

**PAINESVILLE TOWNSHIP  
Zoning Commission  
MEETING MINUTES**

**Monday, November 9, 2020**

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

**Present:** Darrell Webster, John Haught, Bailey MacKnight, Ted Galuschik  
**Absent:** Amy Cossick  
**Zoning Inspector:** Rich Constantine, Harley DeLeon  
**Legal Counsel:** Jason Hartzell

Chairman Ted Galuschik, called the meeting to order at 6:34p.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:** No one was present.

**Regular Meeting:**

Chairman asked if the Commission had any questions, comments, or additional edits to the **October 12, 2020 Meeting Minutes**. Hearing none, Chairman asked the Commission to make a motion to approve the **October 12, 2020 Meeting Minutes**.

Bailey MacKnight motioned. Darrell Webster seconded.

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

Motion carried.

**Public Hearing:**

• **Case 20-ZC-06:**

An amendment to the TEXT of the Painesville Township Zoning Resolution has been initiated by the Zoning Commission. The amendment proposes changes to Section 25 and 5. The proposed changes are to add new categories of permitted uses as subsection 25.01(K), to amend subsection 25.07 and to amend the definition of Home Occupation in Section 5 (currently 5.81).

Chairman asked Zoning Inspectors Rich Constantine and Harley DeLeon if they had incorporated the Lake County Planning Commission's comments into the proposed Text Amendments pertaining to **Case 20-ZC-06**.

Zoning Inspector Rich Constantine replied that was correct. Rich Constantine continued that he sent out revisions in context with the Planning Commission's recommendations and a draft of Sections 25 and 5 resulting in moving definition 5.1 Home Occupation to Section 14.02 (A)(1)(2)(3), 15.02(A)(1)(2)(3), 16.02(A)(1)(2)(3), and 32.02(D)(1)(2)(3). Rich Constantine continued that he proposed definitions in line with the Planning Commission's recommendations for Contractor to "Contractor, General; Contractor, Specialty; and Tradesmen". Rich Constantine commented that because the revisions and drafts had just been sent prior to the meeting, if the Zoning Commission was not ready to respond, his recommendation

was to continue **Case 20-ZC-06** until the December 14, 2020 Meeting to allow the Commission more time to review the proposed changes.

Zoning Commission member John Haught joined the Meeting at 6:44P.M. Chairman brought John up to speed on what was currently being discussed in the meeting.

Chairman asked the Commission if there were any questions or concerns regarding **Case 20-ZC-06**.

Darrell Webster asked the Commission if they wanted to continue **Case 20-ZC-06** until the December 14, 2020 Meeting.

Chairman reminded the Commission there were two other cases brought before Public Hearing for this current meeting, and **Case 20-ZC-05**, that had also been continued until the current meeting; to discuss in hopes of sending all four cases at once to the Trustees.

A discussion was held regarding continuing **Case 20-ZC-06** or approving it to send to the Trustees along with **Case 20-ZC-05**.

Chairman then asked if the Commission would like to continue or close the Public Hearing.

Darrell made the motion to continue **Case 20-ZC-06** until the December 14, 2020 meeting. Bailey MacKnight seconded.

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

Motion carried.

- **Case 20-ZC-08:**

An amendment to the TEXT of the Painesville Township Zoning Resolution has been initiated by the Zoning Commission. The amendment proposes to amend 6.13(E) and add new 6.13(F) and re-letter the remainder thereafter and remove Figure 6-1. Add definition for Line of Sight Safety Triangle (5.91) and Illustration 5-1 and correct the alphabetical placement of definitions for Heavy Industrial and Library (public) and re-number the remainder definitions accordingly.

Chairman asked Zoning Inspector Harley DeLeon to explain any changes made to this case to the Commission.

Harley DeLeon stated she had not made any of the proposed changes, and that Rich Constantine would better be able to explain any proposed changes. Harley DeLeon did want it to be known of her conversation with David Radachy concerning the continual use of figure 6-1, and the removal of the corner that references corner lots so that there was no conflicting information between the two figures. This regarded the location for fences being permitted on corner lots.

Chairman asked Rich Constantine if he had made changes in regards to the Planning Commission's recommendations.

