

**PAINESVILLE TOWNSHIP ZONING COMMISSION  
MEETING MINUTES  
Monday, February 13, 2023  
Painesville Township Office 55 Nye Rd. Painesville Twp., OH 44077**

**Present:** Ted Galuschik, John Haught, Mark Ruth, Darrell Webster, John Everette,  
Jim Corrigan

**Absent:**

**Zoning Inspector:** Harley DeLeon

**Legal Counsel:** Sara J. Fagnilli

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:**

Chairman asked if the Members had any additional comments or edits to the January 9, 2023 Meeting Minutes. Hearing None. Chairman entertained a motion to approve the January 9, 2023 Meeting Minutes.

Darrell Webster made a motion to approve the **January 9, 2023 Meeting Minutes**. Mark Ruth seconded.

**Roll Call:** Everette; Abstain, Webster; Aye, Ruth; Aye, Haught; Aye, Chairman; Aye.  
Motion carried.

**Site Plan/Architectural Reviews:**

- **2023-0002-ZC:** Site plan review for 37,670sqft expansion at 555 Lakeshore Blvd.

Ben Capelle, CEO of Laketran spoke for the request. Laketran would like to build an updated expansion to the already existing Laketran Facility. The current facility has not been updated excluding normal maintenance since being built around 1989 and 1990. Laketran received grant money for the expansion. To add more office space, vehicle storage, and renovate and replace existing mechanical systems that need upgraded. The building will be expanded some in the back, and front which will take over some existing parking. There is enough parking that will remain, and no additional parking is being created.

**Staff Report:**

Zoning Inspector Harley DeLeon let the Commission know that the size of the existing parcel, there is enough space to accommodate the expansion without affecting the area around the parcel. The expansion itself meets all requirements in the Zoning Resolution. The proposed architecture would be more modern and an improvement.

Darrell Webster asked regarding a tree planting plan.

Ben Capelle replied that most of the current trees on the site are being retained. The expansion into current parking spaces will not affect any trees, and behind the current building to be expanded is a gravel pathway. Landscaping will be installed adjacent to the building.

Darrell Webster let the applicant know that if the Architectural Rendering is followed, he sees no issue.

Ben Capelle let the Commission know that the Laketrans Board of Trustees has approved the Architectural Rendering the Commission received in the Site Plan Review. The Architectural Rendering is accurate and will be followed.

Mark Ruth complimented the Architectural Rendering and hopes the project will be just as good. Ben Capelle replied that Laketrans would like to maintain a good image and barrier for the surrounding homes to the current building. To have a high quality environment for anyone who uses the transportation or lives nearby.

Chairman asked regarding the landscape being shown in the application will be the same landscape installed.

Ben Capelle replied yes.

Chairman asked regarding the lighting plan.

Ben Capelle replied there will not be a major change to the lighting plan. There are existing street lights that are dark sky compliant. There will be light added for the new office space, some additional wall packs, but limited changes to site lighting.

Mark Ruth asked regarding if any new technology is being introduced to the office space or facility. Ben Capelle replied yes, there will be new technology involving the camera system that monitors the site. A gas detection system will be extended to an existing storage facility for propane powered vehicles that will be stored inside as an extra safety precaution. The building will be more accessible for people with disabilities.

Chairman entertained a motion to approve or deny **Case 2023-0002-ZC**.

Mark Ruth made a motion to approve **Case 2023-0002-ZC**. John Everette seconded.

**Roll Call:** Everette; Aye, Webster; Aye, Ruth; Aye, Haught; Aye, Chairman; Aye.  
Motion carried.

### **Public Hearing:**

- **Case 2023-0001-ZC:**

Application for Map Amendment. The request proposes to amend the FPUD zoning of 11 parcels (Parcel numbers 11B0270000170, 11B0270000160, 11B0270000150, 11B0270000140, 11B0270000130, 11B0290000280, 11B0300000190, 11B0300000070, 11B0310000220, 11B0270000030, and 11A021C000040) which consists of approximately 378 acres of land to be developed into a mixed density residential development.

