

## PLANNING COMMISSION MEETING

*March 10, 2016*

The Planning Commission convened in Courtroom No. 1 at City Hall for their regular meeting. Chairperson Komjati called the meeting to order at 7:30 PM. He asked the secretary to call the roll. Members in attendance were Mr. Wainwright, Ms. Hada, Ms. Kuhlmann, Ms. Fleck and Chairman Komjati. 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:** Chairperson Komjati asked for additions or corrections for the Planning Commission Meeting of February 11, 2016. There being none, he asked for a motion. Motion by Ms. Kuhlmann seconded by Ms. Hada. to accept the Planning Commission Meeting Minutes from February 11, 2016 as written. Chairperson Komjati asked the Secretary to call the roll. On Roll Call, Mr. Wainwright, Ms. Hada, Ms. Kuhlmann, Ms. Fleck answered and Chairperson Komjati answered "yes". Motion carried, 5-0.

### **TABLED BUSINESS:**

**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.

Motion by Ms. Fleck, seconded by Ms. Kuhlmann, to remove the matter from the table. On Roll Call, Ms. Kuhlmann, Ms. Fleck, Mr. Wainwright, Ms. Hada and Chairman Komjati answered "yes". Motion carried, 5-0.

Chairman Komjati explained that the matter was tabled because there were some items that had not yet been received for the Commission to review; however, the City has since received them. Chairman Komjati asked Ms. White for comments.

Ms. White said the Planning Commission should have received the administrations review of the site plan. It was reviewed in accordance with Chapter 1134, the Planned Unit Development Overlay District. The applicant submitted a revised agreement, the item that the City was waiting for, and is present to take questions from the Commission.

Mr. Art Lawrence, 30559 Pinetree Road, Pepper Pike, and Mr. Brian Palumbo, 26031 Ste. B, Center Ridge Road, Westlake, were present for the meeting, representing Shamrock Business Center/Saber Healthcare. Mr. Lawrence related that he reviewed the plan with the City a few weeks ago and came away from the meeting with suggestions on ways to enhance the building. The redesigned plan revealed improvements that seemed to satisfy everyone. Mr. Palumbo said it is understood that this was not in the overall development plan and although the building is not an exact fit for the area, the one-story building was given two-story character. Dormers and transoms were added and wall heights were increased along with roof pitches. The level of detail at the entrance was enhanced through columns and the addition of stone. Mr. Lawrence expressed that attention was paid to the comments of the City. After addressing the design of the structure, the agreement was resolved and understood by all involved.

Chairman Komjati asked for an overview of the access agreement since it has been a while since it was discussed.

Mr. Lawrence explained that the south lanes of Brookstone Boulevard are already installed with matching north lanes scheduled for the future. Since Meadowbrook Lane has not yet been built, access is necessary to develop the Saber property. A series of easements were agreed upon between the developer and the City to allow for access from Brookstone and a private driveway to be established in the location of the future Meadowbrook Drive. The driveway will allow another entrance at the corner of the property. The agreement says that in the future, when the north lanes of Brookstone are constructed, the temporary driveway will be removed to make room for Meadowbrook Drive. The property will then be accessed through the secondary entrance until Meadowbrook is complete. Once Meadowbrook Drive is in place, this entrance will become the main access to the property. The secondary drive will be removed, the northern lanes of Brookstone Boulevard will be in, and there will be a right-in, right-out of the property off of Brookstone Boulevard.

Chairman Komjati asked for comments from the Commission. Ms. Hada stated that she visited the Saber Healthcare website. She acknowledged that they have constructed some nice buildings.

Chairman Komjati asked the number of rooms and beds the proposed building would house. Mr. Palumbo replied 60 rooms are planned, accommodating 80 beds.

There being no further discussion, Chairman Komjati asked for a motion. Motion by Ms. Fleck, seconded by Ms. Kuhlmann, to approve the preliminary plat approval for Shamrock Business Center PUD/Saber Healthcare with the following stipulations:

1. The Access and Easement Agreement which contains all conditions previously placed on this project must be signed by all parties and shall be filed with the Lake County Recorder's Office prior to development of this property;
2. Detailed landscaping plans including the location height, number and type of plant material to be installed for the site shall be provided prior to applying for a building permit;

3. Detailed final utility plans including the location and sizes for the site shall be provided prior to applying for a building permit;
4. The Shamrock Business Center Association, Inc. Declaration of Covenants, Restrictions and Easements governing all future owners of the parcels and their respective successors and assigns, shall be amended to include the Saber Healthcare property; the Declaration must also apply to the remaining land that is left in the PUD area so that the Exhibit A for this Declaration must include a legal description for the remaining land; and shall be filed with the Lake County Recorder's Office prior to development of this property

On Roll Call, Ms. Fleck, Mr. Wainwright, Ms. Hada, Ms. Kuhlmann and Chairman Komjati answered "yes". Motion carried, 5-0.

