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Trustees work to clear hurdles in Geauga Lake

Sam Cottrill
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BAINBRIDGE — Though a court appeal to the township's denial of zoning variances is pending, trustees continue to take steps toward cultivating the Geauga Lake property through talks with developers and negotiations with the City of Aurora for utility services.

In January, the Bainbridge Board of Zoning Appeals denied four variance requests from the Solon-based Industrial Commercial Properties for plans around the property, formally home to the Geauga Lake amusement park and Sea World Ohio, in the township's mixed-use planned unit development district.

Requested variances included 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

The township's mixed-use district, known as MUP, prohibits heavy retail – namely big-box stores, which were included in ICP's presented plans – 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.

Bridey Matheney of Thrasher, Dinsmore & Dolan filed the administrative appeal on behalf of ICP on Feb. 21 through the Geauga County Court of Common Pleas, stating that the township Board of Zoning Appeal's denial of four use variances is unconstitutional taking of the property in question.

Judge Carolyn J. Paschke is assigned to the case.

"That wasn't totally unexpected," Trustee Jeff Markley said at the Feb. 24 trustees meeting. "Their (ICP) option is to file an appeal with the court of common pleas to argue that their plan has merit. But it basically begins the negotiations."

He said that no matter what the plans are for the development, nothing can get built if there is no agreement in place with Aurora to extend infrastructure for sewer and water service.

“Maybe something will get done, maybe it won’t. But at the end of the day, if there is no sewer and water agreement with the City of Aurora, and they’re the only ones that can provide sewer and water to that development, nothing gets built,” Mr. Markley said. “Nobody can build anything without sewer and water on a commercial basis that large.”

Mr. Markley explained that the trustees are looking at terms Aurora presented to them for the utilities and the terms the developer will present “at some point.”

“There’s some traction. Things are moving. But at this point, there is no schedule for anything being built, and there is nothing being released publically as to what they’re planning to build,” he said.

Included in these negotiations is a vision statement of what the township would like to see developed on the property and a memorandum of understanding between the township, developer and Aurora for a joint economic development district, or JEDD.

In the vision statement, Mr. Markley noted numerous goals for the development of the property, including a clear direction for what is public versus private property, preserving the integrity of surrounding neighborhoods, a stable tax base, meeting zoning criteria, passive recreational opportunities and maintaining the legacy of the property among others.

Mr. Markley emphasized the importance of preserving what Geauga Lake used to be, noting one of his goals to “highlight the character and nostalgia of the former Geauga Lake amusement park and Sea World through specific design guidelines to create a sense of place.

“Let’s not leave the legacy of Geauga Lake to be some parking lots, a couple of big stores and some apartment buildings,” he said. “That’s not what Geauga Lake is to any of us.”

In terms of forming a JEDD with Aurora, the board unanimously approved a resolution to accept a memorandum of understanding, or MOU, that outlines what the stakeholders can expect.

“This is a memorandum of understanding between Bainbridge Township, the City of Aurora and [ICP] for the Geauga Lake property to basically [identify] terms in which the JEDD agreement will be established and explored,” Mr. Markley said, explaining that the understanding has no legal merit.

According to the MOU, Aurora is insisting on a 20-percent surcharge for sewer and water and commanding 50 percent of JEDD revenue. Mr. Markley explained that 25 percent would then go to the township and another 25 percent would go into the JEDD maintenance and improvement fund. He said this would include a board with three members appointed by Bainbridge and three members appointed by Aurora.

“So, [those are] the financial terms as we are forced to consider,” Mr. Markley said, adding that the trustees inserted language in the MOU that would allow the township to include additional terms and conditions into the JEDD if necessary.

In other township news, trustees are revisiting considerations for becoming a limited home rule township.

“Back in 1999 through 2004, the township appointed a committee to explore the possibility of alternative form of government,” Trustee Lorrie Sass Benza said, noting that the township far exceeds the population numbers to become a city. “In 1999, the state legislature also authorized another form of government called a limited home rule township, where we still remain a township, we’re still not authorized to collect income taxes, but we do have additional authority under the Ohio Revised Code.

“Right now the only thing as a township that can go on a ballot is a zoning referendum; however, under a limited home rule form of government, we have the initiative authority,” she added.

Mr. Markley said the trustees will look at pros and cons of becoming a limited home rule township. He added that while a limited home rule government would give the township more authority for petitioning to put things on the ballot, “the most economic form of government in the state of Ohio is a township.”

Mrs. Benza said that Concord Township went to a limited home rule government in 2018 and said officials indicated that they would be interested in coming to talk with Bainbridge about the pros and cons. She added that because their board is still relatively new, however, that it

would be beneficial to also talk to Jackson Township, which is also is a limited home rule government.

“If we ultimately decide to do this, we have to be able to then educate everybody as to why,” Mr. Markley said.

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