

Minutes of Zoning Commission

September 29, 2020

The regular meeting of the Bainbridge Township Zoning Commission was called to order by Mr. John Lateulere, Chairman at 7:13 P.M. Members present in person were: Ms. Kristina Alaei; Ms. Marion Perry; Ms. Marlene Walkush; Mr. Dennis Williams and Ms. Laura Weber, Alternate. Ms. Karen Endres, Zoning Inspector and Mr. David Dietrich, Assistant Zoning Inspector/Zoning and Planning Coordinator were present in person.

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

Ms. Bridey Matheney, Ms. Linda Nolan and Mr. Glenn Knific were present via Zoom.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

PUBLIC COMMENTS: None.

MINUTES

Mr. Williams moved to adopt the minutes of the August 25, 2020 meeting as written.

Ms. Perry seconded the motion that passed unanimously.

PROPOSED ZONING AMENDMENT Z-2020-3

Ms. Perry moved to recess the regular meeting.

Ms. Alaei seconded the motion that passed unanimously.

The regular meeting was recessed at 7:17 P.M.

Ms. Walkush moved to reconvene the public hearing for Z-2020-3.

Ms. Alaei seconded the motion that passed unanimously.

Secretary's note: This public hearing is a continuance of Z-2020-3 from August 25, 2020.

PUBLIC HEARING - Continuance

Mr. Lateulere, Chairman, called the public hearing to order at 7:17 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: Ms. Alaei; Mr. Lateulere; Ms. Perry; Ms. Walkush, Ms. Weber, Alternate and Mr. Williams.

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 the recommendation from the Geauga County Planning Commission was read in at the initial public hearing and there have been a couple of continuations since that meeting and for everybody on the Zoom, we have had a number of discussions and last month we had a special meeting with the Board of Trustees and the Board of Zoning Appeals to have an open discussion about these topics. He said tonight we will entertain some revisions that he suggested that came out of that meeting with the Board of Trustees and Board of Zoning Appeals and with that we will talk about what some of those revisions look like before the public hearing is opened for additional public comments in case any of the public comments that may come forward have to do with those revisions. He said this commission would have to make a decision if we want to modify the language subject to these revisions and we would handle that as a motion so when we forward the proposed amendment to the Board of Trustees it would incorporate these comments. He said for those of you attending from home he will try to walk through these as succinctly as he can and reading from an email he sent to the commission several days ago that outlined what he believes are the changes on the chapters that were modified as well. He said Chapter 135, based on comments from the Board of Zoning Appeals, and he thanks them for the work they did on this, specifically Mr. Joe Gutoskey and Mr. Todd Lewis, worked through what each of the incremental lot standards requirements would mean to get ourselves to 10% lot coverage on a three acre lot so they proposed that we modify this graduated provision that lots between 0 to ½ acre would be permitted to have 25% or 4,000 sq. ft. of lot coverage minimum so it would be a calculation that you could not have less than 4,000 sq. ft. but it may get smaller than that up to ½ acre. He said from ½ to 1 acre the portion of the lot that is in that increment, you would get an additional 10% of that increment in lot coverage and then from 1 to 3 acres you would get 6.25% of that increment added to the previous allotment, it is a marginal progression until you get to 3 acres. He said if you run the math out 25% of the first ½ acre, 10% of the next ½ acre and 6.25% on the next 2 acres gets you to 10% lot coverage on a 3 acre lot. He said from 3 acre and above it is just a flat 10% so the idea was to somewhat incentivize the development of existing smaller lots within our community or at least be more permissive for existing smaller lots in our community and the smallest lots such as what we have in the northwest corner of the township which are some of the most difficult to get people to pick up and utilize so this would provide for a more broad support for the redevelopment of some of those areas.

