

**PAINESVILLE TOWNSHIP ZONING COMMISSION
MEETING MINUTES**

May 13, 2019

Painesville Township Office 55 Nye Rd. Painesville Twp., OH 44077

Present: Bailey MacKnight, Darrell Webster, John Haught and Ted Galuschik
Absent: Amy Cossick
Zoning Inspector: Rich Constantine
Legal Counsel: Matt Lallo

Chairman, Ted Galuschik, called the meeting to order at 6:30 p.m. The Pledge of Allegiance was recited, and a roll call revealed that a quorum was present .

PUBLIC COMMENT:

Donna Gorsky at 544 Greenside Dr. stated that her backyard is adjacent to Fairway Pines golf course. They have an easement in the wooded area that belong to the golf course and the trees are falling. Mrs. Gorsky stated that a giant tree was swaying and she paid someone to cut it down before it fell on their home. She stated that she has mailed letters requesting them to remove the dead trees. She asked the board what she should do.

Matt Lallo stated that this is a civil issue and if a tree falls on her property and causes damage she could sue. The township cannot do anything to force their hand. The Zoning Inspector asked about the easement. She stated the easement is on their property. The Zoning Inspector commented that he's not aware of an easement on their property. Matt Lallo stated that she should send a certified letter to the statutory agent for Fairway Pines Development LLC The address is 1606 CNB 137E 9th Street 29th floor Cleveland Ohio 44114.

REGULAR MEETING

Chairman asked if the board had any additional edits to the April 8, 2019 meeting minutes besides the few minor edits that have been completed. No corrections or comments were offered by the Commission members. John Haught moved to approve the minutes. Bailey MacKnight seconded.

Roll Call: Webster; Aye, Haught; Aye, MacKnight; Aye, Chairman; Aye.

NEW BUSINESS:

Site Plan Review for MS Consultants (Aldi Inc) at property 2045 Mentor Ave (PPN 11A04O000110) for an expansion of 4165 sq ft building involving removal of a portion of the existing parking area. The proposed building is to be expanded by approximately 2899 sq ft on the west side and 1266 sq ft on the east side.

Chairman stated that the board has reviewed their proposal and have some issues. The Chairman stated that they will need a Conditional Use Permit for the outdoor trash enclosure along with a couple variances. The Chairman commented that the Township is looking for the Western Reserve style similar to Sherwin Williams and what is proposed does not indicate that the building will have a Western Reserve style. The Chairman stated that the board could not approve this given the information they submitted.

Ted Gous, the Architect for Aldi, commented that driving down Route 20 there is not a lot of consistency with the Western Reserve style. Chairman commented that is correct and the change will take time. Mr. Gous stated they have

OLD BUSINESS:

Architectural Review for Sunoco Station at 1435 Mentor Ave depicting the proposed roof style and exterior appearance that the Commission is expecting to see prior to the June 11, 2019 meeting date.

The Zoning Inspector updated the board that the applicant dropped off a picture of a pitched roof. He called the applicant and discussed what the board is looking for. The Zoning Inspector stated he spoke to their architect and he has full drawing in color with elevation. The Zoning Inspector will get each board member a copy prior to the next meeting. The Zoning Inspector discussed the look with the architectural and he believes it will meet the requirement.

PUBLIC HEARING:

1. Case 19-ZC-01

The Painesville Township Zoning Commission has proposed amendments to Section 22 Gateway Business; General Retail; Commercial by amending subsection 22.09 and to Section 39 - Main Corridor Commercial Design Guidelines by amending subsections 39.01, 39.01(A) and 39.01(D).

The Zoning Inspector stated in Section 22.09 that the language was to add “and along North Ridge Rd” and Section 39.01 was to add “and along North Ridge Rd from the Painesville City Corporation limit to the Perry Township limit” only in the B-1 and B-3 zoning districts. Chairman asked if the board had any questions. Hearing none, he asked for a motion. John Haught moved to close the public hearing. Darrell Webster seconded.

Roll Call: Webster; Aye, Haught; Aye, MacKnight; Aye, Chairman; Aye.

2. Case 19-ZC-02

The Painesville Township Zoning Commission has proposed text amendments to Section 12 - Conditional Use Permit by adding a new subsections 12.02(S) and 12.05(S) and re-lettering remainders thereafter.

Zoning Inspector stated that this is to add Assisted Living Facility in the B-1 zoning district as a Conditional Use Permit. The Zoning Inspector discussed the recommended changes with the board from The Planning Commission recommended to change letter “c: change the requirement of “Parking areas and access drives shall be paved with an impervious material such as concrete or asphalt” to Parking areas and access drives shall be in conformance with Section 29”. The Chairman asked if anyone had any questions. Hearing none, Chairman would entertain a motion.

Darrell Webster moved to close the public hearing. John Haught seconded.

Roll Call: Webster; Aye, Haught; Aye, MacKnight; Aye, Chairman; Aye.

