plan and if the building shrinks a little bit or whatnot that is okay as long as it doesn't exceed, and then we come back with something that is architecturally pleasing, where does it go from there because now the trustees will come back and change the pitch instead of a 6/12 pitch now we have to go back to the homeowners to get that approved and then they could say they don't like it, now what does he do.

Mr. Lateulere said that is why he wanted to have this conversation.

Mr. Otero said for the sake the homeowners are okay with it and it is relatively similar or equal to the conceptual drawing, if that drawing turned into a beautiful brick structure that is similar to it, is that a negative, it is still going to be beautiful, it is still going to be an improvement to the community, it is still going to have all of those elements, he just doesn't want to step into and one person, depending on who the trustees are at the time, can it have a stopping point that puts us back into the circle, that puts another year delay into this project. He said they want to get this project started and we want to get going so he wants to be sensitive and it is okay that the township has control and wants to do something beautiful for the community, he just doesn't want to put so many items in there that are unachievable, unachievable depending on who is saying yes or no.

Mr. Lateulere said he doesn't disagree with you, he doesn't know how to put a bow around it.

Mr. Flynn said the concept that he threw out there is yes he left it somewhat open ended but if we've got the HOA's approval that would be something they would be submitting to the zoning inspector, if the township gives the approval obviously we are good and he fully respects the township trustees at this time, and now we have a competing standard and this is why it is hard without an architectural review board and that is why we referred in here to an architectural review board and at some point maybe there will be one in this township but if that is the case then there will be criteria standards and everything else.

Mr. Lateulere said if you listen to the paper it is going to happen.

Mr. Flynn said originally we also said sound architectural principles and then we also put in within that corridor area but Mr. Otero pointed out that we don't want to be like that corridor because that green monster next door is the only reason we are still talking about this. He said we don't know who is going to be there in the future when this project is underway depending on when this goes. He said one thing in reading through this revision is maybe what we say "excepting for reasonable modifications or modifications that would make it consistent with the HOA document" or something like that, maybe reference that here.

Mr. Lateulere said he was actually thinking as you were talking that if we reference in the fact that there is a deed restriction with the homeowner's association he thinks we can provide some flexibility with out approval relevant to that and it is understandable and he would also just in the future would, he doesn't think you can write that in here, just going on record, he would encourage actually maybe that that conversation may happen in a similar venue that if the homeowner's association is okay with it they can communicate that to the trustees or so there is communication there, not to gang up on you but to make it go faster.

Mr. Otero said we don't know who the homeowner's association might be.

Mr. Lateulere said with working with the homeowners, the conceptual architectural elevations you presented, do you need to go back to them for anything as long as you are consistent with that, that is okay.

Mr. Otero said we need to show them the plans, the size of the building is the same, the intent of the building is the same, the site plan needs to be the same, the building could be smaller but we need to show them the plans to have them say okay this is as good or better than the current conceptual plan, we would identify colors etc. but they have all of those conceptual plans.

Mr. Flynn said he thinks with the reference to the HOA deed restrictions as an exception here can bring it full circle and again we are anticipating that they will review and approve, if they don't they can respond and that is taken care of in our deed restrictions but this will clear up the issue of if the trustees add something that is now contrary to what the HOA approved and if the zoning inspector looks and says these are reasonable deviations consistent with the HOA document then it probably shouldn't hold this project up.

Mr. Lateulere said and if for some reason the zoning inspector says that it is above his or her determination of what minor is they would deny it and it would go to the board of zoning appeals and you would have your forum there.

Mr. Flynn said they don't anticipate that happening.

Mr. Lateulere said contracts don't mean anything until somebody doesn't do what it says and then contracts mean everything. He said Mr. Flynn, he will lean on you then based on this language he would like to kind of get into what this language is going to say, he would ask the commission if we are able to wordsmith this tonight, is this something that they would feel comfortable putting this into a motion with the conditions that these modifications are made.

