

PAINESVILLE TOWNSHIP ZONING COMMISSION

MEETING MINUTES

January 13, 2020

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, Harley De Leon

Legal Counsel: Matt Lallo

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

PUBLIC COMMENT: None

REGULAR MEETING

ELECTION OF OFFICERS FOR 2020:

John Haught nominated Ted Galuschik for Chairman.

Amy Cossick seconded it.

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

Motion carries.

John Haught nominated Amy Cossick for Vice Chairman.

Darrell Webster seconded it.

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

Motion carries.

Chairman asked if the board had any additional edits to the December 9, 2019 meeting minutes. Hearing none, he called for a motion. Amy Cossick motioned to approve the December 9, 2019 meeting minutes. Bailey MacKnight seconded.

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

Motion carried.

SITE PLAN REVIEW:

- **19-SPR-03**

Building addition at 1744 N Ridge Rd Sines Marathon

Applicant, Victoria Lamarco resides in Woodrow Madison Ohio, stated they are continuing construction at the N Ridge site. The upgrades have increased business. Mrs. Lamarco stated there was a misunderstanding of when the permits should have been pulled. She stated that the configuration of the building will still fit in within the standards the township is going for. Mrs. Lamarco stated it doesn't

conform to the new standards as they were in the final stage of construction when the standards changed. Chairman asked what their proposed color is for the brick veneer? Dominic Lamarco, applicant, stated it is a traditional red brick. Chairman asked why no landscaping? Dominic stated they only have concrete and they are open to planters. Mr. Lamarco stated they have replaced the asphalt. John Haught stated that the property lines are difficult to see. Mr. Lamarco stated that the boundary lines are difficult due to the age of the property. Darrell Webster stated that he likes the idea of planters. Darrell asked if he has a layout for the planters? Mr. Lamarco commented they can place them at the end of the island, by the doors and along side the building. Mr. Lamarco stated that look was not top priority for them and didn't know the township required a western reserve look. Chairman asked if the staff had any comments. Zoning Inspector stated there is no variance needed for this but it's up to the Zoning Board to decide if the Site Plan is in accordance with zoning resolution. Bailey MacKnight commented that this could set a precedent by not allowing them to continue to follow the design standards. Mrs. Lamarco stated this is an exception because the plan was already in motion prior to the new SPR standards were established. Chairman commented that the exterior color should conform to the Western Reserve appearance. Mr. Lamarco stated that they will comply with any color paint. Matt Lallo stated that there are color palettes in our zoning code. Chairman commented that he understands what Bailey is trying to prevent that another resident could complain that you were not made to follow the the new standards. Mr. Lamarco stated that they can adapt and comply but it would be difficult to handle a structure design change. Zoning Inspector stated that he would be happy to help the applicant as long as it's noted that this was not a continuation from last year. This application was not submitted prior to the new zoning standards. The applicant did not submit a Site Plan Review previously; this is the only Site Plan they have submitted. Chairman agreed that this is the first time this review has been submitted to the Zoning Commission.

Darrell Webster agreed that planters be used in place of landscaping due to the site limitations which the applicant would need to remove concrete to add landscape. John Haught asked if there were options for landscaping behind the building. Mr. Lamarco stated that it's a parking lot with a fence. Mr. Lamarco commented that the wooded area is not seen by the road. Commercial to commercial properties do not require screening unless it's trash area. John Haught asked if the board could approve the additional modifications not on the plan. Matt Lallo stated that a verbal modification to the SPR is sufficient. Chairman stated that the applicant would add 2-3 foot (portable) planters at the end of the island, by the doors and at the end of the building during seasonal weather. Mrs. Lamarco during winter they will be moved due to plowing. Chairman stated that the applicant will get an approved color palette from the Zoning office. Chairman stated he would entertain a motion as modified.

Darrell Webster made the motion to forward **Case 19-SPR-03** with modifications to the Board of Trustees with recommendation for approval.

John Haught seconded.

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

Motion carries.

- **19-SPR-04**

Building addition at 865 Callender Blvd, Hallmark Excavating

Brooke Harrison with Hallmark Excavation resides at 482 Blackbrook Rd.

Tod Harrison with Hallmark Excavation.

Chairman stated the proposal looks good. Chairman verified the landscape plan. Darrell Webster commented that most of the items are already there. Chairman stated they are doubling the size of the building. Chairman asked if the board had any questions. John Haught asked if the landscaping behind the building belonged to him. Mr. Harrison stated that those trees are not on his property. Mr. Harrison stated that the property is gated and they have cameras in place for safety. John Haught asked if there is a color requirement? The Zoning Inspector stated no, it's in I-1 zoning district which does not require a particular color. Chairman stated he'd entertain a motion.

Bailey MacKnight made the motion to forward **Case 19-SPR-04** to the Board of Trustees with recommendation for approval.

Amy Cossick seconded.

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

Motion carries.

PUBLIC HEARING:

Case 19-ZC-09 Continued from November 11, 2019 meeting

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).

Trustees have withdrawn this case. Case is closed.

Case 19-ZC-10 Continued from November 11, 2019 meeting

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, and Community Service/Institutional for the 8.32 acre parcel of land known as 175 Buckeye Rd which is the Buckeye Elementary School Site.

Trustees have withdrawn this case. Case is closed.

Case 19-ZC-11 Continued from October 7, 2019 meeting

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).

Trustees have withdrawn this case. Case is closed.

Case 19-ZC-15

Amendments to Section 6, add 6.02(H) and 6.02(I) and renumber thereafter and amend 6.10 and 6.12.

Lake County Planning Commission recommended that the text amendments be as followed:

- Remove the definition "unsightly". This definition is highly subjective and can be interpreted many different ways.