Zoning Inspector Harley DeLeon explained what FPUD Districts entail. Harley DeLeon gave examples of other FPUD Districts in the township. Each FPUD is unique and considered its own zoning district. While this is a rezoning, it can also be called an amendment to current FPUD zoning. Harley DeLeon explained that what was permitted previously for the property in question, if passed at the current meeting, will no longer be applicable, and the new standards will only be applicable to the property. Harley DeLeon let the public present at the Meeting, who may have known previous standards of the property, to ask any questions they needed of the applicant if any of those standards will remain.

David Hartt, Senior Advisor Planning Services for CT Consultants, spoke for the request. Mr. Hartt introduced the representatives from the Development Group. Mr. Hartt also introduced the Sidley Family

who were in attendance. David Hartt let the Meeting know that he had been involved in the rezoning of the land to the FPUD in 2005. David Hartt gave a history of the property rezoning from 2005.

Mr. Hartt explained that zoning regulations have changed and have become more restrictive since 2005. Units that would like to be built would include residence, assisted care facility, office space. What is new to the plan is to add a town center for the township that will meet both the township objectives and the development objectives. The Developer would also like to be able to market this project to the full diversity of the housing interests that are currently on the market. Mr. Hartt discussed the rise of developmental costs since 2005 including costs to build roads, and landscaping. Building the town center and any additional facilities for the town center and open space.

Mr. Hart also explained that he has spent time with the Trustees discussing what they were looking for, for this development. The development will consist of community facilities, open space, commercial uses such as art or exercise studios, boutiques. Mr. Hartt explained using pictures provided from the application, where there will be residential housing in the development. This includes where townhomes may be built, single family, assisted care facility and so forth. Mr. Hartt explained where the open space will be located, and what will be included in the open space. Plans for a park to be built, paths, ect. Mr. Hartt explained that even though they were proposing 17% open space under the 20% required, the town center would benefit towards the open space requirement.

Mr. Hartt stated that the applicant agreed to terminate all construction activities in the Casement Center to be able to go ahead with the town center at the time that 200 units in Phase 1 are occupied.

Mr. Hartt explained where the development would be started. The development will be done in phases, and within these phases consist of "pods" for each area in a phase. Mr. Hartt explained where the phases are located. Prior to each phase, the developer will get approval from the Township.

Mr. Hartt explained the road connections at Bowhall, Madison Avenue, Bellmore, and Foxfire. There is commitment from the Property Owner to the South of the development, that connection from the southern property line down to Madison Avenue, will be provided at the time that Pod E is developed.

Mr. Hartt included that the Lake County Planning Commission had approved the plan, and within the plan, the density. The Planning Commission asked that the Sidley Land west of the property line that is currently zoned FPUD, be rezoned to PUD and added part of that land towards the open space to reach the 20% open space requirement.

The Road connections at either end of Casement for the Development would be in 10 years give or take.

Mr. Hartt commented that more traffic studies will be needed. The developers would like to do the traffic studies as development happens for specific streets that are impacted for each phase. When development reaches Bowhall, a detailed traffic study will be done.

Chairman needed clarification that as each new phase is being developed, and the applicant comes before Commission or Trustees for approval, a traffic study will be done and approved by the County Engineer's Office.

Mr. Hart replied yes.

Jennifer Howdysshell, MS Consultants, explained the initial traffic study for the Development. No traffic counts were done. Existing counts were used from specific sources of data.

An initial trip generation was done based on the current site plan knowing plans will change including the town center and surrounding residence. The trip generation showed 16,000 daily trips with 1,500 trips in a peak hour.

The study was looking into the impact of having different connections to adjacent streets to the development. Scenarios were looked at with or without the connections to see any differences. No major traffic differences were observed between scenarios.

Jennifer Howdysshell reminded the Commission that this was just a basic study done to mostly observe daily traffic versus peak hours. Anything more specific will need to be done later into the development for

more details. As of right now, nothing major will need to be done to roads because there is not enough traffic.