Mr. Lateulere continued by saying he also sent out an Excel spreadsheet that would be a tool that would be open to residents and our zoning inspectors for doing an analysis of what is available and he thinks there is a disclaimer on it that says “this is not the official calculator” but it is a tool to get people working in the right direction to see if what they are proposing would fall within this graduated task code for lot coverage and added that it would not be part of the amendment. He said Chapter 161 had a couple of changes, we specified that “no zoning certificate would be required for a yard or garage sale” because being able to administer a zoning certificate to be able to do that would be a nightmare so there is a limited time if they do become a problem the zoning inspector does have the ability to take enforcement action but it doesn’t require everybody who is going to have a yard sale to come in and pull a permit, it would be driven by complaints or a nuisance to be able to go out and enforce that. He said probably one of the bigger ones that we modified and it is again based on feedback that we got from the Board of Zoning Appeals and the Board of Trustees, we had a very robust conversation about food trucks within Bainbridge and whether or not food trucks were a good idea, a bad idea, should be regulated, should not be regulated. He said he sat down with Ms. Endres and Mr. Dietrich and actually one of our trustees stopped by as well in the meeting and we talked about it and we did have provisions in here for food trucks but they were limited to special events and special events were limited to only non-profits and churches and a special event can be up to 14 days long and it can only be offered twice a year so what he proposed tonight in talking to Ms. Endres and Mr. Dietrich was to actually take out that non-profit qualifier and special events so that a business could have a special event and that special event could in fact include food trucks but anybody that holds a special event would be limited to just two per calendar year and no more than 14 days in duration. He said his own opinion on this is the reason he put it forth was that he felt that it was at least a step in the direction of understanding how we can put sensible regulations in place and maybe as time goes on we will actually find different ways to add provisions but this was a way to do that and you will note in his special notes of interest on this, special events are limited to the CB, PO, Light Industrial and MUP districts and special events require safety coordination with Police and Fire so part of the conversation was making sure the food trucks there have adequate circulation, it meets the health code requirement, people aren’t going to get hit by cars that type of stuff and that would he thinks in his understanding would be part of the coordination with Police and Fire to make sure that that event was safe and it would also cover if somebody wanted to put up a tent or anything like that, that would come under the Fire Marshal and the Police Department’s jurisdiction to make sure that the event is being held safe for the public.

Ms. Perry asked twice a year, 14 days, is that 14 days total.

Mr. Lateulere said as he understands it, it would be each, the special event is limited to 14 consecutive days and it can be held no more than two times per calendar year.

Mr. Williams said and it is 28 days per total, correct.

Mr. Lateulere said from an enforcement standpoint and asked Ms. Endres and Mr. Dietrich if they agree with that.

Ms. Endres and Mr. Dietrich replied yes.

Ms. Alaei said so you are saying for example that the school can only have food trucks at the school twice per year because during football season she thinks they have them at several of the football games because you are taking out private organizations, private schools, that is not a private school, but you are taking that out for special events.

Mr. Lateulere said he will try to address this with the best of his knowledge and he is going to defer to Mr. Dietrich. He said a school is a separate subdivision of the state so our ability to regulate what they do on their property is restricted, we don't have a lot of power over other public entities that are located in the township so from the school standpoint and you saw it with the library, the library came through the approval process somewhat of a courtesy to the township, whether or not they had to is probably questionable.

Mr. Dietrich said this is an interesting area of the law, there is nothing in the ORC on it unfortunately but the case law provides that a public entity such as a school is to make a reasonable attempt to comply with the zoning regulations and at the end of the day, quite frankly, if they cannot so be it.

Mr. Williams said again he thinks you are going to find it complaint driven in addition to that.

Ms. Alaei asked about HOAs, for example Lake Lucerne, can they have food trucks on their property if they wanted to even though it is in Bainbridge Township.

Mr. Lateulere said that is an interesting question, right now, special events are limited to CB, PO, LIR and MUP Districts, it would not be permitted in the R-3A or R-5A, certainly block parties do exist which is what he would call Lake Lucerne having an event or anyone else. He said typically it has been completely unregulated, unless you are closing a street, then you would come to the trustees and ask permission to temporarily close the street.

Mr. Dietrich said right now food trucks are prohibited, they are not listed so they are prohibited so we were trying to come up with some reasonable, rational regulation that covers this topic and it may not be perfect quite frankly but we have at least got something to cover the topic.

Ms. Endres replied right, it is a step in the right direction.

Mr. Lateulere said his concern about addressing them in probably R-3A and R-5A would be if somebody owns a parcel on Route 306 that is zoned residential and they want to hold a special event for two two-week periods in August back to back and have four food trucks, he thinks it opens a can of worms. He said he doesn't know what to do with block parties and you are right that happens, there has been a couple of times when we have been shut down there were couple of restaurants that would partner up with HOAs and do drop-offs, it could generate complaints.

Ms. Alaei said sometimes they stop in someone's driveway, everybody orders food and everybody comes it pick it up. She said she has a lot of questions on this, they roam freely, they love the ice cream trucks and they show up at a lot of the kids' events and the kids love it so for her to say they couldn't do it any longer.

Ms. Weber asked if you can define what a food truck is, is it stabilized in that area or is what she said if it is just showing up and dropping off a local order, is that a delivery service at that point, she doesn't think an ice cream truck is stabilized.

