

SPECIAL PLANNING COMMISSION MEETING

September 29, 2008

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

Members in attendance were, Ms. Christine Shoop, Mr. David Komjati and Chairman Thomas Fitzgerald. Absent were Mr. Andrew Eade and Mr. Brian Temming. 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 September 11, 2008 as submitted. All members present said "aye". Motion carried.

Chairman Fitzgerald asked the secretary to read the notice for the item under New Business.

NEW BUSINESS: (Public Hearing Items)

REFUSAL NO. 2160 CONDITIONAL USE PERMIT REQUEST

Applicant: Pastor Dennis Zimmerman - dba Rock of Faith Worship Center
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 Pastor Dennis Zimmerman, Rock of Faith Worship Center, 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.

Pastor Zimmerman was present. He thanked the Commission for holding a special meeting to hear his request. He indicated that he would like the Commission to look favorably on his request.

Chairman Fitzgerald asked if the Members had any questions or comments on this request. Mr. Komjati asked if the use would be for traditional Sunday service and the occasional Bible Study in the evenings.

Mr. Zimmerman responded that he would like to have recovery group meetings once a week in the evenings. He commented that the day of the week is not set in stone; it is purely a suggestion. He does not want to conflict with other events that are happening in the area.

Mr. Komjati indicated there was some question in regards to the parking. He stated the suggestion was to work out an arrangement with St. James Church. Mr. Zimmerman replied that he spoke with Mr. Bertone in regards to the parking. They have come up with an agreement to utilize the parking in his parking lot. Mr. Zimmerman stated he would not use the St. James Church parking lot since they have issues with space. He commented he spoke with the church and he is allowed to park his personal vehicle in the church lot during the week when there are no services being held at the church.

Chairman Fitzgerald asked for an explanation of the Celebrate Recovery Group. Mr. Zimmerman indicated the program is based on the AA program however; it uses the bible to heal. He explained the program is for anyone with a Hurt, Hang-up, or Habit. This program uses a twelve-step process to deal with those issues.

Ms. Shoop asked if the parking agreement submitted by Mr. Zimmerman meets the approval of the City. Mr. Lyons indicated the parking agreement is acceptable.

Chairman Fitzgerald stated that one of the conditions outlined in the Staff Report states this permit should be revisited in one-year to review conformance. He asked the Commission if they felt this

was something that should be stipulated. Ms. Shoop commented that seems to be an item in every staff report as a standard item. Mr. Schaedlich indicated that will always be in the report as a stipulation as a reminder the Commission can add this as a condition.

Mr. Lyons asked about the stipulation the Commission wants to place on this permit. Chairman Fitzgerald responded the stipulation would be to review the permit in one-year. Mr. Lyons asked if the permit would be issued for one-year then the applicant would come back for another permit or the permit would then be extended. There was discussion regarding how to handle the review process and what the Commission was expecting from the applicant in one-year.

Mr. Schaedlich inquired about the signage that is outside the building. Mr. Zimmerman indicated he would be using the same sign support that is there so the sign will be the same size. Ms. McMahon reminded Mr. Zimmerman that he will need to get a permit for the sign and a Certificate of Appropriateness is necessary. Mr. Schaedlich stated that the sign permit application and the necessary information is available through him at the Community Development Offices.

Mr. Lyons asked to revisit the Commission's stipulation to review the permit in one-year. He brought up previously submitted Conditional Use Permits. The permits that were issued with a one-year stipulation had a number of stipulations and the extent of the operation would have a greater impact on the surrounding area. The only issue that would require a stipulation would be the parking arrangements for this use.

After some further discussion of the parking agreement that Mr. Zimmerman had submitted, Chairman Fitzgerald asked for other comments. There being none, Chairman Fitzgerald asked for a motion on this item.

Motion by Mr. Komjati, seconded by Ms. Shoop to approve Refusal No. 2160 for the Conditional Use Permit allowing religious services at 228 East Erie Street with the condition that the holder of the conditional use permit (1) must have a valid Parking Agreement in place during the time period that 228 East Erie Street is used for religious services; (2) the Parking Agreement between the holder of the conditional use permit and the parking lot owner must satisfy the standards of the Painesville Zoning Code and the Parking Agreement shall also meet the form and substance of the signed Parking Agreement that was submitted to the City on September 29, 2008; and (3) the holder of the conditional use permit shall file a new or updated Parking Agreement with the City 30 days before the end of the term of an existing Parking Agreement. On roll call, Mr. Komjati, Ms. Shoop, and Chairman Fitzgerald answered "yes". Motion carried.

Mr. Zimmerman asked about the next step. 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.

ADMINISTRATIVE REPORT:

None.

OTHER MATTERS THAT MAY PROPERLY COME BEFORE THE PLANNING COMMISSION

The secretary asked if any of the Members were interested in attending the OPC Planning and Zoning Workshop held on Friday, November 14, 2008. Mr. Fitzgerald stated he would like to go.

The secretary stated there are no items for the October 9 meeting so the Planning Commission will not have a meeting in October.

ADJOURNMENT

There being no further business, the meeting was adjourned.

Lynn M. White, Secretary

Thomas Fitzgerald, Chairman