

Minutes of Zoning Commission

February 27, 2003

The regular meeting of the Bainbridge Township Zoning Commission was called to order by Mr. David Weiss, Chairman at 7:30 P.M. Members present were: Mr. Raymond Richards and Ms. Lorrie Sass. Ms. Chris Fine and Mr. Donald Sheehy were absent.

MINUTES

Mr. Weiss made a motion to approve the minutes of the December 12, 2002 meeting as written.

Ms. Sass seconded the motion that passed unanimously.

OLD BUSINESS

Proposed Zoning Amendments

Adult Entertainment

Mr. Weiss reported on the status of the proposed adult entertainment amendment.

Riparian Setbacks

The zoning commission discussed proposed riparian setbacks and how they relate to the Phase II Storm Water Management Plan.

Conditional Use Zoning Regulations

Ms. Sass reported on the status of the proposed zoning amendment regarding conditional use regulations.

PUBLIC COMMENTS

Mr. Ted Krejsa of Chagrin River Road inquired about septic system regulations. Mr. Weiss and Ms. Sass explained how septic systems will be affected by the Phase II Storm Water Management Plan.

CORRESPONDENCE

1. Bainbridge Township Board of Trustees Meeting Minutes, dated December 23, 2002, February 3, 2003, February 10, 2003.
2. Bainbridge Township Board of Zoning Appeals Meeting Minutes, dated December 19, 2002, January 16, 2003.
3. Zoning Inspector's Reports, dated December 2002 and January 2003.

4. Memo from the Geauga County Planning Commission, dated February 4, 2003. RE: Agenda for the February 11, 2003 county planning commission meeting.

Mr. Weiss recessed the regular meeting at 8:00 P.M.

PUBLIC HEARING

Proposed Zoning Amendment Z-2003-1

Mr. Weiss called the public hearing to order at 8:00 P.M. Members present were Ms. Lorrie Sass and Mr. Raymond Richards. Ms. Chris Fine and Mr. Donald Sheehy were absent. A court reporter from K. K. Foxx Court Reporters was present.

Proposed amendment Z-2003-1 by application of The Winbury Group proposes to rezone Permanent Parcel Numbers 02-412700, 02-412800, 02-419931, 02-421000 at Bainbridge Road and State Route 422 from (R-3A) Residential to (CB) Convenience Business District.

Mr. Weiss noted that the legal advertisement for the public hearing had been duly advertised in the News Herald on February 17, 2003 and notification was sent via certified mail to all contiguous property owners on February 13, 2003.

Mr. Weiss then read into the record the recommendation of the Geauga County Planning Commission in a letter dated February 12, 2003 in which the planning commission recommended denial of Z-2003-1 subject to the comments listed.

Mr. Weiss explained the proposed amendment.

Mr. Mark Snider and Mr. Patrick Winslow of the Winbury Group and Mr. David Best, Business Development Director were present to represent this application.

Mr. Snider stated that they own the Winbury Professional Center at 8401 Chagrin Road and will arrange a tour for anyone. He added that they have a video conference center and have offered use of this room for any civic function. He said they own the parcels of land that make up the Winbury Professional Center and were required to buy all of the land at the time and this is the parcel of land on the south side of the freeway that contains approximately 4.25 acres. He said there are four individual parcels that could be combined and they are no longer appropriate for single family dwellings.

Mr. Snider said these parcels are bordered by land that is currently zoned residential and the owners of that land (Mutual Security Company) were in discussions with the township and that is when the township decided to purchase the land for a park at the interchange and said the land bordering these parcels should be rezoned also and with the township's desire to purchase that land it is an admission that it can't be developed as residential and we think to continue to keep this land as residential is not something the Winbury Group would be proud of.

Mr. Snider said their application for Convenience Business is to determine what other kinds of uses they can use for the land such as a church, daycare center, photography or dance studio, school, professional office building, medical offices, laboratories or clinic, sign or printing stores, travel agency, interior decorating studio or security and alarm companies. He said their vision is for similar uses that will not generate a lot of use because of the terrain, the density will be very low and the building would be from 5,000 sq. ft. to 15,000 sq. ft. or one-fourth the size of the Winbury Professional Center.

Mr. Snider referred to the letter from the Geauga County Planning Commission regarding the soils and said most of the soils in Geauga County are rated severe and referred to the location of the BP station and McDonalds and said those soils are also rated severe and the soils are also rated severe for residential development. He referred to Mr. Dietrich's letter regarding South Millbrook Drive and that it was not built to commercial traffic standards. He said the road was built by the State of Ohio to carry tandem trucks for when the freeway was built and it has 11-1/2" of full depth asphalt. He said a commercial road is described as served by trucks and we are not proposing an industrial development, just light residential traffic, but this road will be able to carry the heaviest that trucks can carry. He said it will be used less than a residential traffic road with a 5,000 sq. ft. – 15,000 sq. ft. building compared to three to five additional houses. He added that restrictions can be placed on the road to keep huge semi-trucks from using it and our intent is for low impact to the area.