Mr. Lawrence thanked the Commission and complimented Ms. White and Mr. Lewis for their exceptional cooperation.

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

##### **REFUSAL NO. 2276- CONDITIONAL USE PERMIT REQUEST**

**Applicant:** Steve Lovick; S & S Dump & Dig Inc. dba Cashen Ready-mix and Builders Supplies  
**Owner:** Mica & Mica Jurcevic  
**Location:** 225 West Prospect Street  
 Permanent Parcel Number 15-C-028-0-00-004-0  
**District:** M-2 Industrial  
**Section:** 1143.06(a)

The City of Painesville has received an application from Steve Lovick for a Conditional Use Permit. The applicant is proposing to operate a concrete batch plant at 225 West Prospect Street (Permanent Parcel Number 15-C-028-0-00-004-0). The property is located in the M-2 Industrial District. Section 1127.05 does not list concrete plants as a permitted use in the M-2 Industrial District. A conditional use permit for a Similar Use designation is requested.

Mr. and Mrs. Steve Lovick, 7080 Ravenna Road, Concord, Ohio, were present for the meeting. Mr. Lovick stated that he submitted engineered drawings to the Commission that show a concrete ready-mix plant for making concrete. He stated that his company services the area already and he just wants to service it better.

Chairman Komjati asked Mr. Lovick if the plant would resemble the picture the Planning Commission received in the packet. Mr. Lovick replied, yes, but not on that large of a scale.

Chairman Komjati asked the hours of operation. Mr. Lovick replied the hours of operation are 7 AM to 5 PM: 7 AM to 4 PM during the winter months. The plant might even close for winter operations.

Chairman Komjati asked what type of traffic would visit the facility. Mr. Lovick replied that they would begin with five trucks daily, increasing to perhaps eight trucks. The business will dictate if more or less are needed. The trucks will be delivering stone, aggregate and sand, and then the trucks will deliver the product to the customers. Rain and other weather may affect the traffic volume, but the more traffic, the better it is for business.

Chairman Komjati asked about the item concerning the vacation of a portion of Mathews Street. Mr. Lovick explained that he plans to use the vacated area for storage. Three storage bins will be partitioned off by cement barriers, according to the type of aggregate. Although there are sewer, water and utility lines under the street, the storage bins should not disturb the lines. The additional space will also be utilized for parking.

Ms. Kuhlmann asked if a silo would be installed on the property. Mr. Lovick replied yes, and its placement will be in the farthest corner of the property, so as not to disturb the surrounding properties. Additionally, all the existing greenspace will remain undisturbed for buffering.

Chairman Komjati asked Mr. Lovick if the City shared the sound buffering and lighting requirements with him. Mr. Lovick confirmed yes; he reviewed the performance standards of the City and answered all the questions as best as he could. He assured the Commission that no hazardous chemicals would be used in manufacturing on the property, just sandstone and cement.

Ms. Kuhlmann asked if the applicant was considering extending the work hours to begin at 6:00 AM. Mr. Lovick stated he is interested in that, if permitted. Ms. Kuhlmann asked what business would be conducted between 6 AM and 7 AM, keeping the noise ordinance in mind. Mr. Lovick replied that there would not be any noise; safety checks could be performed to insure that the vehicles are safe to operate.

Ms. Fleck asked what kind of dust or air quality would affect the residents. Mr. Lovick replied the dust creation would be minimal, in accordance with EPA standards and all EPA permits will be in place. In addition, storm water run-off would be addressed as well.

Chairman Komjati asked about the trailer and fence as shown on the submitted plans. Mr. Lovick stated he

plans to construct a building, as a trailer is not permitted. Additionally, a picket fence would be installed as a buffer along the tree line of the property to prevent disturbing the neighbors. He indicated that letters were sent to the residents within 400 feet of the property, revealing the intentions for the property as well as his company contact information. Mr. Lovick said only one response was received and the resident said they were glad that the plant was planning to locate to the City.

