

PLANNING COMMISSION MEETING

January 8, 2015

The Planning Commission convened in Courtroom No. 1 at City Hall for their regular meeting. Chairman Komjati called the meeting to order at 7:30 PM. He asked the Secretary to call the roll. Members in attendance were Mr. Mark Wainwright, Ms. Carol Fleck, Ms. Christine Shoop and Chairman David Komjati. Ms. Leah Huth was absent. Also present were, Assistant City Manager/Community Development Director Douglas Lewis, City Planner Lynn White, Assistant Law Director James Lyons, and Secretary Tina B. Pomfrey.

MINUTES: Chairman Komjati asked for additions or corrections for the Planning Commission Meeting of December 11, 2014. There being none, he asked for a motion. Motion by Ms. Fleck, seconded by Ms. Shoop to accept the Planning Commission Meeting Minutes from December 11, 2014 as written. Chairman Komjati asked the Secretary to call the roll. On roll call, Mr. Wainwright, Ms. Fleck, Ms. Shoop and Chairman Komjati said "yes". Motion carried.

Vice Chairman Komjati stated the first item listed on the Agenda is the tabled business for Fast Auto and Truck. He asked if there were any changes on this matter. The applicant is not quite ready however; he indicated that he should have something to go before the Commission in February. The matter should be left on the table.

TABLED BUSINESS:

Temporary Structure and Uses: J. Federico/Fast Auto & Truck has made application for the determination of one (1) trailer in accordance with Section 1137.12 (a)(1). Mr. Federico is proposing to place the trailer at 61 South State Street as a temporary office for Fast Auto Sales and Leasing after demolition of the structure at 61 South State Street.

The applicant requested this matter be left on the table to allow additional time to create a plan. No action was taken.

Chairman Komjati asked the secretary to read the first item under New Business.

NEW BUSINESS: (Public Hearing Item)

REFUSAL NO. 2260 - CONDITIONAL USE PERMIT REQUEST

Applicant: Vivian Rivera
Owner: Dennis McGee
Location: 314 North State Street
 Permanent Parcel Number 15-A-004-A-00-004-0
District: B-2 General Business District
Section: 1143.06(a)

The City of Painesville has received an application from Vivian Rivera for a Conditional Use Permit. The applicant is proposing to provide religious services at 314 North State Street (Permanent Parcel Number 15-A-004-A-00-004-0). 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.

Chairman Komjati asked the applicant to speak on behalf of the request. He asked for a brief description.

Ms. Vivian Rivera was present for the meeting. She has been the pastor of Samaria Iglesia Evangelica, a Pentecostal church, for the last 2 years. Ms. Rivera stated that it is the church's mission to positively impact the community. It is a church for everyone, but especially for those that are Spanish speaking. The need for more space has driven the church to find a space that can accommodate all the current members, 15 people and 8 children.

Mr. Komjati asked for clarification on the hours of operation. Ms. Rivera replied that the church would operate Tuesdays, Thursdays, Fridays and Saturdays from 7 pm to 9 pm. The church does not hold Sunday services.

Ms. Shoop asked how the church is financed; by donations or grants? Ms. Rivera replied that Pastor Brown and Mt. Olive Baptist Church is helping to get her church started.

Mr. Komjati asked if there are restroom facilities within the building. Ms. Rivera replied yes. Mr. Komjati asked if the restrooms are shared with any of the other businesses located in the structure. Ms. Rivera replied no, they are for the church space only.

Ms. Fleck asked if the lease on the space is a month-to-month lease. Mr. Dennis McGee, 7276 Players Club Drive, Concord, and the owner of the building, indicated that to begin, the church would have a one-year lease. After a year, the tenants have the option of leasing from month to month. He also added if there were a concern about shared parking, particularly with St. Mary Church, there really would not be a problem as St. Mary's main day of use is Sunday. Additionally, Vivian Rivera's church only has three cars using space at the

location. Ms. Fleck commented that she understands there is some street parking as well. Mr. McGee replied yes, that is correct.

Mr. Komjati asked if signage is planned for the building, to identify the church. Ms. Rivera replied that it would be installed on the window of the building. Mr. Komjati asked if the sign would be painted. Ms. Rivers replied yes.

Ms. Shoop asked if the church is part of a greater organized group. Ms. Rivera replied yes, the church is affiliated with Mt. Olive Baptist Church and originates from the Baptist tradition. Ms. Shoop asked if Ms. Rivera is an ordained minister, to which she replied yes. Ms. Shoop also wondered if the church is insured. Ms. Rivera replied yes; it is incorporated and as soon as the church acquires the space, the president of the church visits from the headquarters in Columbus to register this particular branch.

Ms. Shoop asked where Ms. Rivera lives at this time. Ms. Rivera replied that she lives at 707 Argonne Drive. She indicated that she is a social worker, and that experience is a plus.

Mr. Komjati asked if there are questions or comments from the City. Mr. Lyons indicated that a question and answer form was circulated by the City Planner earlier and one of questions had to do with occupancy load for fire purposes. Mr. Lyons said he did not see an answer for that but it might be useful to know how many people are allowed to occupy the space per the Fire Code. Mr. Komjati stated that the space is 600 sq. ft. The City Planner, Lynn White, replied that the occupancy load has not yet been determined, but a Business Occupancy Permit must be applied for and inspections must be done before the space is approved and the church takes possession of the space. The occupancy load will be determined at that time based on the use of the structure.

Mr. Lyons asked Mr. McGee if he knew what the occupancy load was for his prior tenant. Mr. McGee replied no, he did not; there was a photography studio there and an aerobics studio held classes at night. He indicated that there averaged 5-7 students there at a time, but never more than 10 at once.

Mr. Komjati asked if there were other questions or comments. Ms. Shoop asked about a recommendation in the stipulations.

Mr. Lyons recommended that the permit be approved for one year with a review next January, to determine the impact of the church on the area, specifically parking.

Motion by Ms. Shoop, seconded by Ms. Fleck to recommend approval of Refusal No. 2260 to Vivian Rivera for the property located at 314 North State Street with the stipulation that the Planning Commission review the Conditional Use Permit in one year, January 2016.

On roll call, Ms. Fleck, Ms. Shoop, Mr. Wainwright, and Chairman Komjati answered "yes"; Motion carried.

Mr. McGee asked for the next step in the process.

Ms. White replied that the conditional use will now be forwarded to City Council for their information. The applicant was made aware that the conditional use permit might go forward for another public hearing if a majority of the members of Council request a hearing within 15 days. The decision of the Commission shall be final if Council affirms the decision of the Commission. At that time a conditional use permit will be issued and shall clearly, state any and all conditions attached thereto.

OTHER MATTERS THAT MAY PROPERLY COME BEFORE THE PLANNING COMMISSION

There being no other business to come before the Commission, a motion to adjourn was made by Ms. Fleck, seconded by Ms. Shoop. On roll call, Mr. Wainwright, Ms. Fleck, Ms. Shoop and Chairman Komjati answered "yes". Motion carried.

Tina B. Pomfrey, Secretary

David Komjati, Chairman