Rich Constantine replied that he had sent the proposed changes in context to the Planning Commission's recommendations prior to the current meeting. Rich Constantine continued that this included renaming Heavy Industrial to "Industrial, Heavy" and Light Industrial to "Industrial, Light;" and then correctly placing them alphabetically along with "Library, Public" in the alphabetical sequence for the Definitions. Rich Constantine continued that the definition for Line of Sight Safety Triangle was added along with an

illustration for this definition. An illustration was added under 6-1, labeled 6-2 in Section 6.13 pertaining to fences. Figure 6-2 will be used to figure out fence heights on corner lots.

Chairman asked if the Commission had any questions for the staff.

Darrell Webster asked if **Case 20-ZC-08** should also be continued like **Case 20-ZC-06**, until the December 14, 2020 meeting.

Chairman felt that it was assumed that **Case 20-ZC-08** would need to be continued, as the proposed changes were received that day prior to the meeting. Chairman was under the impression that **Case 20-ZC-08** would need to be sent back to the Lake County Planning Commission for feedback based on the Commission's incorporation of the Lake County Planning Commission's recommendations.

Rich Constantine replied that the case did not need to be sent back to the Lake County Planning Commission. The proposed changes were already based on The Lake County Planning Commission's recommendations. Rich Constantine stated that he wanted the Commission to have enough time to make a proper decision to send to the Trustees for approval.

Chairman asked Rich Constantine if he had sent **Case 20-ZC-06** back to The Lake County Planning Commission for feedback based on the incorporation of The Lake County Planning Commission's recommendations. And if he had, what was the reason for not sending **Case 20-ZC-08**?

Rich Constantine explained it was not the usual practice to send a case back to The Lake County Planning Commission.

Chairman commented that in his opinion, that due to the short time frame of receiving the proposed changes that day prior to the meeting, that **Case 20-ZC-08** be continued until the December 14, 2020 meeting. Chairman asked if the Commission had any additional thoughts, comments, or questions.

Darrell Webster commented that he had been of the understanding that cases **20-ZC-06**, **20-ZC-08**, **20-ZC-09** along with **20-ZC-05**, were to be sent and considered for approval by the Trustees simultaneously.

A discussion was held regarding continuing cases **20-ZC-06**, **20-ZC-08**, and **20-ZC-09** until the December 14, 2020 meeting. Sending **Case 20-ZC-05** to the Trustees, and asking them to continue the public hearing for that case until the Commission was able to send them cases **20-ZC-06**, **20-ZC-08**, and **20-ZC-09** to consider all four cases for approval simultaneously.

Chairman asked that if the Commission had any comments or questions; to either entertain a motion to close the Public Hearing or continue the Public Hearing until December 14, 2020 meeting for **Case 20-ZC-08**.

Bailey MacKnight agreed that it would make sense to continue Case 20-ZC-08 until the December 14, 2020 meeting.

Bailey MacKnight made the motion to continue **Case 20-ZC-08** until the December 14, 2020 meeting.

John Haught seconded.

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

Motion carried.

- **Case 20-ZC-09:**

An amendment to the TEXT of the Painesville Township Zoning Resolution has been initiated by the Zoning Commission. The amendment proposes to amend line items under Automotive & Transportation in Table of Uses Section 22.02(E); amend 12.02(C), 12.02(H), 12.02(I), 12.02(J), and add new 12.02(V) Used Auto and Truck Sales and Leasing and re-letter the remainders thereafter; amend 12.05(C), 12.05(H), 12.05(I), 12.05(J) and add new 12.05(V) Used Auto and Truck Sales and Leasing and re-letter the remainders thereafter; amend 25.01(H) to add permitted uses to Transportation Services, amend 25.07 to restrict the location of parking/storing equipment and materials, add new 25.01(I) to add Used Auto and Truck Sales and Leasing as Conditional Use and re-letter the remainders thereafter.

Chairman asked Zoning Inspector Rich Constantine to explain the proposed changes made regarding the Planning Commission's recommendations.

Rich Constantine replied that he hadn't had time to make the proposed changes prior to the current meeting. Rich continued that the Planning Commission did not want too many changes made, but that adding Used Auto Sales in the Light Industrial District was okay. Rich Constantine recommended that the Commission continue **Case 20-ZC-09** until the December 14, 2020 meeting date, to make the appropriate proposed changes regarding the Planning Commission's recommendations.