Chairman explained to the Public in attendance that traffic will be considered, and most of the roads will be the Lake County Engineer's roads most impacted. Chairman explained that the applicant will need to come before the Commission or the Trustees prior to each phase, and present the impact that phase will have for traffic on adjacent roadways. The Lake County Planning Commission will have final say in regards to the roads.

A conversation was held regarding the traffic study, discussions concerning the scenarios looked into. As this was a unique development with the town center in mind. Internal traffic was not taken into account, as in residents of the development using the town center.

**Staff Report:**

Zoning Inspector Harley DeLeon discussed that an FPUD District is a permitted district within the zoning resolution. If a property owner wanted to develop their property as required by the zoning resolution, they would be entitled to approval. Per the zoning resolution a minimum of 60 foot wide lots are allowed. The developer made adjustments that were requested by the Trustees that some of the lots met the current R-1 residential zoning requirements for lot widths. 1,500 lots would be permitted as it follows the zoning resolution 4 units per acre, and there are 380 acres on the property.

Harley DeLeon discussed open space. This could include the 35 foot buffer, but the buffer was removed due to the increase of dumping garbage, lawn clippings, and vermin on the rise. A clarification was needed regarding the 35 foot buffer requirement. A previous discussion between the applicant and the Trustees, was to remove the buffer to lessen any future issues between the development and contiguous properties.

Harley DeLeon discussed any other deviations that would like to be made for the development. A decrease in density to the South to better merge with existing neighborhoods, and an increase in density to the North that abuts the railroad property.

Harley DeLeon discussed the proposal for the town center. How the area near Casement could be used, and a general consensus from the residents that a sense of place was needed for the Township.

Chairman read into record the Lake County Planning Commission's recommendation to the Zoning Commission.

Zoning Inspector Harley DeLeon explained that a discussion was had with the applicant, the Trustees, and the Lake County Planning Commission regarding the road connections. Certain roads were built to be made as a connection for the possibility of the Sidley Property being developed in the future. The applicant would have to apply for variances for other connections to the development.

Public comment and questions were opened. Chairman asked if anyone would like to speak for the request. Hearing none. Chairman asked if anyone would like to speak against the request.

Rich Katila Sr, 61 Bowhall Rd. Owns and operates Katila Nursery. Both his home and business are adjacent properties to the proposed development. Mr. Katila shared his concern how close potential residence, businesses, roads or construction might be to his property for the new development.

Zoning Inspector Harley DeLeon explained with a screen showing an above view of the Sidley Property and an area of Mr. Katila's property, what will be involved regarding that area of the development.

Mr. Katila's grandson, Rich Katila 3rd, 61 Bowhall Rd., asked regarding the North end of his family's property for the distance of potential structures of the development.

Harley DeLeon explained that there was not a set structure in place for that area of the development as of the current meeting and could change as the development progresses.

A discussion was held that the setback for any potential structures on the development from Mr. Katila's property to the North could be anywhere from 25 feet to 50 feet.

Rich Katila 3rd, let the Commission know that with or without a 35 foot buffer, dumping is being committed. Rich Katila Sr needed clarification regarding the 35 foot buffer requirement.

Zoning Inspector Harley DeLeon gave an explanation of the buffer requirement and the applicant asking for it to be removed for the development.

A discussion was held regarding the removal of the buffer to replace other areas of green space.

A discussion was held regarding what potential structure may be built in the North end near Mr. Katila's property and the possible setback. George Davis, a developer, explained that that area was phase 2 of the development, and further away, plans for structures were not officially approved for phase 2 as of the current meeting, but there will be a rear yard with a standard setback for whichever structures are built.

Rich and Kay Zabivnik, 88 Whitmore Court. The Zabivniks would like some type of separation from the development near the rear of their property for privacy. Whether it could be fencing, or trees of some sort. The Zabivniks needed clarification that the development near Whitmore was one of the last pods to be developed and would take 10 or more years give or take to reach.

The applicant and Commission replied yes.

Nancy and Michael Maruschak, 62 Bowhall Road, needed clarification regarding the development. Mrs. Maruschak also asked if the residential areas would be HOAs.

