

## PLANNING COMMISSION MEETING

*April 10, 2008*

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

Members in attendance were, Mr. Brian Temming, Ms. Christine Shoop, and Vice Chairman David Komjati. Absent were, Mr. Andrew Eade and Mr. Thomas Fitzgerald. Also present were, City Manager Rita McMahon, City Planner Russ Schaedlich, Law Director Joseph Gurley, and Secretary Lynn White.

**MINUTES:** Vice Chairman Komjati asked for additions or corrections to the Planning Commission Meeting Minutes of March 13, 2008. There being none, Vice Chairman Komjati asked for a motion to approve the minutes. Motion by Ms. Shoop, seconded by Mr. Temming to approve the minutes as submitted. On roll call, all members present answered "yes".

### **NEW BUSINESS: (Public Hearing Items)**

Vice Chairman Komjati asked the secretary to read the notice for the first item under New Business, Refusal No. 2145 for a Conditional Use Permit.

#### **REFUSAL NO. 2145                      CONDITIONAL USE PERMIT REQUEST**

**Applicant:**     Lauretta Cortner  
**Owner:**         John Terriaco  
**Location:**     228 East Erie Street  
                       Permanent Parcel Number 15-A-014-0-00-005-0  
**District:**     B-2 General Business District  
**Section:**      1143.06(a)

The City of Painesville has received an application from Lauretta Cortner for a Conditional Use Permit. The applicant is proposing to provide religious services at 228 East Erie Street (Permanent Parcel Number 15-A-014-0-00-005-0). The property is located in the B-2 General Business District. Section 1127.05 does not list religious services as a permitted use in the B-2 General Business District. A conditional use permit for a Similar Use designation is requested.

Vice Chairman Komjati asked if there was anyone present to speak on behalf of this request. Ms. Cortner, 36 Lusard Street, explained that the building is a one-story structure with pews already installed. She stated she would like to have this use open seven days a week however, to start out it will most likely be five days a week. The purpose is to have a place where the homeless and jobless people have a place to come and have counseling and prayer services to offer encouragement. There will also be a referral services to various social service agencies to help the people that can utilize those services. Ms. Cortner stated there are only a few people that are willing to staff this program, which is why they are trying not to be labeled as a church use. There are many churches in the immediate area already. The thought is to combine a social service and worship use together to provide help to those that are in need in a semi-church setting.

Vice Chairman Komjati asked if church services would be provided on Sunday. Ms. Cortner replied that at this point, they will not have Sunday service but in the future, she hopes to have a service available seven days a week. The people they are trying to reach do not attend church at all where if a service were available they may find they want to attend church on a regular basis.

Ms. Shoop asked about funding for this use. Ms. Cortner indicated they would like to receive donations from all the churches for the initial start up since it is an area need for the community. She stated they would be looking for volunteers also from the various churches to help with the staffing needs. Ms. Shoop asked if food or meals would be involved. Ms. Cortner indicated there would be no food served, however coffee and tea could be provided and there will be no places for housing anyone. She stated they just want a place for people who need someone to talk to come in and find some encouragement before they do something they may regret. Ms. Shoop asked what the hours of operation would be for the services. Ms. Cortner indicated initially they would like to be open from 8:00 AM to 10:00 PM and rotate staffing every two hours. The staff would be ministers and counselors that have expertise in dealing with problems. Ms. Shoop asked what would be considered a "full-house" for this service. Ms. Cortner indicated ten people at one time would be the maximum.

Vice Chairman Komjati commented after reviewing the Staff Report on this request, he had a different idea on what this request was. He thought this would be more of a traditional church type

use. He asked the City Administration if this type of operation conforms to the direction set forth in the Staff Report. Mr. Schaedlich indicated the previous use was a church, The Great Love Church. He indicated the main concern is with the parking situation since there are not sufficient parking areas for this use. Vice Chairman Komjati asked Ms. Cortner if she had spoken with St. James Church at all in regards to the parking situation. Ms. Cortner indicated she wanted to see if the request for the use was approved first before inquiring about the parking arrangements. There was some discussion in regards to the various parking areas in the immediate area that could be used for this use.