- Remove 6.02 letter (I) from prohibited uses. This provision already exists in the definition of accessory structure in Section 5. Move this provision from prohibited uses and add it as 6.20, and move Lot/Parcel Shape and Measurements 6.21.

Rich Constantine stated that it is prohibited in all zoning districts to place an accessory building or structure and to leave in 6.02(I) as proposed.

Chairman asked if the board would prefer to add 6.02(H). The Zoning Inspector replied yes, the Planning Commission had no issues with that.

Comments from the board. Hearing none; Chairman would entertain a motion to close the public hearing.

John Haught made the motion to close **Case 19-ZC-15**

Bailey MacKnight seconded it.

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

Motion carries.

Case 19-ZC-16

Changes to Section 5 by adding new 5.151 and renumbering thereafter and amending 5.81.

The Lake County Planning Commission suggested that the definition of “unsightly” not be inserted due to the subjective nature of the definition. The Zoning Inspector suggested to insert the definition as re-written below:

UNSIGHTLY: As used in this Resolution the word unsightly shall be taken to mean in a state of disrepair or decay, and discoloration which causes the appearance of non-uniformity of color.

Legal counsel, Matt Lallo, stated that discoloration could be subjective. While it may not be in disrepair but it’s non-uniformity. The Zoning Inspector struck the last part. The board agreed.

The definition will be re-written as:

UNSIGHTLY: As used in this Resolution the word unsightly shall be taken to mean in a state of disrepair or decay.

Chairman stated he would entertain a motion to close the hearing.

Bailey MacKnight made the motion to close **Case 19-ZC-16**.

Darrell Webster seconded.

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

Motion carries.

OLD BUSINESS:

Case 19-ZC-05 continued from July 8, 2019 Meeting:

Agricultural Proposed Text Amendment: Section 31.

Harley Deleon submitted draft #5 to the board. Chairman stated that this draft included minimal changes.

Section 31.3 which is removing C4 - all other changes have been discussed in prior meetings.

No issues with Section 31

Section 12, add subsection 12.02(T) and also 12.05(T)

Matt suggested adding a coma and subsection U.

Subsection (T) is mirrored in Section 31. Chairman asked if the board had comments. Hearing none, he would entertain a motion to set Public Hearing in February.

Bailey MacKnight made the motion to set the public hearing for **Case 19-ZC-05** for the next scheduled meeting.
Amy Cossick seconded.

Roll Call: Webster; Aye, Haught; Aye, Cossick: Aye, MacKnight: Aye, Chairman:Aye.
Motion carries.

Rules and Procedure Continued from August Meeting -

The board discussed the email of Rules and Procedures and did not have any comments.

Chairman asked if the Zoning Inspector had any questions or comments.

The Zoning Inspector stated he's in favor of adapting them.

Darrell Webster made the motion to adapt the Rules and Procedures.

John Haught seconded it.

Roll Call: Webster; Aye, Haught; Aye, Cossick: Aye, MacKnight: Aye, Chairman:Aye.
Motion carries.

New Business:

Case 20-ZC-01

Rezoning of rear 4-5 acres of Hadden School site from R-1 to CS, as requested by Trustees

The Board of Education is holding a meeting tonight.

Darrell Webster made the motion to set the public hearing for **Case 20-ZC-01** for the next scheduled meeting.

Amy Cossick seconded it.

Roll Call: Webster; Aye, Haught; Aye, Cossick: Aye, MacKnight: Aye, Chairman:Aye.
Motion carries.

Case 20-ZC-02

Rezoning of front 4-4.5 acres of 1800 Mentor Ave from R-1 to B-3 as requested by Trustees

Chairman commented that we should hold this since they are meeting? The Zoning Inspector stated that the purchase agreement is set for January 31st. Chairman stated that we don't have all the information.

The Zoning Inspector stated that this case had an error within in stating it was zoned B-3 when it's B-1.

The Zoning Inspector asked the board if anyone would oppose a special meeting if the Trustees asked?

Legal counsel, Matt Lallo stated that once the Trustees recommend a case it triggers a procedure that the board shall follow. Trustees asked the Zoning Commission to initiate a public hearing.

Matt Lallo suggested setting both to public hearings in February and Trustees could request to withdraw case 02 and set a new case.

Bailey MacKnight made the motion to set a public hearing for **Case 20-ZC-02** for the next scheduled meeting.

Darrell Webster seconded it.

Roll Call: Webster; Aye, Haught; Aye, Cossick: Aye, MacKnight: Aye, Chairman:Aye.
Motion carries.

DISPENSATION OF CLOSED PUBLIC HEARINGS:

Case 19-ZC-15

John Haught moved to forward **Case 19-ZC-15** to the Board of Trustees with recommendation for approval as modified.

Darell seconded.

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

Motion carried.

Case 19-ZC-16

Darrell Webster moved to forward **Case 19-ZC-16** to the Board of Trustees with recommendation for approval as modified.

Amy Cossick seconded.

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

Motion carried.

ITEMS BEING HELD FOR PUBLIC HEARING: None

ZONING INSPECTORS REPORT: None

Chairman stated that the first meeting is the Election of Officers and asked for that to be on the agenda for February.

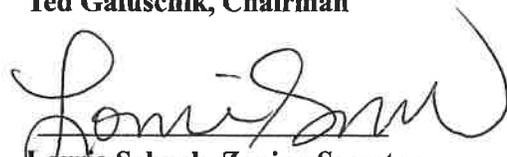
ADJOURNMENT at 7:98PM

Next meeting will be Monday, February 10, 2020.

Respectfully submitted,



Ted Galuschik, Chairman



Lorrie Schuck, Zoning Secretary