David Hartt, developer, replied that the plan being approved is their maximum allowance for units, and as the plans develop, numbers may drop. There will be HOAs, and some may even have 2 HOAs, one for maintenance of private streets in their developments, and one as an umbrella. Town center will be separate from the residences.

Mrs. Maruschak asked whether the HOA will repair the roads inside the development if needed.

David Hartt replied that the town homes are private roads that HOAs will be in charge of. Single family and collector streets will be public streets which the township will be in charge of.

A discussion was held regarding what will be the Township's responsibility, Lake County's responsibility, and future HOA's of the development; pertaining to the maintenance of roads.

Mr. Maruschak commented that a proper study for traffic should have been done when Madison Avenue was closed for repair, and traffic was congested in the surrounding area. Mr. Maruschak also expressed his concerns regarding other traffic issues he had witnessed on Bowhall Road.

A discussion was held regarding the Lake County Planning Commission will not approve connectors on Bowhall for the development, until they know what impacts will happen to all areas concerning the development.

Mr. Maruschak shared his concern that a proper, detailed traffic study will need to be completed for the areas surrounding the development.

Richard Katila 3rd, 61 Bowhall Road. Mr. Katila commented that he is not against the development of Sidley's property. Mr. Katila continued that he would like both the applicant and the Township to keep the township objective in mind regarding the approval of the development.

Zoning Inspector Harley DeLeon read into record a letter sent to the Commission from Karen Breedlove, 1105 Dalton Drive who could not be in attendance, expressing her concerns for the proposed development regarding safety for sheriff, fire, and rescue. Increase in student numbers for the school district. An increase in road maintenance for the township road crew. Mrs. Breedlove shared concern for storefronts being built in the development. Mrs. Breedlove shared a hope that local builders could be hired. Mrs. Breedlove shared her concern for connecting roadways for the development and the impact on already existing residential areas.

Chairman asked each of the Commission Members a turn to weigh in on the proposed development.

Darrell Webster expressed a number of concerns regarding the preliminary plan of the development that was provided for the Commission. A clarification was needed regarding who will maintain the open space. If there will be an HOA for each green space, or one HOA that will overlook all of the green spaces.

Darrell Webster commented that maintenance will need to be maintained in buffered areas next to existing residents. Darrell Webster would like to know where the assisted living/nursing home facilities would be located, and if done correctly could be a nice addition to the community.

John Haught needed clarification regarding the Lake County Planning Commission's letter referring to 17.76 acres, if that was all for the town center.

David Hartt, replied that the 17.76 acres that was referred to in the Lake County Planning Commission's letter was the hillside that is off to the West portion of the land that is zoned flexible plan unit development. The property line of that is off of the original casement road.

John Haught needed clarification if that was city property. A map was shown on screen where the Township ended and the City of Painesville began.

Bob Busher, 5695 Canyon View Drive, owner of the Casement Golf Course. 20 acres of the golf course is located in the township, while 46 acres below casement is located in the city. The 20 acres located in the Township were not a part of the FPUD. It is currently in discussion with land conservancy groups to turn the golf course into an amenity for the proposed development. Mr. Busher commented that that should be green space for the community.

John Haught needed clarification if the Casement Home would be torn down or kept.

Mr. Busher replied that it hopefully will stay. Any of the historic homes would be a good addition and should stay for the community.

A discussion was held regarding businesses already a part of the community, and what businesses could be attracted to the proposed development.

John Haught asked that if businesses were to not open in the proposed storefronts of the development, what would become of the properties.

David Hartt replied besides the township wanting some of the business property, that those properties not used would become a passive recreation space or open space. The timeline is still further away for business development, but the actual development will be unique and special, and attract businesses that are looking for that.

John Everette commented that both the applicant and the Trustees are taking careful consideration. The proposed development will be positive for the community. Resident concerns given are valid concerns. John Everette did not have any concerns at the time.

