

## PLANNING COMMISSION MEETING

*February 11, 2016*

The Planning Commission convened in Courtroom No. 1 at City Hall for their regular meeting. Vice Chairperson Fleck called the meeting to order at 7:30 PM. She asked the secretary to call the roll. Members in attendance were Ms. Hada, Ms. Kuhlmann and Vice Chairperson Fleck. Chairman Komjati and Mr. Wainwright were absent. Also present were City Manager Anthony Carson, the Assistant City Manager/Community Development Director Douglas Lewis, City Planner Lynn White, Assistant Law Director James Lyons, and Secretary Tina B. Pomfrey.

**MINUTES:** Vice Chairperson Fleck asked for additions or corrections for the Planning Commission Meeting of January 14, 2016. There being none, she asked for a motion. Motion by Ms. Hada, seconded by Ms. Kuhlmann, to accept the Planning Commission Meeting Minutes from January 14, 2016 as written. Vice Chairperson Fleck asked the Secretary to call the roll. On Roll Call, Ms. Hada, Ms. Kuhlmann and Vice Chairperson Fleck answered "yes". Motion carried, 3-0.

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

**Rezoning Application No. 84-16**

**Owner:** Mt. Olive Baptist Church

**Location:** Parcel Number 15-D-016-A-00-014-0

**From:** B-2 General Business District to a B-1 Business/Residential District

An application has been received from Mr. Melvin Motley on behalf of Mt. Olive Baptist Church, 425 Chardon Street, requesting the rezoning of Permanent Parcel Number 15-D-016-A-00-014-0. The request is to change the zoning classification from a B-2 General Business District to a B-1 Business/Residential District to allow for construction of a new church. The current business zoning does not allow for places of worship.

The Reverend Mr. Melvin Motley was present, representing Mt. Olive Baptist Church, 425 Chardon Street. Rev. Motley explained that it is necessary for the Church to build a new structure as the existing building is 73 years old. It is not ADA compliant and the older members of the church have difficulty with the steps in the current structure. Rev. Motley declared that the construction of the new building would comply with all current zoning, building and architectural design standards. He also stated that the new construction would beautify the neighborhood.

The Vice Chairperson asked if anyone is present to speak on behalf or against the rezoning request.

Mr. Anthony Torre, 93 Burton Street, commented that he is not against the church but questioned maintenance of the sidewalks and grass at the proposed location. He also remarked that the location of the proposed church is flanked by three streets and parking on those streets is currently difficult. He questioned if there would be adequate off-street parking planned for the membership.

Ms. White referenced Exhibit I to the Planning Commission, indicating that per the exhibit, 44 parking spaces are proposed at the new church location. Additionally, once the church is constructed, the existing church lot will also be utilized for overflow parking and it will contain 44 parking spaces as well. Ms. White indicated that there should be no need to utilize the street for parking.

The Vice Chairperson asked the Commission if there were questions. There being none, the Vice Chairperson asked if the City Planner provided the report to the applicant outlining the code requirements of the City. Rev. Motley replied yes, he is in receipt of the report, is aware of the requirements and has no questions at this time.

Vice Chairperson Fleck asked for a motion. Motion by Ms. Hada, seconded by Ms. Kuhlmann, to favorably recommend Rezoning Application No. 84-16 for Permanent Parcel No. 15-D-016-A-00-014-0 from B-2 General Business District to a B-1 Business/Residential District. On Roll Call, Ms. Hada, Ms. Kuhlmann and Vice Chairperson Fleck, answered "yes". Motion carried, 3-0.

The City Planner explained that the Rezoning Request would be forwarded to City Council for a Public Hearing, as it is an ordinance change. A Public Hearing will occur on the third reading. Permits may be issued after the rezoning takes place.

**ADMINISTRATIVE REPORT:**

**Preliminary Plat Approval for Shamrock Business Center PUD/Saber Healthcare:** Planning Commission approval of detailed site plans for Shamrock PUD/Saber Healthcare proposed facility to be located at the corner of Brookstone Boulevard and the future Meadowbrook Parkway.