Mr. Snider referred to Mr. Dietrich's letter regarding "spot commercial" zoning and said Winbury's opinion is that the township is creating spot zoning and the township should not create spot zoning. He said it is spot zoning by putting a park at a commercial interchange.

Mr. Snider referred to Mr. Dietrich's letter regarding sewer availability and that this parcel is outside the boundaries of a public sewer service area. He said sewers are available at Rt. 306 and added that the McFarland treatment plant is being expanded. He said that all of the points in Mr. Dietrich's letter could have been written for the Winbury Professional Center. He added that they did not have sewer access at the Winbury Professional Center either and that parcel has the same soil characteristics of this parcel. He said he does not see a bad thing with the Winbury Professional Center because he just paid a \$30,000.00 tax bill for this building and ninety percent of the building is being leased to township residents that are leasing dental and medical spaces. He said the Winbury project has a great history and we have demonstrated numerous times to keep that commitment and we are not trying to be combative to the township but willing to work with the township.

Mr. David Weiss, Chairman said that many of the uses mentioned in the application would fit in POD and asked why CB is requested for this parcel.

Mr. Snider explained that CB is being requested because of the uses and added that they did make an application to the board of zoning appeals for a Greek Orthodox Church to go onto this land and POD is somewhat restrictive. He referred to a Seven Eleven store and said the market would not allow that here but they would be willing to restrict what goes on this parcel with a deed restriction.

Mr. Pat Winslow said they would not be invited to build a home on this site even though the property is zoned residential, it is worthless. He said there is nothing to stop a landowner from trying to rezone their property and the township has effectively, by targeting the adjacent property as a park, made that argument and they are making this property worthless, but it may have value as a park. He continued by saying that when they (Winbury) proposed a park in the very beginning on the north side of Chagrin Road, the people did not want it, now the township is trying to bootstrap and stifle the property and asked where there is a park on a freeway. He said that is a taking contrary to the Constitution of the United States.

Mr. Weiss said that the township requires 160 feet of frontage for convenience business and these parcels have zero frontage. He asked how the potential customer will access this property.

Mr. Snider said the property will be accessed through Service Road C and said he is confused that Mr. Dietrich is not aware of Service Road C. He said their plan is to access the property through Service Road C.

Mr. Weiss said the maps show the parcel as being owned by the State of Ohio.

Mr. Snider said the road is taken care of by the county and will be given to the county and will be a county road and we were told we have a prescriptive easement by need to go across the state property to get to ours.

Ms. Lorrie Sass asked if they (Winbury) had anything indicating that.

Mr. Snider said he has a copy of a letter he sent but it is the law and they have a prescription in need or automatic right provided in Ohio law. He referred to a Mr. Jimmie R. Hart of the Ohio Department of Transportation that said they did not need anything from the state because the whole road is owned by the state and the whole issue of how they are going to access the property will go away.

Ms. Sass said it appears that Service Road C actually ends.

Mr. Snider said that piece is owned by the state.

Ms. Sass asked about the triangular piece of property there and said it looks like a separate lot owned by the state and it is a little bit different than a road or prescriptive easement and that makes it a question for her because it appears there is a separate lot.

Mr. Snider explained the pieces acquired by the state that will be dedicated to the county.

Ms. Sass asked when they will be dedicated.

Mr. Snider said he did not know.

The zoning commission members discussed the separate piece of land with Mr. Snider.

Mr. Snider said he would like to research that but the road runs right past the property and ends at the highway.

Mr. Weiss opened the floor to questions from the audience.

Mr. Ted Krejsa of Chagrin River Road asked about the adjacent parcel.

Mr. Snider said it is zoned POD and has approval for an office building.

Mr. Krejsa asked Mr. Snider if that was his sign on Rt. 306.

Mr. Snider replied no and added that the Jaros family owns it.

Mr. Weiss solicited comments for the proposed amendment. None.

Mr. Weiss solicited comments against the proposed amendment. None.

Mr. Weiss said there is an outstanding issue regarding the status of the road so the zoning commission could recess the public hearing until next month for the applicant to be able to answer some of the questions raised.

Mr. Snider said he agreed.

Mr. Weiss made a motion to recess the public hearing at 8:40 P.M. and to reconvene the public hearing on March 27, 2003 at 7:45 P.M. and to request that the Bainbridge Township Board of Trustees issue a purchase order for the services of a court reporter.

Ms. Sass seconded the motion.

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

The regular meeting was reconvened at 8:40 P.M.

Mr. Snider added that he contacted all of the residents in the area to minimize the controversy and they are comforted by that.

Ms. Sass asked if these parcels have deed restrictions on them.

Mr. Snider said that his other parcels that were rezoned had the same deed restrictions on them.

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

Mr. Richards seconded the motion that passed unanimously. The meeting was adjourned at 8:45 P.M.

Respectfully submitted,

Linda L. Zimmerman
Zoning Secretary

David Weiss, Chairman

Date Approved: March 27, 2003