Chairman Komjati asked if the City has received feedback from the neighborhood. The secretary replied that she had not. Chairman Komjati asked if there were comments from the audience. Ms. Patrice Naylor, 257 Mathews Street, stated she was excited at first that someone was going to utilize the property, however, she has reserves regarding dust control. She said she works very hard for her home and she is worried about dust ruining her HVAC system and siding.

Mr. Lovick stated that he does not believe dust will be an issue. He said a sprinkler system that minimizes dust was installed at their plant location in Madison. A central dust collector will be installed on this property as well. As the trucks are "batching", the dust that is produced will be sent through a filter system so it does not release into the air.

Mr. Ted Churchia, 17207 Rock Creek, Thompson, stated he runs a small business on West Prospect Street. He added that he is also representing owners of two parcels on West Prospect. They collectively have concerns for their property values. Mr. Churchia explained that one of the parcels is undeveloped and there is a concern that the location of a concrete plant so close to the parcel may affect a potential sale. There is also the effect of the increased traffic on the road. West Prospect is not in great shape and he cannot imagine what additional truck traffic will do to it.

Chairman Komjati asked if there were plans to resurface West Prospect Street. Mr. Carson replied it is not on this year's list. Ms. Hada said she thought she saw West Prospect on the list to repave. Ms. White said it is Richmond Street that is going to be resurfaced.

Mr. Wainwright asked for the list of the permitted uses in an M-2 District. He surmised that a permitted business could potentially locate to a property on West Prospect Street without coming before the Planning Commission, bringing traffic with it. Mr. Churchia reciprocated that he is most concerned with truck traffic.

Ms. White replied the following uses are allowed in an M-2 District: Assembly uses, auto repair (bodywork), contractor shops, packaging facilities, uses that involve the transformation of materials to create a finished product, like an assembly plant, wholesale warehousing storage, testing research, animal boarding kennels and truck terminal facilities.

Mr. Wainwright remarked that there are other permitted uses that could influence the road conditions as well.

Ms. Fleck inquired if the EPA regularly monitors the property. Mr. and Mrs. Lovick stated there is constant monitoring by the EPA at their plants in Madison and Conneaut. Mrs. Lovick expounded that they very compliant with everything EPA related.

Chairman Komjati asked what Mr. Lovick's time-line for operation is. Mr. Lovick stated he would like to open by June 15, 2016.

Chairman Komjati asked for the recommendation of the City. Ms. White suggested the stipulations in her memorandum should be attached to the Conditional Use should the Planning Commission give it a favorable recommendation.

Chairman Komjati asked the number of positions that would be created at the site. Mr. Lovick stated two salary positions would be created immediately with five to eight drivers; possibly more if the business grows. Another office position might be created as well, depending on the size of the building to be constructed on the site.

Ms. Fleck asked how his customers are using the product. Mr. Lovick replied that ready-mix concrete is the second most purchased item in the world, second only to water. It is used for everything: buildings, roads, driveways, basements, foundations, and footings on larger buildings. Mr. Carson added crosswalks in the City. Mr. Lovick replied yes, they did the work on Walnut Street and the streetscape last year.

There being no further discussion, Chairman Komjati asked for a motion. Motion by Ms. Hada, seconded by Ms. Kuhlmann, to favorably recommend approval of Refusal No. 2276 to Steve Lovick for the property located at 225 West Prospect Street (Permanent Parcel Number 15-C-028-0-00-004-0) with the following stipulations:

1. The Conditional Use Permit is contingent on the approval of the Vacation of Mathews Street;
2. The property (vacated Mathews Street) shall be transferred to the applicant prior to any building permits being issued;
3. The Conditional Use Permit shall not be transferable to another party;
4. The applicant must comply to all the conditions outlined in the Industrial Performance Standards;

5. Job creation shall be provided for as stated in the submitted Letter of Commitment;
6. A detailed landscaping plan for adequate buffering as provided in Section 1133.01 Supplemental Regulations for Commercial and Industrial Districts to be installed prior to applying for occupancy;
7. The hours of operation of the use shall be Monday through Saturday, 7:00 a.m. to 9:00 p.m. with occasional Sunday hours as allowed by Chapter 539.

On Roll Call, Mr. Wainwright, Ms. Hada, Ms. Kuhlman, Ms. Fleck and Chairman Komjati answered “yes”. Motion carried, 5-0.