Mr. Carson, the City Manager recommended this matter be tabled until the next regularly scheduled meeting. He indicated that the access and easement agreement that is part of the requirement was only received this afternoon and the City has not had adequate time to review. Additionally, Mr. Carson stated that the submission is incomplete as there are four to five items that need to be supplied to the City Planner.

Ms. Hada asked if the applicant received notification that the application was insufficient. The City Planner replied that the applicant is in receipt of the same report that the Planning Commission received. The report noted that there was not enough information to review some of the items, such as water and electric lines, and the storm calculations are still out for review by Lake County Soil and Water. Ms. Hada stated that it is typical, with a plat, that not all of the engineering is complete. Ms. White replied that Section 1134.13, the PUD section of the Code, is very specific regarding submissions to the Planning Commission. The applicant

was given that information last year when they appeared before the Planning Commission for the preliminary location. Throughout, the applicant has been in discussion with the City regarding the requirements of the PUD approval. Ms. White added that the applicant conveyed that they wanted to receive approval of the items before detailing an engineered design. The most important outstanding item, mentioned by Mr. Carson, is the written agreement that contains all the conditions regarding the roadway construction. The City has not had adequate time to review the agreement.

Vice Chairperson Fleck asked for a motion to table. Ms. Hada stated she was reluctant to vote to table but she understands the City's stance. She stated that, having worked in development, she believes that some of these items could be addressed now and voted on separately, so as not to delay the project.

Motion by Ms. Kuhlmann, seconded by Ms. Hada, to table the item until the next regularly scheduled Planning Commission meeting on March 10, 2016. On Roll Call, Ms. Hada, Ms. Kuhlmann and Vice-Chairman Fleck answered "yes". Motion carried, 3-0.

**Review of Conditional Use Permit (Refusal No. 2260) issued to Vivian Rivera and Samaria Iglesia Evangelica, Inc. for a Church at 314 North State Street, (Permanent Parcel Number 15-A-004-A-00-004-0). Permit granted January 8, 2015 with the Conditional Use to be reviewed in one year by the Planning Commission.**

Vice Chairperson Fleck asked for an update from Ms. Rivera regarding her church at 314 North State Street, Samaria Iglesia Evangelica.

Ms. Rivera stated that her church opened in April 2015. She said there are 18 members at this time and they are working to gain membership. Ms. Rivera explained that the members work in the community to help the homeless. Her goal is to open a non-profit organization to help the homeless in the community.

Ms. Hada asked if the membership has increased over the last year. Ms. Rivera said the addition of membership is slow, but she is hopeful the membership will grow. The space is adequate for up to 25 people.

Vice Chairperson Fleck asked if the lease is still for one year or month to month. Ms. Rivera replied it is a one-year lease. Vice Chairperson Fleck asked if there has been any complaints made to the City. Ms. White replied that she spoke with the Painesville Police Department. They have had no complaints from the neighborhood and no issues with the property. Additionally, Ms. White spoke to the property owner who said the church is a very good tenant. He is aware that occupancy is for 24 people, so if the membership would grow over the allotted number, the owner would have to have them find another location or reconfigure the multi-tenant space into a new configuration that would allow them to continue occupancy. The days and hours of operation remain the same; Tuesdays, Thursdays, Fridays and Saturdays from 7 pm to 9 pm..

Ms. Kuhlmann asked for a translation to two letters that were submitted to the Planning Commission, written in Spanish. Ms. Rivera translated the letters and both were favorable. Another letter, written in English, was also favorable.

Motion by Ms. Kuhlmann, seconded by Ms. Hada, to approve the Conditional Use Permit for the property located at 314 North State Street for an additional two years, to be reviewed by the Planning Commission in January 2018 with the condition that if the membership becomes larger than the allowable occupancy for the location a review will be done at that time. On Roll Call, Ms. Hada, Ms. Kuhlmann and Vice Chairperson Fleck answered "yes". Motion carried, 3-0.

## **OTHER MATTERS THAT MAY PROPERLY COME BEFORE THE PLANNING COMMISSION**

There being no further business, the meeting was adjourned at 7:21 pm.

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Tina B. Pomfrey, Secretary

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Carol Fleck, Vice Chairperson