3. Case 19-ZC-03

The Painesville Township Zoning Commission has proposed amendments to Section 32 Flexible Planned Unit Development by adding new definitions 32.03(O) and 32.03(P) and re-lettering remainders thereafter, adding new subsection 32.03(T) and re-lettering remainders thereafter, and amending subsection 32.04(A).

The Zoning Inspector stated this is the case that Dave Radachy inquired from a concerned citizen regarding lots on private roads. This will add definitions for Section 32 for “Lot”, “Lot of Record” and “Parcel”.

The Zoning Inspector commented that he doesn't believe that Dave Radachy took this recommendation through the entire process with the Lake County Planning. The definition of “Parcel” to Section 5 would be for any parcel in the township. The Zoning Inspector spoke to Joe Rose, Planner with Lake County, commented that the definition of “Lot” and “Lot of Record” are different than what is in Section 5. Matt Lallo, Legal Advisor, stated that is correct.

Section 5 refers to a dedicated street. The Zoning Inspector stated that the township does not want lots outside a FPUD on private roads. Darrell Webster stated that the county cannot stop private road but the township can regulate them. commented that subdivision roads were built to public road standards or the subdivision would have a gated community which is similar to a FPUD. The township could say the don't want private roads.

The Zoning Inspector read the definitions for Lot - For purposes of this Section of this Resolution, a lot is a parcel of land of sufficient size to meet minimum zoning requirements for use. Such lot shall have frontage on an improved public street or on an approved private street, and may consist of : (a) a single lot of record, (b) portion of a lot of record, or (c) combination of complete lots of record, of complete lots of record and portions of lots or record, or of portions of lots of records.

The Zoning Inspector read the definition for P: Lot of Record: A lot under one ownership shown as a separate unit on the last preceding tax roll of the County, and either as a separate lot on a subdivision plat recorded in the office of the County Recorder or a lot described by metes and bounds on a deed or instrument of conveyance, the description of which has been so recorded.

Zoning Inspector stated they could have just changed Section 5: Definitions.

Darrel Webster stated that if the township does not want private streets then we need to remove them from the definition.

The Zoning Inspector stated that the township allowed private streets on fee simple lots. Matt Lallo stated to add "Private Street" to Section 5.92. In general, the definition stated no lots on private streets.

The Zoning Inspector stated the general definition does not allow lots on private streets. The Zoning Inspector commented to reject their recommendation to change the definitions in Section 5. The Chairman clarified to accept "Parcel" and to reject the definitions of "Lot" and "Lot of Record" to Section 5. The Zoning Inspector replied yes.

Matt Lallo stated that Section 5 would need to be a new case to include Parcel since it's not part of this case.

The Zoning Inspector suggested to continue this case and add a new case 19-ZC-04 to add definition of "Parcel" to Section 5. The Chairman would entertain a motion. Bailey MacKnight moved to continue case 19-ZC-03. John Haught seconded. Roll Call: Webster; Aye, Haught; Aye, MacKnight; Aye, Chairman; Aye.

DISPENSATION OF CLOSED PUBLIC HEARINGS:

The Painesville Township Zoning Commission has proposed amendments to Section 22 Gateway Business; General Retail; Commercial by amending subsection 22.09 and to Section 39 - Main Corridor Commercial Design Guidelines by amending subsections 39.01, 39.01(A) and 39.01(D). Darrell Webster moved to forward **Case 19-ZC-01** to the Board of Trustees with recommendation for approval. Bailey MacKnight seconded.

Roll Call: Webster; Aye, Haught; Aye, MacKnight; Aye, Chairman; Aye.

The Painesville Township Zoning Commission has proposed text amendments to Section 12 - Conditional Use Permit by adding a new subsections 12.02(S) and 12.05(S) and re-lettering remainders thereafter.

John Haught moved to forward **Case 19-ZC-02** with the modification from Lake County Planning Commission to the Board of Trustees with recommendation for approval. Darrell Webster seconded.

Roll Call: Webster; Aye, Haught; Aye, MacKnight; Aye, Chairman; Aye.

John Haught moved to set a public hearing for **Case 19-ZC-04** for proposed text amendment to Section 5 "Parcel" Bailey MacKnight seconded.

Roll Call: Webster; Aye, Haught; Aye, MacKnight; Aye, Chairman; Aye.

ITEMS BEING HELD FOR PUBLIC HEARING: None

ZONING INSPECTORS REPORT: Chairman reminded the board to review the Workshop Sessions and to let Rich Constantine know by the end of the month.

The Zoning Inspector announced to the board that the last round of text amendments they sent to Trustees regarding the 20 ft setback on accessory building and requirements on corner lots will be heard next Tuesday at their Public Hearing. Darrell Webster moved to adjourn the meeting. John Haught seconded.

ADJOURNMENT at 7:58 PM

Next meeting will be Monday, June 10, 2019.

Respectfully submitted,



Ted Galuschik, Chairman



Lorrie Schuck, Zoning Secretary