Mr. Lateulere said the ice cream truck falls into a different category within the township under the nuisance ordinance. He said anybody who roams the township, and this is his understanding, he is not the Police and will start by saying this falls within the Police Department's jurisdiction he believes. He said anybody who roams the township soliciting the sale of a good is supposed to have a solicitor's permit and he doesn't know if the ice cream trucks do or not but they should be.

Ms. Weber said they should be because they go into the developments.

Mr. Lateulere said every Saturday in the summer. He said he thinks when they are roaming certainly there is a different place that might fall into and you make a good point that maybe there is a definition that we need to consider and that is to define that, maybe not tonight even but that might be something we can consider taking up in our subsequent work.

Mr. Dietrich said there is another provision in the ORC Chapter Five regarding Transient Vendors and these are the folks who roam and there is a special permit granted for those by the Board of Trustees, it is not zoning.

Mr. Lateulere said and specifically "Smooth Rider" came in front of the trustees and he only knows this because we had this conversation three weeks ago, came in front of the trustees as did a different food truck and he doesn't know if it has a specific timeframe or if it was an open-ended thing but specifically two of them have been in front the trustees to ask for their permission to come to KCE events in the parks, limited to parks, he believes it is what it was and again that came to the trustees, it couldn't come through anybody else. He said he is somewhat sympathetic to trying to find a way to somewhat legitimize them, right now as they are totally prohibited.

Ms. Walkush said she thinks as Ms. Endres said, this is a good beginning, it is on the books and what we want to do right now.

Mr. Williams said he is big fan of them, he has been in several areas and communities where they show up regularly and parties and everything else and they are convenient, they are done and gone, the mess is gone.

Ms. Weber said businesses have breakfast trucks that would come by every morning, is that what you are referring to as a vendor, if a business is opening with a breakfast truck coming every morning and everybody comes out and buys their donut or whatever they want.

Mr. Dietrich said that is more in the vein of a transient vendor scenario.

Ms. Endres said there is always the variance process if there are any problems of some kind, if somebody is complaining about the trucks coming more than twice a year you can work that process out with the Board of Zoning Appeals for a variance and she would like to believe it would be an area variance although it would be time instead of distance, that is something we have to talk about.

Mr. Dietrich said it is a tough topic for townships, municipalities have other ways of regulating these things through licensing and such but townships don't have that authority and the other part of this topic is the brick and mortar folks.

Ms. Endres said the brick and mortar businesses that are paying taxes and employing residents.

Mr. Dietrich said it is an uphill battle.

Ms. Alaei said she doesn't know them personally, she just knows of them but she knows people that work for them.

Mr. Lateulere asked if he knows if they are still out here because he has heard a rumor that somebody bought the truck and moved it to the west side, he doesn't know that.

Ms. Alaei said she has no idea.

Mr. Lateulere said he was just curious and he does think for everybody attending remotely as well he thinks it is worthwhile to note that one of the restrictions on special events is they are limited from 8:00 AM to 8:00 PM so regardless if they are permitted, they are not permitted to go late night and he believes that at other special events there are other things people are allowed to do such as some limited outdoor entertainment if he remembers correctly.

Ms. Alaei asked about private residents, she knows they will hire a pizza truck or a hamburger truck to come for birthdays and things, would that fall under the same thing.

Mr. Lateulere said he would think that is catering because they are not open for business. He said this all comes into potentially what the definition should be.

Mr. Dietrich said this is probably more in a vein of something that is open to the public, that is kind of what we were thinking.

Ms. Walkush asked Mr. Lateulere if it was their intention to get the time into the actual limit because it is not in there, she doesn't see the time.

Mr. Lateulere said actually it would be page four, number seven, “Maintain daily hours of operation no earlier than 8:00 a.m. and no later than 8:00 p.m.” He said there are other things in there, no amusement rides, adequate public health, safety, sanitary and building codes etc. He said one thing he likes about this too is it does talk about if you go back to page three, item A. 3. it does “Not displace loading/unloading spaces nor be located within a designated fire lane or a public road right-of-way, just an option, parking areas may be used to accommodate vehicles associated with a temporary structure or use. A designated area on the lot for off-street parking and loading/unloading staging shall be provided.” He said it really gives the public safety portions the ability to ask those questions about how that is being handled, you can’t be in the fire lanes, you can’t park right next to the building. He said the last one, 161.12 (1)(h) was to be eliminated and he believes was because the enforceability of this, eliminate “In residential zoning districts, no light shall exceed zero foot candles at any lot line.”