### **Vacation of a Portion (0.43 Acres) of the Mathews Street Right-of-Way – Eastern Half**

The eastern half of the vacated portion of Mathews Street adjacent to PP# 15-C-028-0-00-001-0 will be deeded to the parcel sought by Mr. Lovick, contingent on the applicant receiving a favorable recommendation from the Planning Commission of the Conditional Use Permit for the concrete batch plant with the subsequent affirmative decision from Painesville City Council.

Chairman Komjati asked for comments from the Commission. Ms. Hada suggested that when the City vacates a portion of City land, an appraisal should be done and a rate set for the value of the land.

Chairman Komjati asked if there is any financial transaction associated with the vacation. Mr. Lewis replied no.

Chairman Komjati asked about the maintenance of a utility easement. Ms. White replied that in a memorandum, the City Engineer, Leanne Exum, requested that the City maintain a utility easement. She also recommended utility easement verbiage placed on the vacation plat that allows the City access to water and sewer lines. Ms. White said it is one of the stipulations within the memorandum to the Planning Commission.

Chairman Komjati asked Mr. Lovick if he was aware of the easement consideration. Mr. Lovick replied no, but he does not see it as a problem. Ms. White clarified that on the site plan, the last bin sits over the top of the vacated portion of Mathews Street, but it could be relocated to access those lines.

Ms. White reviewed the stipulations of the recommended approval of the street vacation. She said that the street vacation request is only valid upon final approval of the Conditional Use Permit to allow for the concrete batch plant at 225 West Prospect Street. Once approved by the Planning Commission, this will be forwarded to City Council. Council has a 15-day opportunity to call it up for a public hearing. Once approved by the Planning Commission, and City Council approves the street vacation, then the use may proceed.

There being no further discussion, Chairman Komjati asked for a motion. Motion by Ms. Fleck, seconded by Ms. Kuhlman, to favorably recommend the vacation of the Mathews Street Right-of-Way with the outstanding issues addressed prior to approval of the street vacation by City Council:

1. Submission of the vacation plat showing the boundaries of the property along with the legal description of the property;
2. Vacation plat shall include all required easements to the City of Painesville for the existing utility lines as indicated by the City Engineer.

Recommended condition on the approval of the street vacation:

3. Vacation request is only valid upon the final approval of a conditional use permit to allow a concrete batch plant at 225 West Prospect St.

On Roll Call, Ms. Hada, Ms. Kuhlman, Ms. Fleck, Mr. Wainwright and Chairman Komjati answered “yes”. Motion carried, 5-0.

Ms. White said City Council would be notified tomorrow. The next City Council meeting is March 21 where the vacation ordinance would have the first reading. The department will keep Mr. Lovick informed on what is happening.

### **ADMINISTRATIVE REPORT**

**Temporary Structure and Uses:** NVR Inc./Ryan Homes has made application for the determination of a parking pad in accordance with Section 1141.07(c). Ryan Homes is proposing to install temporary off-street parking for a model home being constructed at 402 Greenfield Lane (Permanent Parcel Number 35-A-005-A-00-336-0).

Mr. Tony Murray, 8542 Forestview Avenue, Mentor, was present, representing Ryan Homes. Mr. Murray explained that there is a model home under construction at 409 Greenfield Lane, which is the main drag of Heisley Park. The goal is to eliminate traffic but there are still 100 lots to be developed. This pad would be a temporary structure, until the development is complete and a house is eventually constructed on the model lot.

Chairman Komjati asked what material the pad would be constructed from and how many vehicles it would hold. Mr. Murray replied it will be made of concrete and will contain five parking spaces in addition to the four spaces that would be available in the driveway of the model home.

Chairman Komjati asked if the parking lot would be used for more than one year. Mr. Murray answered that it will probably be needed for three years; however, he is aware that he would have to reapply for a temporary use after one year.

Ms. Fleck asked if the pad would compromise the soil underneath. Mr. Murray replied no, since the grade of the lot is low and has already been filled. The basement grade would be approximately six feet below current grade, so the soil underneath will still be virgin material.

Ms. Hada stated that Ryan Homes does a nice job of grading after a build.