Vice Chairman Komjati indicated this type of use might cause some individuals to loiter; he asked if something has been put in place to prevent this type of situation from happening. Ms. Cortner responded that she could talk with Chief Smith to see if he has some suggestions. She indicated that from the beginning it would be known that this would not be a place to hangout. They will be preaching non-stop and it will not be that type of atmosphere where people hangout.

Vice Chairman Komjati asked if anyone in the audience had any questions or comments. There being none, Vice Chairman Komjati asked for additional comments or questions from the Commission. Ms. Shoop asked about the agreement for the building. Ms. Cortner indicated that they would be renting the building from Mr. Terriaco. They are waiting for the approvals from the City prior to entering an agreement with him. Ms. Cortner indicated that the owner of the building is a little confused about this conditional use process and wondered why this had to be done since it was not something that had to be done in the past. Ms. McMahon explained any subsequent church or place of worship would have to go through a similar type process. Obviously each would be reviewed on its own merit since not all churches offer the same service.

Vice Chairman Komjati asked if the City had any additional comments to add to this request. Mr. Schaedlich indicated the request is in line and feels it would be reasonable to approve with the recommended stipulations. Ms. McMahon added that she felt it would be beneficial for the applicant to meet with Chief Smith to discuss the loitering issues prior to starting the services. She felt this would help them accomplish their mission and they would not be hindered by those types of issues if something were in place.

Vice Chairman Komjati asked if there was any further discussion. There being none, he asked for a motion. Motion by Mr. Temming, seconded by Ms. Shoop to approve Refusal 2145 with the following stipulations: 1. The applicant shall provide a parking agreement in conformance with Section 1137.05 (c) prior to issuance of the permit; 2. This permit is issued to the applicant only and is not transferrable to other institutions without the approval of the Planning Commission. There being no other discussion, the secretary was asked to call the roll. On roll call, Ms. Shoop, Mr. Temming, and Vice Chairman Komjati answered "yes". Motion carried.

Ms. McMahon explained that City Council will be notified of the favorable recommendation and they will have fifteen-days to request a public hearing on this request. If there is a majority of Council seeking a public hearing, one will be scheduled. The applicant will be notified appropriately.

Vice Chairman Komjati moved onto the next Public Hearing item on the agenda. He asked the secretary to read the notice for Refusal No. 2146 for a Conditional Use Permit.

#### **REFUSAL NO. 2146 CONDITIONAL USE PERMIT REQUEST**

**Applicant:** James E. Dillard – Coaches’ Corner, Inc.  
**Owner:** Painesville City Local School District  
**Location:** 625 Elm Street (Parcel Number 15-A-018-0-00-012-0)  
**District:** R-1 Single Family Residential District  
**Section:** 1143.06(a)

The City of Painesville has received an application from Coaches’ Corner, Inc. and Painesville City Local School District for a Conditional Use Permit. Coaches’ Corner is proposing a residential support outreach program for high school boys. The applicant is proposing to provide this public use at 625 Elm Street (Parcel Number 15-A-018-0-00-012-0). The property is located in the R-1 Single Family Residential District. Section 1127.05 lists public uses as a conditional use within the R-1 Single Family Residential District.

Vice Chairman Komjati asked who was present to speak on behalf of this request. Mr. James Dillard, 947 North Avenue, indicated he is the project director for Coaches Corner, Inc. He stated that he is a member of the Painesville City Board of Education. Mr. Komjati asked Mr. Dillard to explain the initiative and what the project is about. Mr. Dillard presented the Commission with a packet of

information. The packet contained information indicating Coaches' Corner is a community partnership, a non-profit Ohio Corporation. Also included was information regarding their Mission Statement, Officers, Board of Directors, Articles of Incorporation, Bylaws, and Resident Policies and Procedures. Mr. Dillard explained each of the items with detail. He also included in the packet information on a similar project in St. Louis, Missouri called Joe's Place. Coaches' Corner is geared toward homeless boys that are in need of a residence. These are young students who are trying to get through high school and have been put out of their homes. This program is to take these individuals and give them a place to live so they can have a chance to succeed. Mr. Dillard indicated this is not a halfway house; it is a normal single-family residence with six to seven boys at any one time.

