

**PAINESVILLE TOWNSHIP  
Zoning Commission  
MEETING MINUTES**

**Monday, January 11, 2021**

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

**Present:** Amy Cossick, Darrell Webster, John Haught, Bailey MacKnight, Ted Galuschik

**Absent:** None

**Zoning Inspector:** Rich Constantine, Harley DeLeon

**Legal Counsel:** Jason Hartzell

Chairman, Ted Galuschik, called the meeting to order at 6:31p.m. The meeting was held by video conference due to respectful response to the coronavirus mandates in the State of Ohio. The Pledge of Allegiance was recited. A roll call revealed that a quorum was present.

**Public Comment:** None

**Regular Meeting:**

Chairman asked if the board had any additional edits to the **December 14, 2020 meeting minutes**. Hearing none, Chairman entertained a motion to approve the **December 14, 2020 meeting minutes**. Darrell Webster made a motion. Bailey MacKnight seconded.

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

**Election of Officers:**

■ **Chairman:**

John Haught made a motion to re-elect Ted Galuschik as Zoning Commission Chairman. Darrell Webster seconded.

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

Ted Galuschik thanked the Commission for re-electing him as Chairman.

■ **Vice-Chairman:**

Bailey MacKnight made a motion to re-elect Amy Cossick as Zoning Commission Vice-Chairman. John Haught seconded.

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

Amy Cossick thanked the Board for re-electing her as Vice-Chairman.

**Public Hearing:** None

**Site Plan/Architectural Reviews:** None

**New Business:** None

**Old Business:**

- **Case 20-ZC-07:**

Section 28 Rewrite sign section.

Zoning Inspector Rich Constantine had sent a revised draft of Section 28 the day of, prior to the current meeting. Rich Constantine stated that he would like to reconfigure Section 28, to eliminate any reference to a kind of sign. Rich Constantine continued that the only type of references made to signs in the Zoning Resolution, would be where they are located. What zoning district the signs are in. Where the signs are relative to roads. What size the signs are, relative to the lots the signs are on. Rich Constantine stated that it should be made apparent that Zoning supports people and institutions' rights to free speech. The only regulations made are how many signs are allowed on the property, where the signs are located on the property, and what the limitations are; depending on the Zoning District the property is located in. Rich Constantine let the Commission know that he would like to continue working on Section 28 to better refine the section. Rich Constantine asked the Commission what their thoughts were on Section 28.

John Haught asked Zoning Inspector Rich Constantine if permits would or would not be needed, pertaining to political signs.

Rich Constantine replied that he was unsure of the Supreme Court's decision on the number of political signs a person was allowed on their property at a given time. Rich Constantine asked for Legal Advisor Jason Hartzell's input pertaining to political signs.

Legal Advisor Jason Hartzell replied political signs cannot be banned, they must be allowed. Jason Hartzell continued that unfortunately, the Supreme Court had not given any real guidance on what regulations are acceptable. Jason Hartzell continued that there may be some lower case law precedent to help, but the Commission would have to work through the section.

Zoning Inspector Rich Constantine replied that his concern was the number of signs at a given time that can be on one parcel of property. Rich Constantine continued that he was trying to go for a regulation for signs that said what kind of signage was allowed or prohibited; and what was permissible or exempt from permitting. Rich Constantine continued that certain kinds of signs would require permits or would be exempt from needing permits. Rich Constantine replied that political signs would not require a permit, but that they would be subject to certain requirements. Rich Constantine let the Commission know that he would be working on a new draft after the current meeting that would be closer to what the Commission is looking for in a new sign section.

John Haught asked Rich Constantine if property owners had to put down a refundable deposit for signs.

Rich Constantine replied that there was not a refundable deposit or a permit required for political signs.

A discussion was held regarding political signs that were left up on properties after an election was over..

Legal Advisor Jason Hartzell let Zoning Inspector Rich Constantine know that the Government has more leeway in regulations, as long as they're content neutral. For Example; a size of a sign, the placement of a sign, the number of signs. This would apply to all signs. Jason Hartzell continued a government interest

would need to be shown and a why would need to be given for the regulation. Jason Hartzell continued it would be a lesser interest than if it was content based.

Rich Constantine stated that was his reasoning to rewrite Section 28, to get away from content or purpose based regulations. Rich Constantine replied that political signs were posing a great challenge within the regulations.

A discussion was held regarding some regulations to consider on rewriting Section 28. Pertaining to safety, and to get away from creating nuisances with signage. What might be allowed for residences, or businesses. Rich Constantine stated that Section 28 be up to date in accord with Supreme Court and court decisions that content related regulations are not going to be honored by courts.

Legal Advisor Jason Hartzell let Rich Constantine know that he would be available to help work through any issue pertaining to court decisions.

Chairman asked the Commission if there were any more comments or questions.