Ms. Walkush said sure, she would and she would like to say that she appreciates the sensitivities going on here because as a township we are somewhat of a disadvantage because we don't have an ARB, we need one, we should have one but she appreciates listening to the cooperation on both sides, it is great.

Mr. Lateulere said because it is a public hearing he has to open it up to for public comments based on what has transpired tonight and for anybody who would like to make public comments, he does know he has one person who has made several comments in the chat, he will call on him in a second to be able to speak. He asked if there is anybody else who would like to make comments, please indicate in the group chat that you would like to make a comment and he will call you in the order that it comes in. He asked Mr. Flynn to work on what the modifications are so we can talk about that.

Mr. Michael Cooper said thank you for the time and asked if everyone is able to see what he typed. He said he doesn't mind reading his comments, he will read them himself if that is alright. He said he thinks there are too many assumptions to approve the rezoning at this time, we cannot assume the county will approve the changes in the road, we cannot assume the county will approve the sewage needs of this plaza, we cannot assume that the neighboring properties actually will participate as planned. He said to one of the comments it seems reasonable that the neighboring property's corporate offices could give the builder written documentation that they agree in principal to the plan, he is not talking about the store manager of the local Key Bank it would have to come from corporate for it to mean something and he has heard different comments about the homeowner's association, he doesn't have permission to speak on behalf of the actual association but he can tell you that the residents of Dalebrook are not in favor of rezoning this property, there are plenty of commercial properties that are unused in Bainbridge right now including ones that are very close to this intersection that were still available for sale when he bought this property. He said the truth is we just can't afford to fight a prolonged legal battle with a wealthy builder and his legal team, he does apologize if that is too blunt but it is the truth they just can't afford it so we don't have the ability to fight. He said that is all he had to say for tonight's meeting and he will yield the floor.

Mr. Lateulere thanked Mr. Cooper for his comments and asked if there is anybody else, he has not seen any other comments in the chat, but if there is anybody else who would like to speak either unmute yourself or ideally you would put your comments into the chat and he could call on you when it is appropriate. He said he will keep monitoring it, the public hearing has not been closed until we get through.

Mr. Otero referred to Key Bank and said it is not the store branch manager, they have no power over that, it is the property manager's, of all of the Key Banks properties in Cleveland that he has met with, her and her senior partner, both signed that letter of support.

Mr. Lateulere said okay.

Ms. Walkush asked how does the sewer and water work.

Mr. Otero said the sewer is directly on the corner of the property, it is on the north side of the property and he spoke to Mr. Gerry Morgan prior to him taking a different position and he mentioned that there was capacity for that.

Mr. Lateulere said he doesn't know for sure but he believes that there is an amendment to the 208 plan that has to happen with the commissioners, NOACA and the trustees and to a certain extent this is step one in that process, relative to the roads he believes that there is sufficient information in this that we just spent some time talking about committing to what will happen there, committing to the left-turn lane and those improvements such that if that wasn't going to happen it would come back to this committee to talk about what then is appropriate or to the trustees. He said honestly he doesn't know where it would go right now, we would figure that out, that would be a modification to the deed restriction that they sign so he would imagine we would be out of there and at that point it would be up to them to mediate that.

Mr. Flynn asked Mr. Lateulere if he is ready for some language.

Mr. Lateulere said yes he is.

Mr. Flynn said he will keep it as simple as possible. He said this is what Mr. Lateulere wrote up so heading toward the second to the last line, plans, he will read the sentence. (ii) *“based on sound architectural principles, provide comments and, you eliminated recommendations, to the owner of the property for revision and resubmittal to their appropriate authority as outlined above. The Zoning Inspector shall return in consistency a client's construction plans with preliminary architectural elevations as approved by either the Board of Trustees or the Architectural Review Board, excepting minor modifications to said plans and/or reasonable modifications to said plans consistent with the amended and restated Declarations of Covenants, Agreements and Restrictions of the Dalebrook Estates Subdivision, prior to the issuance of a zoning certificate for the construction, reconstruction...”*

Ms. Walkush asked Mr. Flynn if he is putting a reference to an ARB in there even though we don't have one currently, just for future.