Chairman Komjati asked for comments of the City. Ms. White reviewed the recommendations of the City. She stated that Ryan Homes reconfigured the parking area on the lot from a large 46 ft. curb cut, to a narrow, more manageable residential driveway size parking area. Ms. White asked Mr. Murray to review the proposed lighting plan for the parking pad. Mr. Murray replied that several post lamps would be placed at the striped area of the parking pad itself. Additionally, the walkway leading from the parking pad to the model would be lighted with low, pathway lights.

Ms. White asked if there is a landscape plan for the parking lot. Mr. Murray said it would be landscaped, but he was not sure of the plan. He said the landscaping would probably look similar to the model.

Mr. Komjati asked for the comments of the neighborhood. The secretary read an e-mail from the Homeowner's Association at Heisley Park. The HOA stated they are in favor of the temporary use request being granted.

There being no further discussion, Chairman Komjati asked for a motion. Motion by Ms. Hada, seconded by Ms. Kuhlmann, to approve the issuance of a temporary permit for a parking pad at 402 Greenfield Lane with the following conditions:

1. The installation of the parking area on the property shall be installed per the City Engineer's recommendations to avoid any safety and/or storm water related issues;
2. The parking area shall be maintained at all times in respect to the condition of the pavement; any maintenance issues will be addressed in a timely manner;
3. The proposed lighting plans shall be submitted and reviewed by the Community Development Department prior to installation;
4. The proposed landscaping plans shall be submitted and reviewed by the Community Development Department prior to installation;
5. The installed landscaping materials shall be maintained and replaced as necessary
6. The applicant will re-apply for the temporary permit on an annual basis for the duration of the lot as the permit is only issued on a one-year period.

On Roll Call, Ms. Kuhlman, Ms. Fleck, Mr. Wainwright, Ms. Hada and Chairman Komjati answered "yes". Motion carried, 5-0.

**Renaissance Parkway, Phase II** – Road Dedication and Preliminary/Final Plat Approval of 0.7876 acres (34,306 sq. ft.) of land.

The City Engineer, Ms. Leanne Exum, 8572 Sumner Road, Chardon, explained that Renaissance Parkway dedication plat was created in 2007 when the roadway was installed, but the plat was never filed. Since there now is interest in development along Renaissance, filing must take place.

Chairman Komjati asked if it was an oversight. Ms. Exum said it could have been. Mr. Lyons, the Assistant Law Director, said there might have not been any direct need to dedicate it in 2007 because the lots were not being sold.

There being no further discussion, Chairman Komjati asked for a motion. Motion by Ms. Hada, seconded by Ms. Kuhlmann to approve the dedication plat of Renaissance Parkway Phase II. On Roll Call, Ms. Fleck, Mr. Wainwright, Ms. Hada, Ms. Kuhlmann and Chairman Komjati answered "yes". Motion carried, 5-0.

**High Pointe Centre Covenants and Restrictions** – Planning Commission approval is required in accordance with Section 1138.01(b) of the Zoning Code.

Ms. White explained that last year High Pointe Center, the former hospital site, was rezoned as the Downtown Development District. In the creation of the district, it was determined that the Covenants and Restrictions must be instituted prior to any sale of any part of that property. Since there is interest in the site, Ms. White, the Assistant Law Director, James Lyons, and the City's Economic Development Coordinator Cathy Bieterman, worked with a consultant from City Architecture, to create the document. It is a blend of the Renaissance Business Industrial Parkway Covenants and Restrictions with portions of the PUD section of the City Code regarding the look and feel of a downtown center. Together they created a fusion that follows the Master Plan for that site. The document must be recorded with the Lake County Recorder's Office.

There being no further discussion, Chairman Komjati asked for a motion. Motion by Ms. Hada, seconded by Ms. Kuhlmann to approve the High Pointe Centre Covenants and Restrictions. On Roll Call, Mr. Wainwright, Ms. Hada, Ms. Kuhlmann, Ms. Fleck and Chairman Komjati answered "yes". Motion carried, 5-0.

Ms. Fleck commented that the area was rezoned so that there would be quick action as necessary if someone were interested in the property. She asked why the Covenants and Restrictions were not filed immediately after the property was rezoned.

City Manager Carson replied that it took some time to negotiate the document to make sure it was completed correctly. Once the City received some interest, then the City made certain the interest matched the vision of the City.

**Unified Zoning Code Update** – Julie Lindner, Consultant

This matter was postponed until the April 14, 2016 Planning Commission meeting.

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

There being no further business, the meeting adjourned at 8:28 pm.

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Tina B. Pomfrey, Secretary

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David Komjati, Chairperson