

PLANNING COMMISSION MEETING

December 11, 2008

The Planning Commission convened in Courtroom No. 1 at City Hall for their regular meeting. Chairman Fitzgerald called the meeting to order at 7:30 PM.

Members in attendance were, Mr. Andrew Eade, Mr. Brian Temming, Ms. Christine Shoop, Mr. David Komjati and Chairman Thomas Fitzgerald. Also present were, City Manager Rita McMahon, Assistant City Manager Douglas Lewis, City Planner Russ Schaedlich, Assistant Law Director James Lyons, and Secretary Lynn White.

MINUTES: Motion by Ms. Shoop, seconded by Mr. Komjati to approve the Planning Commission Meeting Minutes from November 13, 2008 as submitted. All members present said "aye". Motion carried.

Chairman Fitzgerald indicated there was no New Business to discuss and moved onto the Administrative Report.

ADMINISTRATIVE REPORT:

Chairman Fitzgerald read the first item under the Administrative Report.

Temporary Trailer Extension Request: Lake Erie College was granted the placement of a temporary trailer at Recreation Park on June 12, 2008 with the stipulation the trailer be removed by December 1, 2008. Lake Erie College is requesting an extension of their permit for the trailer.

Chairman Fitzgerald indicated the applicant is asking for a twelve-month extension on the Temporary Trailer. Chairman Fitzgerald asked if the College was planning to build something permanent. Ms. McMahon indicated they are still working on that. They have decided to take some more time and develop a master plan with the schools and city. We are working on a more comprehensive plan relative to the location of facilities. This project will be started next spring, which is why the extension is necessary. The intent is to remove the trailer by the end of next year. Chairman Fitzgerald asked if there were any other questions. There being none, he asked for a motion to approve the extension request.

Motion by Mr. Komjati, seconded by Ms. Shoop to approve the extension request for the Temporary Trailer for Lake Erie College with the stipulation the trailer be removed by December 1, 2009. On roll call, Ms. Shoop, Mr. Komjati, Mr. Eade, Mr. Temming, and Chairman Fitzgerald answered "yes". Motion carried.

Chairman Fitzgerald moved onto the next item under the Administrative Report. He asked the secretary to read the item.

Conditional Use Permit Extension Request – (Refusal No. 2111) for Soil Removal: Granted February 21, 2007 with stipulation permit to expire December 2008.

Applicant: Lakeview Bluffs LLC and Tierra Solutions, Inc.

Location: Elm Street - Parcel Numbers 15-A-019-0-00-013-0; 35-A-002-0-00-002-0; and 35-A-002-0-00-003-0.

Chairman Fitzgerald commented the extension request is for one-year with a review in September of 2009. He asked if the applicant would like to speak on behalf of this request.

Mr. Matt Montecalvo indicated he represents Tierra Solutions, Inc. and Lakeview Bluffs, LLC. Chairman Fitzgerald asked if the Commission had any questions regarding this request.

Mr. Komjati asked if Mr. Montecalvo could provide an overview of where the project is and where they see the project going next year.

Mr. Montecalvo responded he came before the Commission in September to provide an update on the project. He indicated that everything has gone very well. They have moved a little under 200,000 cubic yards of soil to date over the bridge and into the north part of the project. Things are

continuing. Mr. Montecalvo stated they had an opportunity this year to move a high-pressure gas line in Painesville Township on the lakeshore. He indicated they did not get as much soil work done as they had hoped they would, due to the fact the contractor was busy doing the gas line work. They did make progress and things are shaping up nicely. In 2009, they anticipate completing the work they had started and move the remaining soil under the same conditions that apply to the current permit.

Mr. Komjati asked if there had been any comments or concerns made by the surrounding residents in regards to the work being done. Mr. Schaedlich indicated that at the beginning of the summer there were a few complaints about dust. He stated that when he went to look at the situation the contractor had already started to wet down the area to eliminate the dust issue. Mr. Montecalvo stated they have built a relationship with the residents and community in the area. They have the contractor's cell numbers so if there is a problem they contact them instead of the City since they want to take care of the issues right away. This has worked out favorably for both parties.

Chairman Fitzgerald asked if they plan to work through the winter months. Mr. Montecalvo responded they will work through the winter but most likely, it will be spent doing sewer installation. Most of the project is an enhancement of an existing landfill cap system but part of the enhancement is the development of a golf course on top of the landfill. To do this we need to develop a sewer system that will drain the water quickly from the area. Once the weather breaks in the spring, the soil removal part of the project will start back up.

Chairman Fitzgerald asked if there were any other questions. Ms. Shoop asked about the conditions outlined in the staff report, specifically number 18. It was explained that condition required the applicant to provide the Commission an update of the project in September prior to the expiration of the permit. There being no other comments or questions, Chairman Fitzgerald asked for a motion on this request.

Motion by Mr. Temming, seconded by Mr. Komjati to approve the twelve (12) month extension request for the Conditional Use Permit for Refusal #2111 with the eighteen stipulations that were agreed upon for the original permit with an expiration date of December 30, 2009; and the applicant is to provide an update in September of 2009. On roll call, Mr. Komjati, Mr. Eade, Mr. Temming, Ms. Shoop, and Chairman Fitzgerald answered "yes". Motion carried.

OTHER MATTERS THAT MAY PROPERLY COME BEFORE THE PLANNING COMMISSION

Chairman Fitzgerald asked if there were any Other Matters to discuss. Mr. Douglas Lewis indicated at the last Board of Zoning Appeals meeting one of the issues that came up was electronic message boards. The Board of Zoning Appeals suggested the Administration look into providing regulations for this type of signage. The Administration had distributed information on the types of regulations other communities provide concerning electronic message boards. It was explained that Mr. Schaedlich had obtained information specifically on Ohio communities and Mr. Lewis has researched the internet looking for additional information. Many other communities permit electronic message boards with conditions. Mr. Lewis stated that they tried to provide information on the ordinances themselves and they broke down the conditions specifically by the timing of the message, the illumination and the animation or flashing. Also included is the zoning district in which the signage would be allowed. All of these items were seen as major issues by the Board of Zoning Appeals. Mr. Lewis indicated the information is being brought forward to the Commission to discuss the issues and in January, the Administration will bring back some language for regulating the signs. The information given to the Commission outlines the many ways that this type of signage can be regulated. Mr. Lewis asked the Commission to look over the information and determine what items they would like to see incorporated into regulations for Painesville.

Mr. Lewis explained the Board of Zoning Appeals can review these signs individually and place conditions on the signs, however, they believe the City should set guidelines to be followed rather than arbitrarily setting conditions on each one separately. They want the City to determine first, are we going to allow this type of signage and secondly, what guidelines should they follow. The Board of Zoning Appeals has already had two requests for electronic message boards. There was discussion regarding the electronic message boards and what the difference would be for regulating them for Painesville.

The Commission is to look over the materials that they received on the electronic message boards and the Administration will provide at the January Meeting some suggested regulations. The January meeting will be to work on getting the right language for an ordinance to take to City Council.

ADJOURNMENT

There being no further business, the meeting was adjourned.

Lynn M. White, Secretary

Thomas Fitzgerald, Chairman