Vice Chairman Komjati asked how do you determine who is to be accepted into the program. Mr. Dillard responded the school district would be the advisors and monitors of this program. They will make the recommendations as to who enters the program. Vice Chairman Komjati asked how long will the individuals stay at the residence. Mr. Dillard responded the operation of Coaches' Corner would coincide with the school year. He indicated that at the time the operation is down the school would try to find alternate housing for the students like another family member they could stay with for the interim.

Ms. Shoop asked about the information Mr. Dillard distributed. The literature indicates the students will check-in on Sunday and check-out on Friday. She asked what happens on Saturday and Sunday, where do these children end up. Mr. Dillard indicated that is something that needs to be determined on an individual basis. If a situation arises, they would stay at the home with the house parents. Ms. Shoop stated that she drove past the home and it looks like it had been a two family home. She asked is it still a two-family residence. Ms. McMahon indicated the home has been vacant for about two years and it has lost its nonconforming use it had once obtained and will have to be a single-family residence. Ms. Shoop wondered if the operation of this use was only available to Painesville City residents. Mr. Dillard responded that is addressed in the articles of incorporation that only Painesville City Local School District students will be allowed into the program.

Ms. Shoop asked about the stipulation stating the home shall meet the minimum housing standards for the number of persons permitted to occupy the house. She asked what that meant. Ms. McMahon stated the City has not been in the house and will need to verify that it is up to code. The room sizes and number will determine the number of occupants allowed in the home. Ms. McMahon indicated that based on the square footage of the home that should not be an issue for this use and the number of occupants they want to house.

Ms. Shoop inquired if there were any age restrictions on this use. Mr. Dillard replied the individuals have to be high school students, once they reach the legal age in terms of educational requirements then they will not be able to utilize Coaches' Corner. Ms. Shoop asked what happens to the students if they start to fail in school but they are still model children. Mr. Dillard responded that in the rules and regulations document it states that all of the students of this project will be successful. If the child starts to fail there will be intervention to get them the help they need to succeed.

Ms. Shoop asked about what qualifications or certification are required to become a house parent. Mr. Dillard indicated this is also addressed in the rules and regulations. The house parents will have to meet the same criteria as a teacher or someone that the Superintendent would hire to work at the school district. Ms. Shoop asked about the consequences for nonconformance. Mr. Dillard indicated this is not a place for delinquency and any nonconformance would be cause for removal of the student. Ms. Shoop compared this project to Joe's Place, which is owned and operated by the School District. She asked what is the benefit of having this project as a non-profit organization and not part of the School District. Mr. Dillard replied this was the direction that he and the community started this project. The School District has their own share of burdens and he felt it was time for the community to take a stand on this issue with the help of the School District as a partner.

Ms. Shoop asked Mr. Dillard what his anticipation would be of the resident's reactions in this area. Mr. Dillard commented that Coaches' Corner will look just like a regular home and the conduct and behavior of the participants will be like a normal home. The Board of Directors and the house parents will make sure of compliance and this will not be a detriment to the City.

Vice Chairman Komjati indicated he would like to take comments or questions from the audience at this time. He asked that anyone wishing to speak on this request to please state their name and address for the record.

Ms. Mary DeGood, 765 Elm Street, as was explained, these children are coming from dysfunctional

families, are they coming here with emotional baggage as well and why so close to an elementary school unless these children are fine and have no baggage. Mr. Dillard commented that maybe the word dysfunctional was inappropriate; it is a matter of a disagreement with the parents and the inability to live under the same roof. He explained these kids are going to school every day. They are participating in extra-curricular activities and maintaining good grades. They are in a situation that they do not have a place to go at night. What ends up happening is they spend it homeless out on the street. Mr. Dillard indicated that if this program helps one child they have done a service for the community.