Ms. Endres said they address that full cut-off fixtures are required and it is not supposed to cause glare.

Mr. Lateulere said in the commercial parking and loading requirements for commercial site plans it is required we have a photometric plan showing it is zero at the property line so he thinks generally speaking it is pretty well covered. He said Chapter 165.14 Conditional Uses Considered Non-conforming, this is likely a topic of interest for those that are joined through Zoom and based on the Board of Zoning Appeals’ comments based on the Board of Trustees’ comments and some commentary we had in the meeting, page eight of Chapter 165, we entirely reworded the paragraph and this is in consultation with everybody that was in the room and that the paragraph will now read “The conditions applicable to a lawfully established nonconforming conditional use shall remain in effect, including all conditions imposed by the Board of Zoning Appeals, and the general standards and specific criteria in Section 117.13. However, a conditional use that is no longer allowed in accordance with the current Zoning Resolution in the affected zoning district is not required to renew its conditional zoning certificate. The owner may seek review of the conditions by the Board of Zoning Appeals and such conditions may be modified or expanded.” He said there are several concerns going into this, just to give the history lesson, one was that the conditions that were approved by the Board of Zoning Appeals and any amendments thereto would live on with that use in perpetuity. He said there was a concern by the Board of Zoning Appeals that if a modification or expansion were desired, the Board of Zoning Appeals, the way it was currently worded, didn’t have clear direction that they were the right venue for that to be taken up so we added that in the last sentence. He said what this does not specifically call out but it is incumbent upon our zoning resolution to begin with is that even though they are now a non-conforming conditional use and all of those requirements stay in effect, even though they don’t come forward every five years for periodic review in front of the Board of Zoning Appeals it still is incumbent upon the township to conduct their regular review of those conditional uses to ensure that you are still operating the use in compliance with that conditional use permit so whatever the use would be that it is now a legally non-conforming conditional use, say that the restriction in it about the fact that you can’t sell ice cream on Tuesdays and they are selling ice cream on Tuesdays.

Mr. Lateulere continued by saying it is still incumbent upon the township as part of the zoning administration process to conduct a periodic review and see whether or not they are operating in compliance with that and if they are selling ice cream on Tuesdays, Ms. Endres would start the process of taking action so their avenue at that point, “oh I am sorry, I didn’t know I shouldn’t sell ice cream on Tuesdays, I am sorry I will stop doing it but I still want to sell it, what do I do” then they go back to the Board of Zoning Appeals as an expansion of that use. He said the concern of the Board of Zoning Appeals was that they didn’t necessarily have the, use the term “jurisdiction” over that request, that is why we added that in there but it does not in any way say that the township zoning administrator or zoning inspector will not be reviewing and administering those conditional uses as per their normal course of duty, that is covered throughout the entire rest of the zoning resolution as part of the duties of the zoning inspector, it doesn’t specifically call that out and asked if that makes sense to everybody.

Ms. Walkush said she thinks when they wrote the first paragraph we knew that it would have to go to the BZA but to put it in there specifically makes it tighter.

Mr. Lateulere said he thinks it is clear and that is all he has and asked if there is anything else that the Zoning Commission would like to discuss either relative to what he presented tonight or the rest of the amendment.

Ms. Walkush said she would like to talk about the lot coverage calculator and how can you actually get that in as maybe an addendum so the Zoning Commission can actually use it.

Mr. Lateulere said he thinks it is a good convenient tool and he believes it should be on the website under the zoning section, he thinks that it walks you through how you will calculate that, the house, driveway, shed, all of the things that people don’t typically consider to be part of their lot coverage. He said you could include the table as an exhibit at the end.

Mr. Dietrich said in the appendix.

Mr. Lateulere said then the smart Excel spreadsheet is then on the website to be used, he thinks it does, as part of the Appendix, gives good information.

Ms. Walkush said she thinks though, in looking at your list, she didn’t see barn on there and a lot of people have barns, she does.

Ms. Alaei said it probably should say sheds/barns.

Ms. Walkush said she likes it, she thinks it is a great tool.

Ms. Endres said what we did was establish the size of the lot or the square feet of the lot you are starting with, there are different variables. She said ReaLink is not accurate, they do rounding so when she calculates or figures out the size of the lot she looks at the subdivision plat and normally it has acreage down to like 3 or 4 decimal points so she gets a reasonably accurate lot size. She said the other place to look is the legal description on the deed, you can't necessarily use ReaLink because they round, they round to the nearest tenth or hundredths of an acre.