Mr. Flynn replied yes, because then they would be the appropriate board.

Mr. Lateulere said he will take a motion to close the public hearing.

Ms. Perry moved to close the public hearing.

Ms. Walkush seconded the motion.

Vote: Mr. Lateulere, aye; Ms. Perry, aye; Ms. Walkush, aye; Mr. Williams, aye.

The regular meeting was reconvened at 7:55 P.M.

Mr. Lateulere asked if there is any additional discussion on the topic amongst the Zoning Commission members.

Ms. Walkush moved to recommend approval of the Bainbridge Township Proposed Zoning Amendment Z-2020-4 for rezoning of parcels from R-3A to CB subject to the following modifications to a Declaration of Covenants, Agreements and Restrictions that have been presented by the applicant and will be presented to the Bainbridge Township Trustees such that the record will have what was submitted to us, we would add to Item (i) C. Ingress and Egress. Fix the typo in Item (ii) to indicate “turn” instead of “tum” and add items after the word “property” add Item (iv) *elimination of the full access curb cut on the parcel to the North (currently occupied by Dunkin Donuts) and reconstruction of a site access point as a Right-In/Right-Out only intersection, and (v) construction of an additional access point (at least one) to East Washington, through either the parcels currently referenced as the “Key Bank Parcel” or the “Discount Drug Parcel”*.

Mr. Lateulere stated with that should there be any modifications to that language to make it more specific relative to which parcels are which that the applicant would like to make to make it more specific, he would accept any modifications they would make to identify Key Bank and Discount Drug Mart and Dunkin Donuts.

Additionally add to Item 1 (G.) Architectural Review. *“Signature Square has represented an initial architectural aesthetic included as Exhibit C (the “Conceptual Architectural Elevations”). Prior to applying for a Bainbridge Township zoning certificate for the construction, reconstruction or material alteration of any structure on the Property, Signature Square or any subsequent owner of the Property shall submit preliminary architectural elevations that is generally consistent with the “Conceptual Architectural Elevations” to the Bainbridge Township Trustees, or in the event there is a Township Architectural Review Board to such Board upon designation by the Board of Township Trustees. The Township shall, within 30 days after submission of the design, either: (i) approve the preliminary architectural design or (ii) based on sound architectural principles, provide comments to the owner of the Property for revision and resubmittal to the appropriate authority as outlined above. The Zoning Inspector shall determine the consistency of final construction plans with the preliminary architectural elevations as approved by either the Board of Trustees or Architectural Review Board, excepting only minor modifications to said plans and/or reasonable modifications to said plans consistent with the amended and restated Declarations of Covenants, Agreements and Restrictions of the Dalebrook Estates Subdivision prior to the issuance of a zoning certificate for the construction, reconstruction or material alteration of any structure on the Property pursuant to Chapter 109 of the Resolution.”*

Mr. Williams seconded the motion.

Vote: Mr. Lateulere, aye; Ms. Perry, aye; Ms. Walkush, aye; Mr. Williams, aye.

PROPOSED ZONING AMENDMENT Z-2020-3

Ms. Perry moved to recess the regular meeting.

Ms. Walkush seconded the motion that pass unanimously.

The regular meeting was recessed at 8:04 P.M.

Ms. Perry moved to reconvene the public hearing.

Ms. Walkush seconded the motion that passed unanimously.

Secretary's note: This public hearing is a continuance of Z-2020-3 from June 30, 2020.

PUBLIC HEARING - Continuance

Mr. Lateulere, Chairman, called the public hearing to order at 8:04 P.M. He noted that this public hearing is being recorded on Zoom with a regular audio recording as well.

Zoning Commission members present were: Mr. Lateulere; Ms. Perry; Ms. Walkush and Mr. Williams. Ms. Alaei was absent.