John Haught commented that there was a lot to consider. John Haught continued that when you look at regulating one sign, you have to look at all signs.

Chairman commented that he had to fully review the draft of Section 28 that was sent prior to the current meeting. Chairman continued that he looked forward to the next draft after the current meeting. Chairman asked Zoning Inspector Rich Constantine if he would like notes from the Commission prior to the next meeting on his drafts for Section 28, or wait until the February 8, 2021 meeting.

Rich Constantine replied that the rewrite will get complicated and will need to be discussed. Rich Constantine continued there will be some time before the Commission will be able to send Section 28 to the Planning Commission for recommendations.

A discussion was held on a potential timeline for discussion and rewrites for Section 28.

Rich Constantine replied to hold off on any notes the Commission might have until the February 8, 2021 meeting.

Chairman asked if there were any more comments or questions from the Commission.

Darrell Webster reminded the Commission that other areas of the Zoning Resolution mentioning signs would need to be considered. To make sure there were no conflicts. Darrell Webster commented that that may be the last thing to do on the list after discussing Section 28.

Chairman agreed with Darrell Webster's comment.

Zoning Inspector Rich Constantine reminded the Commission to look over the current draft of Section 28, that was sent prior to the current meeting. Rich Constantine also reminded the Commission that the current draft was not up to his standards. Rich Constantine continued that after the current draft, he would work to send out a new draft of Section 28, that would have a better layout for the Commission to give input.

Chairman asked if the Commission had any other comments or questions. Chairman stated to table Case 20-ZC-07 until the February 8, 2021 meeting.

**Dispensation of Closed Public Hearings:** None

**Items being held for Public Hearing:** None

**Zoning Inspector's Report:**

Rich Constantine let the Commission know that Master Tech Diamond, located at 55 Florence Avenue, was planning a building expansion. The architect for the business has been in contact with Rich Constantine, but did not have anything in writing yet. Rich Constantine continued that Zoning Inspector Harley DeLeon had also been in contact with Meijier regarding building a gas station at the corner of Chatham and Mentor Avenue. The property is zoned B-1, and the gas station is not a permitted or conditional use in the B-1 District. Meijier may come to the Commission some time this year (2021) with a Site Plan Review and some kind of zoning request. This may also include the Trustees.

A discussion was held regarding the steps that may need to be taken reviewing the possibly proposed Meijier Gas Station, and The Main Corridor Commercial Design District in which the proposed gas station would be located in the B-1 District.

Darrell Webster commented that he was not in favor of creating another land use within the B-1 District, because it opens up the Township for more to be created.

Rich Constantine let the Commission know that from the Mentor City Line to North Doan Avenue on Mentor Avenue, all properties are zoned B-1, with the exception of some parcels being zoned R-1.

Chairman asked Rich Constantine what zoning districts are gas stations allowed in. Rich Constantine replied B-2 and B-3.

A Discussion was held regarding the Overlay Zone and Section 39, and how that would work in regards of the possibly proposed gas station.

Rich Constantine let the Commission know that there are two (2) possible ways for Meijier to get their project done, prior to Site Plan Review for the Architectural Review.

- 1.) Rezone the property to B-2 or B-3 or text amendment as a conditional use permit for B-1 approved by the BZA.
- 2.) Meijier could apply for a Similar Use Declaration by the Trustees.

Rich Constantine reminded the Commission that SafStor had applied for Similar Use, but that the Planning Commission had come back to suggest that the use be added as a use to the B-1 Zoning District instead. Rich Constantine also reminded the Commission that the Trustees continued all of the cases sent over from the Commission with the exception of the sign case; to better understand all of the ramifications of the cases together. Rich Constantine let the Commission know that if a Site Plan Review was provided by Meijier and approved, the Commission could give a conditional approval based upon the approval of the conditional use permit by the BZA.

John Haught asked what Giant Eagle was zoned. Zoning Inspector Rich Constantine replied B-3.

John Haught asked what the zoning was, for certain gas stations  
Rich Constantine replied they were zoned B-3.

Chairman asked if the property Giant Eagle was on, had to be rezoned to B-3 for the store.

Rich Constantine replied that it had been zoned B-3, even prior to Giant Eagle.

A discussion was held in regards to needing to be consistent with the zoning of gas stations, and what could benefit or not benefit residents in the B-1 Zoning District.

Chairman asked if the Commission had any other questions or comments. Hearing none.

**Any Further Business to come before the Commission:**

Chairman wanted the Commission to think about coming back to Town Hall for in person meetings possibly for the April meeting.

Chairman adjourned the meeting at 7:41PM Darrell Webster motioned, and Amy Cossick seconded.

**Next Meeting will be on Monday, February 8, 2021.**

Respectfully submitted,



**Ted Galuschik, Chairman**



**Rachel Muro, Zoning Secretary**