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

Chairman reminded the staff why it was recommended to continue **Case 20-ZC-09**, agreeing with the recommendation to continue **Case 20-ZC-09** until the December 14, 2020 meeting.

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

Darrell Webster made the motion to continue **Case 20-ZC-09** until the December 14, 2020 meeting. John Haught seconded.

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

Motion carried.

**Site Plan/Architectural Reviews:** None

**New Business:** None

**Old Business:**

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

Section 28 Rewrite sign section.

Chairman asked Rich Constantine if he needed more time.

Rich Constantine replied that he had made the corrections from the October 12, 2020 meeting that Bailey MacKnight had brought to Rich's attention. Rich continued that he was still working through the sign section. He recommended to table **Case 20-ZC-07** until the December 14, 2020 meeting.

Chairman stated to keep the case under old business until Rich Constantine was ready to propose new corrections.

## **Dispensation of Closed Public Hearings:**

- **20-ZC-05:**

Closed on October 12, 2020 as modified pursuant to Planning Commission recommendations.

Chairman reminded the Commission why they did not make a motion on **Case 20-ZC-05** at the October 12, 2020 meeting waiting to see what was decided on with **Cases 20-ZC-06, 20-ZC-08, and 20-ZC-09** during the current meeting. Chairman requested that Rich Constantine explain the implications of the Commission having closed the case on October 12, 2020.

Rich Constantine replied that the Commission must make a decision to recommend to the Trustees on how to handle **Case 20-ZC-05**. Since the Zoning Commission actually closed the public hearing, they were bound to make a decision on the case within 30 days.

A discussion was held about Rich Constantine asking the Trustees during their Public Hearing to continue the Public Hearing for **Case 20-ZC-05**, till the other three cases were sent to them within a reasonable time frame.

Chairman asked Legal Advisor Jason Hartzell what would happen if **Case 20-ZC-05** was not closed.

Legal Advisor Jason Hartzell replied that it did say in the Zoning Resolution, "The Commission shall within 30 days after such hearing recommend the approval or denial of the proposed amendment."

Chairman asked that if denied, would the process have to start over again with a new case, legal notice, and public hearing.

Rich Constantine recited Section 8.06 of the Zoning Resolution, stating "An application for an amendment to the Painesville Township Zoning Resolution, or for the rezoning or reclassification of any property may not be filed more than once in any twelve (12) month period by any owner or lessee of property within the area proposed to be changed or affected by the amendment to the Zoning Resolution." Rich Constantine was under the impression that the Commission was ready to send **Case 20-ZC-05** to the Trustees on October 12, 2020 but decided to delay the decision. Rich Constantine stated that he had recommended and was supportive of that action.

Chairman requested a motion to forward **Case 20-ZC-05** to the Trustees with a recommendation to approve the proposed text changes including modifications incorporated at the October 12, 2020 public hearing as a result of recommendations from the Lake County Planning Commission as a result of the public hearing held on October 12, 2020, and to recommended that the Township Trustees approve the text amendments as submitted and modified..

Darrell Webster made the motion. John Haught seconded.

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

Motion carried.

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

**Zoning Inspector's Report:**

Rich Constantine reported that SafStor is moving along with their plans. Also, Meijier that opened at the former K-Mart location, was interested in developing property in between SafStor and Emerald Plaza as a Meijier gas station. The gas station would not fit the zoning for the B1 Zoning District, but Meijier was going to make a presentation for the Trustees to persuade the Trustees to consider a rezone of the property. Permit applications have slowed down, which is helping the Zoning Office catch up on other zoning business. Violations have become worse, and it has been tough to get violations corrected with the Pandemic.

Harley DeLeon did not have any more business to report to the Commission.

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

John Haught brought up possibly sending a meeting reminder with the Google Meeting Link and Phone Number the morning of or day(s) prior to an upcoming virtual meeting.

A discussion was held.

**Chairman adjourned the meeting at 7:29PM**

**Next Official Meeting will be on Monday, December 14, 2020.**

Respectfully submitted,



**Ted Galuschik, Chairman**



**Rachel Muro, Zoning Secretary**