

PAINESVILLE TOWNSHIP ZONING COMMISSION
MEETING MINUTES
October 7, 2019
Painesville Township Office 55 Nye Rd. Painesville Twp., OH 44077

Present: Amy Cossick, Bailey MacKnight, Darrell Webster and Ted Galuschik
Absent: John Haught
Zoning Inspector: Rich Constantine
Legal Counsel: None

Chairman, Ted Galuschik, called the meeting to order at 6:37 p.m. The Pledge of Allegiance was recited. A roll call revealed that a quorum was present. Legal counsel, Matt Lallo, was not in attendance.

PUBLIC COMMENT: No comments made.

REGULAR MEETING

Chairman stated that page 6 has been amended. Chairman asked if the board had any additional edits to the September 8, 2019 meeting minutes. Hearing none, he called for a motion. Bailey MacKnight made the motion to approve the minutes as amended. Amy Cossick seconded.

Roll Call: Webster: Abstain, Cossick; Aye, MacKnight; Aye, Chairman; Aye.

Motion carries.

PUBLIC HEARING:

• **Case 19-ZC-09**

The Painesville Township Zoning Commission, on behalf of the Township Trustees, is initiating a district amendment to change the zoning district from R-1, Single Family Residential to CS, Community Service/Institutional for the following parcels of land which comprise the Hale Road Elementary School Site: 11B032C000010 (034 Ac) 11B032C000020 (1.41Ac) 11B0320000400 (1.88Ac) and 11B0320000010 (32.11Ac).

Zoning Inspector explained that Community Service districts include libraries, schools, community centers, health care facility, daycare facility, museums and/or a church.

Mellissa Noven at 84 Kirtland Ave asked if a rehab house or a halfway house would be approved for the CS zoning district. Zoning Inspector replied yes. Halfway houses and rehab house/facilities are federal law and townships do not have any way to appeal those. Currently the property is zoned as R-1; single family residential which is non-conforming. The property is limited due to the incorrect zoning district. The Township has initiated this rezone. The school board has made an offer to another school, but the Zoning Department is not aware of the outcome. Buckeye Elementary will continue to be in use for 2-5 more years. The School Board is nervous about a rezone until they are further along in these

negotiations. Zoning Inspector stated that the Trustees have requested that the hearings are opened but to continue until the school board has been able to complete their discussions and find mutual agreement. Mark Rosipco at 47 Lee Rd asked if the 4 parcels that sit behind the residential area will be split up? Zoning Inspector stated the 32 acre parcel is currently R-1, and a housing developer could buy that property, however, it could be complications due to the wetlands that exist in that area. Zoning Inspector stated that the area is limited on expanding. Matt Lallo arrived at 6:50 PM. Maryellen Abel at 50 Barley Dr inquired about the 32 acres access and if it is landlocked? Zoning Inspector stated it is landlocked. The only access is through the other school property. Zoning Inspector stated that the property would need access to a public road. Maryellen would like to know if she could acquire the property? Chairman stated that the school board currently owns that property and the township cannot dictate what other institutions do. He stated that this hearing will be continued this evening. Wil Cook at 182 Linden Dr- inquired about Buckeye Elementary and how it's expected to close within 5 years and if they know what the plan is for that location. Zoning Inspector stated that the plan of the school is to close but that is a few years away. Then it will be offered to another school to meet the State guidelines. Fibby Meaver resides in Florida and asked when the township decided to close the school? Matt Lallo stated that the decision was up to the School Board, not the township.

Russell Abel asked wouldn't adverse possession fit this situation since the residents have been taking care of the property that sits behind their homes. Matt Lallo stated they would need to contact an attorney. The township does not own the property. Dan Hunter asked if the district is rezoned if a mosque could be placed on the property? Zoning Inspector replied that a church, religious institutions are acceptable. Chairman stated that the public hearing to change zoning from R1 to CS. the Trustees have requested that the board continue the hearing.

Nick Falcone at 106 Everett Rd stated that the school board appears to be adverse to rezone the property. Matt Lallo stated that legally they must try to sell to schools first. The Township is trying to clean up the zoning district. This property should be CS which is the correct zoning district for a school.

Matt Lallo commented that if they can't sell to a school and it's zoned CS they can initiate a rezone. Nick commented that the School Board wants to sell to housing development. He is trying to understand why the school board did not want to rezone to CS. Matt Lallo stated that they are working on a solution.

Mr. Gable asked which meeting they should attend. Matt Lallo stated the school board meetings.

Mellissa Nolan on Fruitland Ave asked if the board will have a better idea of what will happen to the property if they continue the hearing? Matt Lallo replied hopefully.

Chairman asked for a motion.

Darrel Webster made the motion to continue **Case 19-ZC-09** to next month. Bailey MacKnight seconded.

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

Motion carries.

- **Case 19-ZC-10**

The Painesville Township Zoning Commission, on behalf of the Township Trustees, is initiating a district amendment to change the zoning district from R-1, Single Family Residential to CS, Community Service/Institutional for the 8.32 acre parcel of land known as 175 Buckeye Rd which is the Buckeye Elementary School Site.

Chairman stated that the Trustees' have requested to continue this hearing.

Bailey MacKnight made the motion to continue **Case 19-BZA-10** to next month. Amy Cossick seconded.

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

Motion carries.

- **Case 19-ZC-11**

The Painesville Township Zoning Commission, on behalf of the Township Trustees, is initiating a district amendment to change the zoning district from R-1, Single Family Residential to CS, Community Service/Institutional for the following parcels of land which comprise the Hadden Elementary School Site: 11A0150000020 (8.32 Ac) and 11A0150000030 (.50 Ac).

