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Board denies variances for plan around Geauga Lake

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Jan 30, 2020



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IPALC - GEAUGA LAKE REDEVELOPMENT - BAINBRIDGE OHIO - 11.25.19

Industrial Commercial Properties, LLC of Solon are under contract to purchase property once home to the Geauga Lake amusement park and Sea World Ohio. Here is the preliminary site plan that officials say required the four denied variance requests to move forward with development.

Photo courtesy of Bainbridge Board of Zoning Appeals

BAINBRIDGE — A Solon company is beginning to draft plans for housing, retail and other development on the former Geauga Lake amusement park site. But first, the developer needs to resolve zoning issues.

On the basis of insufficient detail surrounding traffic concerns, master planning and the general purpose of the mixed-use district, the township Board of Zoning Appeals on Jan. 16 unanimously denied variance requests needed to move forward with the redevelopment of property once home to Sea World Ohio and Geauga Lake amusement park.

Industrial Commercial Properties, LLC of Solon submitted four variance requests to the board including the allowance of heavy retail and multi-family dwelling apartments with first floor residential use, area variances to allow lots larger than 50,000 square feet and the allowance of residential use within 500 feet of Geauga Lake in the township's southern mixed-use planned unit development district called MUP.

ICP has a pending purchase agreement to acquire 276 acres of land from Cedar Fair Entertainment Co. around Geauga Lake, said attorney Dale Markowitz of Thrasher, Dinsmore & Dolan, who represented ICP in the application. Some of the land is in the city of Aurora, he said, but the vast majority is in Bainbridge Township.

The property in Bainbridge is located in the township's MUP district, which prohibits heavy retail and first floor, multi-family units, has a set maximum lot area of 50,000 square feet per lot and requires a 500-foot setback from the lake for residential structures.

ICP showed preliminary site plans that divided the land into uses for retail, residential, commercial hospitality office and commercial entertainment office.

Mr. Markowitz explained that within the retail site plans, two big-box retailers would own property along Aurora Road (Route 43) and up against Geauga Lake Road. Northeast of the big-box retailers along Geauga Lake Road and up to Depot Road is a proposed community development for residents over the age of 55. Below that, he said, by Aurora Road and along part of the lake would be three-story, multi-family apartments.

He noted there were two smaller retail sections of the property, at the corner of Aurora and Depot roads across from the Marketplace of Four Corners and further down Aurora Road by the Speedway gas station, where there are currently no present proposals. Likewise, for the commercial hospitality office and commercial entertainment office above the lake along Depot Road to Brewster Drive and the township limit.

Christopher S. Semarjian, owner of ICP, explained that the two potential big-box retailers are “best-in-class.” One of the retailer’s property size would be about 174,500 square feet with 404 parking spots and the other at about 157,300 square feet with 660 parking spots, according to the concept plans. Mr. Semarjian said he could not disclose who the potential retailers would be.

Mr. Semarjian said that while the big-box retailers would own the property, they would still be flexible long-term for the township.

“They’re absolute top-class industry leaders, so I don’t see them having any long-term issues,” he said. “But if big-box has a problem long-term, big-box gets put into either smaller boxes or is converted into office spaces. We think they have flexibility in the long haul.”

Bill Kern, executive vice president of ICP, added that the retailers are “financially well-healed.”

As for the residential properties, Mr. Semarjian explained that ICP needed the variance to allow first-floor, multi-family dwellings because of changes in the market, noting that they sought an Ohio-based multi-family developer who he also could not disclose.

“They’re (the residential developer) very excited about the lake, but to get their product to work and get the economics to function, they need to build a three-story product, and we feel very strongly that the residential over retail won’t work here,” Mr. Semarjian said.

Mr. Semarjian claimed that some lifestyle centers in Northeast Ohio are struggling without the density needed to support them. “It’s not anything wrong with Bainbridge or the community, it’s just the lack of density and how it relates to interstate access and all those other things,” he said.

As for the 500-foot setback variance request, Mr. Markowitz explained that the variance was needed for the apartments and over-55 community developments because they would be closer to the lake than the 500 feet required.

Zoning Inspector Karen Endres explained that the Zoning Commission’s intent for the 500-foot setback around the lake when creating the MUP district was to assure that the lake would remain accessible to the public either through commercial access or potential boardwalks as possible developments.

“They wanted to be sure the lake wasn’t going to be cumbered by private property owners,” she said of the commission.

“Much of what is in the MUP district, by the time it was adopted in 2015, I think it had good intentions,” Mr. Markowitz said. “But in the last almost five years, four and a half years now, it’s been shown that there just isn’t a developable scheme for the property based on all of the requirements to that code.

“I think it’s pretty good that we’re coming here only asking for a few variances,” he added.

“You’re looking for four really, really major variances that pretty much completely defies what the district’s been set up to do,” Todd Lewis, vice chairman of the board of zoning appeals said, however. “Why are you not in front of the zoning commission for Bainbridge Township as opposed to asking for a bunch of variances from this board?”

Mr. Markowitz explained that time was of the essence along with working the plan into a JEDD (joint economic development district) with the city of Aurora to ensure the placement of two anchor retailers in the development.

“If we go through the zoning amendment process, we’re talking many, many, many months, and we’re going to lose these users here,” he said. “If we don’t do something soon here, and you don’t do something soon, a lot of the opportunities to develop down there are going to get lost.”

Board Chairman Michael Lamanna also addressed that the proposal should be before the zoning commission because any variances granted for the development would set a precedence for developments not yet determined throughout the property.

“You come in and you’re asking for variances that in these cases are fundamentally changing what was established here,” Mr. Lamanna said. “Really, a variance is not the appropriate way to go. A variance is for particular problems and any particular properties before the board.”

Mr. Lamanna explained that by granting the variances, “effectively, we’re almost forced into granting a variance for the rest of the property around there because they have the same issue.”

Mr. Lewis also noted that with the Pulte Homes development in Aurora off Treat Road behind the Liberty Ford dealership, additional residential development in Bainbridge by the lake could have major impacts on traffic in the township.

He noted that traffic would be different than when the property was an amusement park because people didn't live on the property then.

Mr. Markowitz said the developers will be required to conduct a traffic impact study, which they have not done yet because site plans are still very preliminary. He said, however, that he anticipates another traffic light will be needed because of the opening of streets and drives off Aurora Road. He added that the intent will be to have traffic flow back to Aurora Road.

On concerns with school bus routes, Mr. Markowitz explained that peak hours with student commutes would not line up with the retailers' peak hours.

"The school buses aren't [near the property] during the peak hours," he said. "They're there in the early morning and they're dropping [students] off before the peak hour at the end of the day. The impacts that they have are not as significant as we may think."

Because the site plan is just preliminary, Mr. Semarjian and Mr. Kern confirmed that the property does not have sewer, sanitary or stormwater systems determined. They said, however, that plans are in the works with the city of Aurora, along with negotiations for the JEDD.

"We have a really ugly, big chunk of property in Bainbridge that, as it stands right now, isn't benefitting anybody," Mr. Lewis said. "But the original vision on this was a master plan.

"We've cut it into pieces," he said of the property and its incomplete plans. "Even though you're buying a big chunk of it, we're sort of getting half the story."

Upon denial of the variance requests, Mr. Lamanna explained that the next steps for the developers would be to move to the legal process where they can take this case to the Geauga County Court of Common Pleas.

"Ultimately, it will be resolved by a court decision, or it will be resolved by a negotiated settlement by the township and the applicant," he said.

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