Proposed zoning amendment Z-2020-3 is a text amendment to Chapter 105 – Definitions; Chapter 135 – R-5A Rural Open Residential District; Chapter 139 – R-3A Rural Residential District; Chapter 143 – Convenience Business District; Chapter 161 – General Provisions and Chapter 165 – Nonconformities.

Mr. Lateulere stated that as a matter of working through the Board of Zoning Appeals' comments there was a request to have a meeting this morning but he was unable to make that meeting due to other obligations but there has been a meeting scheduled for Monday for two members of the Zoning Commission and two members of the Board of Zoning Appeals so his request would be to recess the public hearing and take this item back up on August 25, 2020. He said he would like to ask the commission to consider recessing this public hearing until the August Zoning Commission meeting when we will be able to have comments to discuss relative to what the Board of Zoning Appeals' comments would be.

Mr. Williams made a motion to recess the public hearing until August 25, 2020.

Ms. Perry seconded the motion.

Vote: Mr. Lateulere, aye; Ms. Perry, aye; Ms. Walkush, aye; Mr. Williams, aye.

The public hearing was recessed at 8:06 P.M.

The regular meeting was reconvened at 8:06 P.M.

PROPOSED ZONING AMENDMENT Z-2020-5

Mr. Lateulere stated that this is an amendment to the Bainbridge Township Zoning map which was discussed at the last meeting. He said we have not gotten a revised map and it has not been forwarded to the county yet, this was an old business item for discussion. He asked if there is any discussion needed relative to that or would we like to see the amended map first.

Ms. Walkush said she is comfortable with Mr. Dietrich's proposed map changes as presented.

Mr. Williams said he is also comfortable, it seems to be mostly housekeeping to clean up the current map.

Mr. Lateulere said he was concerned about the parcels that were not actually a part of Canyon Lakes.

After a discussion on the proposed amendment the following motion was made.

Ms. Walkush moved the adoption of the following motion:

That an amendment to the Bainbridge Township Zoning Resolution, identified as number Z-2020-5, consisting of one page, map, marked Exhibit A and attached hereto and incorporated herein as though fully rewritten, be hereby initiated by the Bainbridge Township Zoning Commission this 28<sup>th</sup> day of July, 2020.

Ms. Perry seconded said motion.

Vote: Mr. Lateulere, nay; Ms. Perry, aye; Ms. Walkush, aye; Mr. Williams, aye.

Motion to Set a Date for a Public Hearing on the Proposed Zoning Amendment Z-2020-5

Mr. Williams moved the adoption of the following motion:

That the Bainbridge Township Zoning Commission conduct a public hearing on the proposed amendment, identified as number Z-2020-5 to the Bainbridge Township Zoning Resolution as attached hereto on the 25<sup>th</sup> day of August, 2020 at 7:15 P.M. at the Bainbridge Town Hall and request that the Bainbridge Township Board of Trustees issue a purchase order for the necessary legal advertising.

Ms. Perry seconded the motion.

Vote: Mr. Lateulere, nay; Ms. Perry, aye; Ms. Walkush, aye; Mr. Williams, aye.

CORRESPONDENCE

1. Bainbridge Township Board of Trustees Meeting Minutes, dated June 22, 2020 and July 6, 2020.
2. Bainbridge Township Board of Zoning Appeals Meeting Minutes, dated June 18, 2020.
3. Memo from Linda M. Crombie, Geauga County Planning Director, dated July 23, 2020. RE: Replat of Sublots 18 and 19 – Weathervane Subdivision – Final Plat.

OTHER BUSINESS

Ms. Karen Endres, Zoning Inspector met with the Zoning Commission to discuss proposed signage on the Otero properties.

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

Mr. Williams seconded the motion that passed unanimously. The meeting was adjourned at 8:18 P.M.

Respectfully submitted,

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Linda L. Zimmerman  
Zoning Commission Secretary

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John Lateulere, Chairman

Date Approved: August 25, 2020