Chairman stated that the Trustees' have requested to continue this hearing.

Bailey MacKnight made the motion to continue **Case 19-ZC-11** to next month. Darrell Webster seconded.

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

Motion carries.

- **Case 19-ZC-08**

The Painesville Township Zoning Commission has proposed to amend Section 27 - TC Districts and rename the district to MH, Manufactured Home District.

Zoning Inspector asked if everyone received the clean copy in their email. Board replied yes.

Secretary read the Lake County Planning Commission. Recommended that the township modify Section 27 to keep the following:

- Minimum development of 10 acres
- Front Setbacks of 50 feet from public right of way
- Side and rear line setbacks

Zoning Inspector stated that 50 from dedicated road and private road way has to be within 50 feet and he will change that. Suggested to continue the hearing to correction.

Zoning Inspector commented that the comprehensive plan they look at the township and how land should be zoned. The Comprehensive plan was published in 2017 but the board started working on it in 2014. That plan suggested changing school properties to CS. Their comprehensive plan dictates what they want to do zoning wise. Zoning Inspector stated that there are three trailer parks in the township. They are managed by the Department of Commerce. The township does not have any regulations.

Most parks were developed prior to zoning requirements. Dan Hunter at 185 Buckeye commented that he worked at a trailer park a long time ago and as the older units break down the new ones are nicer.

Chairman stated that the board has a request from staff to continue.

Darrell Webster made the motion to continue **Case 10-ZC-08** to next month. Amy Cossick seconded.

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

Motion carries.

OLD BUSINESS:

- Continued from April 2019 Meeting: 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, 2019 meeting

date. Chairman observed that the applicant is not present and that the Commission had given the applicant until the regularly scheduled September meeting to provide the requested drawings and elevations.

Chairman asked the Zoning Inspector for an update. Zoning Inspector stated he's unsure of where the applicant is in the process and asked to continue.

Amy Cossick made the motion to continue . Bailey MacKnight seconded.

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

Motion carries.

- Continued from July 8, 2019 Meeting: Discussion on **Case 19-ZC-05** - Agricultural Proposed Text Amendment: Section 31. Zoning Inspector stated that Harley DeLeon has been working on this and since she is not in attendance suggested continuing the case.
Darrell Webster made the motion to continue **Case 19-ZC-05** to next month. Amy Cossick seconded.
Roll Call: Webster: Aye, Cossick; Aye, MacKnight; Aye, Chairman; Aye.
Motion carries.
- Continued from August Meeting - Discussion of Rules and Procedure handed out from Zoning Inspector
Bailey MacKnight made the motion to continue next month. Amy Cossick seconded.
Roll Call: Webster: Aye, Cossick; Aye, MacKnight; Aye, Chairman; Aye.
Motion carries.

NEW BUSINESS:

Case 19-ZC-12

Zoning Inspector stated that the drawing shows 9 units but the application list 10 units.

Natural land barrier off Nye Rd and off Jackson. No land barrier of the duplex and residential housing.

Acknowledge receipt and set a public hearing. Chairman asked that the Site Plan should have included a checklist for the board. Can he meet the R-3 zoning requirements? Matt Lallo stated that all we do is set the public hearing. The merits can be discussed at the public hearing.

Chairman set **Case 19-ZC-12** for public hearing on November 11, 2019.

Case 19-ZC-13

Proposed amendments to Section 18 by striking 18.01(A) and adding 1802(A)(5).

Chairman needs a motion. Darrell Webster made a motion for **Case 19-ZC-13** for public hearing on November 11, 2019. Bailey MacKnight seconded.

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

Motion carries.

19-ZC-14

Proposed amendments to Section 32

Zoning Inspector increased the minimum side for the FPUD from 5 acres to 10 acres. The Zoning Inspector also increased the frontage from 250 feet to 450 feet along the right-of-way sideline of a public dedicated road. We still have property that could be rezoned to FPUD.

Bailey MacKnight made a motion to set a public hearing for Case 19-ZC-14 for Nov. 11, 2019.

Amy Cossick seconded.

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

Motion carries.

DISPENSATION OF CLOSED PUBLIC HEARINGS:

19-ZC-07

Zoning Inspector stated that after reviewing the case he suggested to move forward. Chairman stated he would entertain a motion.

Amy Cossick moved to include the modifications from Lake County Planning Department and forward **Case 19-ZC-07** to the Board of Trustees with recommendation for approval. Bailey MacKnight seconded.

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

Motion carries.

ITEMS BEING HELD FOR PUBLIC HEARING: None

ZONING INSPECTORS REPORT:

Rich Constantine stated the department has received 140 complaints from the township. They have also had an increase of permit requests. He stated that he has noticed variance request are for oversized accessory buildings. Chairman stated that the next meeting is scheduled for Veterans Day, November 11th and asked if the board would like to change the date? The board decided to keep as scheduled on Nov. 11th.

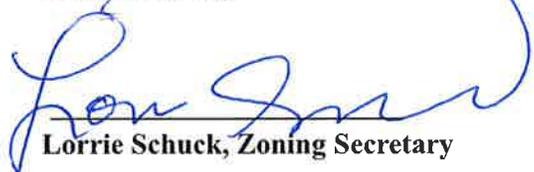
ADJOURNMENT at 7:50PM

Next meeting will be Monday, November 11, 2019.

Respectfully submitted,



Ted Galuschik, Chairman



Lorrie Schuck, Zoning Secretary