Vice Chairman Komjati responded that he thought the concern is these young men may have emotional, mental health type issues that would make it an issue being next door to an elementary school. Ms. DeGood stated that if these individuals cannot live with their parents there has to be a problem with the child. Mr. Dillard stated that it is more often the parents who have the problem and not the child. He gave some examples that happen to these children. He stated the School District would be the determining factor as to who gets into this program. This will be the guarantee that they are good students; they are not delinquents that they just need a good place to stay.

Mr. Chris Suhay, 650 Elm Street, stated that he sees only red flags with this project. He commented that this is a time bomb waiting to go off, that is only the nature of dealing with teenage kids. There is no parking there; the property has a shared driveway with the next-door neighbor. The garage that is on the property is in poor condition. Mr. Suhay indicated that he has been in the home and it is also in poor condition. They placed a bid on the property when it was up for sale and they were the only ones to bid on it. Mr. Suhay stated they have been rehabbing their home and feel that this will bring down the value of their home. The area is filling up with young children and this does not seem to be the right area for this type of project.

Vice Chairman Komjati asked the applicant to address the parking issue and the condition of the house. Mr. Dillard indicated they have a plan in place with Habitat for Humanity and other contractors to bring the house up to code and beyond that. The home will become a nice place to live both on the inside and outside. Mr. Dillard explained that he did not feel the parking issue is a problem. These kids will not have a vehicle, if they have the money for a car, they would not need Coaches' Corner.

Ms. Shoop inquired about the ownership of the property around this project and the possibility of expanding the parking area behind the home into this property owned by the Board. Dr. Hanlon responded the property directly behind this project is for the elementary school. There is no desire to expand this use into the school property since the anticipation for additional parking area is not there.

Ms. Shoop asked about visitors who would be coming and going to the home. Mr. Dillard indicated this could be a controllable issue. Any student that wishes to have visitors will need to schedule those visitors. This will be the requirement since there is not ample parking for everyone to receive visitors at once. He indicated that this would be no different from having people over at any other residence in the city and having parking on the street for a few hours for some family celebration.

Ms. Shoop responded to Mr. Suhay's comments about the number of boys being trouble. She feels that the residents of the home would respect the fact that they have a place to stay and would take pride in the home. She stated that with the regulations that are in place they would be out if they cause issues. Mr. Dillard reiterated that would be how the operation would function. They will have role models to structure the development of their behavior and they will function as a family.

Ms. Robin Suhay, 650 Elm Street, stated that her brother operates a girl's home with six to seven girls at one time. They have experienced vandalism and issues within the neighborhood. She stated this is what happens with a girl's home. Ms. Suhay commented that she is afraid of what will happen to their property from the group of boys that will be right across the street. They have been spending a lot of money on their property upgrading and fixing up.

Ms. DeGood commented she feels there is a need in the community for this type of program; however, the property is too confined or too small to handle six or seven teenage boys. There should be another place that this could be placed.

Vice Chairman Komjati asked about the number of parcels that the Board of Education currently owns adjacent to this property. Dr. Hanlon indicated the larger brick home that is currently situated on the one parcel would be torn down once the construction trailer is removed. All of the lots belong to the Elm Elementary School site. This property under discussion is the only parcel available for this purpose.

There was discussion about the schools current facilities and the possible use of them for this project.

Mr. Dillard asked the Commission to read over the statements from the Joe's Place information to see how successful the program has been. This property was purchased in a very dense neighborhood near the school. The home was cared for and all of the newspaper articles about the program show a very positive outcome. Mr. Dillard stated this is a real issue for our community and this is a real solution to the problem.