Mark Ruth agreed with John Everette's statement. Mark Ruth commented that he has great respect for the professionalism group working to develop the property. Mark Ruth shared his concern that he has not heard of the impact this proposed development will have on services that help the township and city. Services such as the EMS, sheriff, fire, and maintenance crew.

A discussion was held regarding property tax that helps pay for those services that will be increased.

Chairman commented that new residents in the proposed development will also be paying taxes. The trustees and administration will have to take into consideration the increase.

Mark Ruth sees this proposed development as a positive, and stresses that the residents' concerns are taken into consideration by the applicant.

Chairman asked the applicant to consider 60 foot lots for single families homes instead of the 55 foot lots, to increase green space. Chairman would like to reach the 20% green space requirement. Chairman would like the developer to consider how they will develop the buffers that are along existing properties. This includes what kind of greenery could be used to create privacy. Chairman commented he liked that the connection to foxfire and Bellmore were carefully considered and revised to not be a straight connection into the proposed development. Chairman commented that the roadways will be carefully looked at when they come before the appropriate groups. Chairman would like the developers to take in consideration the south connection for Madison Avenue, and connection at Bowhall Road and Madison Avenue.

Darrell Webster shared his concern for Mr. Katila's Nursery, that if something can be done to help deter trespassing, it should be done.

Chairman thanked the public for their patience and their concerns have been heard and will be taken into consideration for each phase of the development.

Chairman entertained a motion to continue or to close the Public Hearing for **Case 2023-0001-ZC**.

Rich Katila 3rd, 61 Bowhall Road, asked if there was a way residents could be notified regarding any decisions made for the development.

Zoning Inspector Harley DeLeon explained that abutting properties will receive notice for Public Hearings. Notices will be sent for the upcoming Trustee Meeting, regarding the development. Harley DeLeon explained that the Zoning Commission was voting on a recommendation to the Trustees for approval or disapproval. The Trustees will have the final vote at their Public Hearing.

Rich Katila asked if notifications could be changed to more than 10 days prior to the Public Hearing. If Business days instead of days could be more appropriate.

A discussion was held regarding the notification policy, and a bigger discussion would need to be held with the Commission and the Trustees to change that policy. Harley DeLeon let the public know that notifications of a Public Hearing are also placed in the local newspaper the same day they are postmarked. Harley DeLeon let the public know that they could leave their email address on the sign in sheet for a possible email notification. She would have to discuss the notification with the Trustees. Harley DeLeon also extended the possible notification out to any one who was watching over the live stream.

Mark Ruth made a motion to close the Public Hearing for **Case 2023-0001-ZC**. Darrell Webster seconded.

**Roll Call:** Haught; Aye, Everette; Aye, Ruth; Aye, Webster; Aye, Chairman; Aye.  
Motion carried.

**New Business:** None

**Old Business:** None

**Dispensation of Closed Public Hearings:**

- **Case 2023-0001-ZC:**

Darrell Webster reminded the public that a motion is made in the positive. If a member disapproves, they will vote no.

Chairman entertained a motion to submit **Case 2023-0001-ZC** to the Trustees with a recommendation to approve the proposed modification to zoning.

John Haught made a motion to submit **Case 2023-0001-ZC** to the Trustees with a recommendation to approve the proposed modification to zoning. Mark Ruth seconded.

**Roll Call:** Webster; Aye, Everette; Aye, Ruth; Aye, Haught; Aye, Chairman; Aye.  
Motion carried.

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

**Zoning Inspector's Report:**

Zoning Inspector Harley DeLeon let the Commission know that there will be a recommendation coming before the Members to rezone the properties on Northridge from I-1 to B-3. In anticipation of a possible development for Giant Eagle Grocery with additional commercial interest. With The Red Creek Interceptor providing sanitary, this can be extended where current industrial properties don't have access to sanitary services.

**Any Further Business to come before the Commission:** None

Chairman adjourned the Meeting at 8:37 P.M.

**Next Meeting will be on Monday, March 13, 2023.**

Respectfully submitted,

  
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Ted Galuschik, Chairman

  
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Rachel Muro, Zoning Secretary





DATE: 02-13-2023

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