Mr. Williams said it still gives them a great reference for the worksheet.

Ms. Endres said the road right-of-way is not always the same size, it is typical that the road right-of-way is 60' but they vary from some of the small subdivisions that are 50', Pine and Cedar, some of those rights-of-way are 50' and then there are portions of Chillicothe Road where there is a 100' right-of-way so it can be used as an estimator and what it would be but in the end she will probably still have to do some analysis of her own but it is going to be a great tool to assist.

Ms. Walkush said a caveat needs to be put in there that this is only a tool.

Mr. Lateulere said he did have a disclaimer at the bottom but he must have sent out the one that didn't have it.

Ms. Endres said it is not posted anywhere yet, you can put a disclaimer of some kind.

Mr. Lateulere said he thinks a disclaimer is something that would happen just from the digital version that is out there because if it gets into the appendix, it is just what it is, it is a sheet that says this is how you do it. He said at the bottom, with the disclaimer, we can attach it to the application, he would put the link to it. He asked if it goes into the appendix is it something that has to be included in the revision or is the appendix something that can be added at any time.

Mr. Dietrich said it can be added at any time.

Mr. Lateulere said let's include it in the appendix. He asked if there is anybody else in the room that has any other questions as this point.

Mr. Williams said no and there was no other response.

Mr. Lateulere said he will read Ms. Matheney's question. He said the second sentence beginning with the word however, on page eight in Chapter 165.14 – Conditional Uses Considered Non-Conforming. He said "However, a conditional use that is no longer allowed in accordance with the current zoning resolution with the current Zoning Resolution in the affected zoning district is not required to renew its conditional zoning certificate. The owner may seek review of the conditions by the Board of Zoning appeals and such conditions may be modified or expanded."

Ms. Bridey Matheney said she wants to go back one second, she said “However, a conditional use that is no longer allowed in accordance with the current Zoning Resolution in the affected zoning district is not required to renew its conditional use certificate”. She asked if that is what Mr. Lateulere said, she apologizes.

Mr. Lateulere said that is correct.

Ms. Matheney said okay and then the next sentence is that a holder of a conditional use permit can ask for a review, is that basically.

Mr. Lateulere said in paraphrasing, he will read it exactly and then give what the intent was for the conversation. He said “The owner may seek review of the conditions by the Board of Zoning Appeals and such conditions may be modified or expanded.” He said as he understands it that makes the statement that if the owner would seek to have any changes to what they have already been approved to do, just like if it was an expansion of a legally non-conforming use, any expansion of that non-conforming use would have to go to the Board of Zoning Appeals, this mirrors that, the owner may seek review of the conditions by the Board of Zoning Appeals and such conditions may be modified or expanded at that point.

Ms. Matheney asked then if someone wanted to expand but did not want to ask for a review of the conditional use permit, she is trying to figure out, how would that work exactly, would it be incumbent upon the property owner or would that be the township, she just wouldn't want it to be after the fact and added she is not trying to be difficult, she is trying to figure out how this works.

Ms. Walkush said she thinks what she is saying is that if they were approved and they want to make changes to their property or what have you and they don't go before the BZA, she thinks that is what she is saying, how would you know.

Mr. Lateulere said two things, if they were to make physical modifications to the property they would have to come in for a zoning certificate.

Ms. Walkush said correct and is that before the BZA.

Mr. Lateulere said the zoning inspector first, it would go the zoning inspector's review at that time and they would say this is an expansion of a non-conforming use and it is an expansion of a previously approved conditional use which is now considered legally non-conforming so any expansion would then have to go the BZA so he believes it would go through the normal process that any property in the township would go through for that. He said if they are going to seek a change to uses within their property that would be a little different, that goes through the normal course of the township zoning administration process so Ms. Endres or whoever the zoning inspector is throughout time, part of their duties are to ensure that what is happening in the township is in accordance with what has been approved and reviewing conditional use permits periodically is one of those so it would then become incumbent upon the zoning inspector to be the enforcement of that, many times driven by complaints.

Mr. Williams said again if they are not selling ice cream on Tuesday or not supposed to be and if they are selling it, it would be enforced by complaint driven.

Mr. Lateulere said the only difference is currently there is a specification that every five years it lands in front of the Board of Zoning appeals, that is what is changing, it is not required to land in front of the Board of Zoning Appeals every five years for that board to determine whether or not they are in conformance with their conditional use permit.