Vice Chairman Komjati asked the secretary if there were any other comments or questions from the residents. The secretary indicated she did not receive any correspondence. There being no other comments, he asked for comments from the City Administration.

Ms. McMahon stated the Commission has the Staff Report submitted by Mr. Schaedlich. She indicated if the Commission is considering approval of this request, an additional stipulation could be a requirement the applicant come back to the Commission and present a report on the operation of the facility. This would be a good way to find out if the location is appropriate for the neighborhood.

Vice Chairman Komjati asked the applicant if they were aware of the suggested stipulations that appear in the Staff Report. Mr. Dillard indicated that he had received a copy of the report and they have no issues with any of them.

Mr. Schaedlich added that he had personally visited the City Manager in Maplewood, Missouri and asked about Joe's Place. When Joe's Place was originally proposed, there were many concerns from the residents. The area in which this facility is located is denser than this proposed location in Painesville. The City Manager indicated they went through their conditional use permit process, the use has been in operation for over two years, and they have not had one complaint. The facility looks just like all the homes on the street. Mr. Schaedlich indicated he had gone through the facility on a school day and it was no different from a home.

Vice Chairman Komjati stated that in looking at the members of the Board of Directors, it is comprised of very influential and well-respected individuals of the community. He commented that the idea this home will be made up of delinquent boys does not seem to be reasonable. He does not feel this will be the case due to the members involved in the project. Vice Chairman Komjati stated he feels that it will become a place that these kids will want to be and something to be proud of.

Mr. Suhay indicated they are just a little concerned. They are still dealing with issues at Argonne Arms, they have gotten better, but the police are still coming there. He stated they do not want to have to live afraid in their homes.

There being no further discussion, Vice Chairman Komjati asked for a motion from the Commission. Motion by Ms. Shoop, seconded by Mr. Temming to approve Refusal No. 2146 for a Conditional Use Permit allowing a public use at 625 Elm Street with the following stipulations: 1. Meet the City's minimum housing standards for the number of persons permitted to occupy the house. 2. Parking at the rear of the property shall be provided to meet the needs of the occupants. 3. The home shall be inspected on an annual basis to ensure compliance with minimum housing standards of the City. 4. The property shall remain titled to Painesville City Local Schools. 5. This permit is non-transferrable. 6. Applicant shall present a report on the operation and status of home at the end of one-year of operation to determine if permit shall be continued.

Ms. Suhay asked if the residents would be informed of the next meeting for this use so they can attend and give input. Ms. McMahon responded the residents within the 400-foot radius would be informed of the next meeting with a letter regarding the use and the presentation of the report from Coaches' Corner.

Ms. Shoop asked Ms. McMahon to explain for the audience what happens next in regards to City Council. Ms. McMahon indicated if City Council receives a favorable recommendation from the Planning Commission, they have the option to have their own public hearing. If the majority of City Council does not request a public hearing within fifteen days, the conditional use permit would be granted to the applicant.

The applicant was asked when they thought this project would begin. Mr. Dillard replied by the beginning of the next school year.

There being no other discussion, the secretary was asked to call the roll. On roll call, Mr. Temming, Ms. Shoop, and Vice Chairman Komjati answered "yes". Motion carried.

#### **ADMINISTRATIVE REPORT:**

**By-Laws:** City of Painesville Planning Commission. Vice Chairman Komjati indicated the updated By-Laws were given to the Commission for review. It was explained that the version of the Roberts Rules of Order was added to the text as suggested at the last meeting. The Commission agreed to the changes. Vice Chairman Komjati asked for a motion to adopt the By-Laws as presented. Motion by Ms. Shoop, seconded by Mr. Temming to accept the By-Laws as submitted. There being no further discussion, the secretary was asked to call the roll. On roll call, Ms. Shoop, Mr. Temming and Vice Chairman Komjati answered “yes”. Motion carried.

## **ADJOURNMENT**

There being no further business, the meeting was adjourned.

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Lynn M. White, Secretary

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David Komjati, Vice Chairman