Ms. Endres said they have to observe all of the conditions of which were permitted and that if there is some change they want to ask for, if they want to request a change, they would have to go to the Board of Zoning Appeals and it would be a change or expansion to a legal non-conforming use.

Mr. Williams said and most likely complaint driven for everything that you are going to see anyway.

Ms. Endres said when it was formerly a conditional use.

Ms. Matheney said that makes sense and then she apologizes but was this revision, if you will, posted on your website, she is just asking because she wants to be able to find it and she knows that it is weird right now because you can't do the screen share but she is just trying to make sure that she has the exact language when she goes back to the Woods of Wembley HOA and let them know that this is the kind of change that might get adopted tonight or passed on to the Board of Trustees for their consideration.

Mr. Lateulere said the secretary will make sure you get a copy of that and it is available for anybody who wants to either call and make the request to the secretary or even make a request for a printed copy. He asked Ms. Matheney, just for clarity if she wants all three of the chapters that were reviewed tonight.

Ms. Matheney said she is assuming that the ones that you have just discussed are the only ones that are changing since the last joint meeting that you had. She said she is going to make their pitch one more time. She said she represents the Woods of Wembley HOA and again the only reason she is here, one of the reasons she is here is just to make a pitch one more time that again the BZA has not yet ruled on the pending renewal application for a conditional use permit for the New Wembley Club and as you know right now there certain conditions under that Chapter 135 that are now, again, if it moves forward and goes to the Board of Trustees and there is a chance that the BZA will still not have heard it and her question is kind of just if there is any way that you would be willing to delay moving forward just because of the one pending case before the BZA she just doesn't know what the ramifications would be if in fact this actual amendment does get passed and adopted by, you move it on and the trustees then adopt it, she is just trying to figure out how that would work before the BZA, that is all. She thanked the Zoning Commission.

Mr. Lateulere said Mr. Knific has a comment. He said he will read it in and then if Mr. Knific would like to speak he will open the floor to him. He said Mr. Knific's comment is – Is this the language? “The conditions applicable to a lawfully established nonconforming conditional use shall remain in effect, including all conditions imposed by the Board of Zoning Appeals, and the general standards and specific criteria of 117.13. However, a conditional use that is no longer allowed in accordance with the current Zoning Resolution in the affected zoning district is not required to renew its conditional zoning certificate. The owner may seek review of the conditions the Board of Zoning Appeals and such conditions may be modified or expanded.” He said yes, that is the language and asked Mr. Knific if he would like to have the floor.

Mr. Glenn Knific said no and thanked Mr. Lateulere and that this was a copy and paste from the document that you folks were kind enough to provide him.

Mr. Lateulere asked if there is anybody else who would like to speak, he will open it up to the public first and then finally to the Zoning Commission. He asked the Zoning Commission if there were any final questions or concerns. He said he will take a motion to close the public hearing.

Ms. Alaei moved to close the public hearing.

Ms. Perry seconded the motion.

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

The public hearing was closed at 8:04 P.M.

Ms. Alaei moved to reconvene the regular meeting.

Ms. Perry seconded the motion that passed unanimously.

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

A discussion was held after the public hearing was closed regarding the New Wembley Club, LLC and its pending application with the Board of Zoning Appeals.

Proposed Zoning Amendment Z-2020-3

Ms. Walkush moved the adoption of the following motion:

That the Bainbridge Township Zoning Commission recommended the approval of the following proposed amendment to the Bainbridge Township Zoning Resolution attached hereto: Z-2020-3 with modifications as outlined over the previous two public hearings including tonight which would be the third on September 29, 2020. The incremental revisions of such have been recorded by the zoning administrator and zoning inspector and presented to us in those increments.

Mr. Williams seconded the motion and the roll being called the vote of the Bainbridge Township Zoning Commission was as follows:

Ms. Alaei, nay; Mr. Lateulere, aye; Ms. Perry, aye; Ms. Walkush, aye; Ms. Weber, aye; Mr. Williams, aye.

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

(Audio Recording of Public Hearing on File)

CORRESPONDENCE

1. Bainbridge Township Board of Trustees Meeting Minutes, dated August 5, 2020; August 10, 2020; August 24, 2020; August 27, 2020; September 10, 2020.
2. Bainbridge Township Board of Zoning Appeals Meeting Minutes, dated April 30, 2020; July 16, 2020; August 20, 2020.

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

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

Respectfully submitted,

Linda L. Zimmerman
Zoning Commission Secretary

John Lateulere, Chairman

Date Approved: October 27, 2020