

PLANNING COMMISSION MEETING

April 10, 2014

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, Ms. Leah Huth, Mr. Mark Wainwright, Ms. Carol Fleck, Ms. Christine Shoop, and Chairman David Komjati. Also present were, City Manager Anthony Carson, Assistant City Manager/Community Development Director Douglas Lewis, City Planner Russ Schaedlich, Assistant Law Director James Lyons, and Secretary Lynn White.

MINUTES: Chairman Komjati asked for additions or corrections for the Planning Commission Meeting of March 13, 2014. There being none, he asked for a motion. Motion by Ms. Shoop, seconded by Ms. Fleck to accept the Planning Commission Meeting Minutes from March 13, 2014 as written. Chairman Komjati asked the secretary to call the roll. On roll call, Mr. Wainwright, Ms. Fleck, Ms. Shoop, Ms. Huth, and Chairman Komjati said "yes". Motion carried.

Chairperson Komjati asked the secretary to read the item under Tabled Business.

TABLED BUSINESS:

- **Temporary Structure and Uses: Lake Erie College was granted the placement of a temporary modular unit at Recreation Park on June 12, 2008 with extensions granted in December 2008; November 2009; November 2010; November 2011; December 2012. Lake Erie College is requesting an additional one-year extension of their permit for the modular unit for the 2014-2015 seasons.**

Chairman Komjati asked the representative from Lake Erie College to speak on the request. Mr. Reid Guarnieri, 6441 Hopkins Road, Mentor, Director of Athletics, introduced himself. He stated the college is requesting the trailer for another year. The plan is to build up recreation park and appreciates the relationship the city has with the college. He explained that funds that were to be used for a permanent structure have not come through. There have been sizable improvements made to the temporary trailer over the year. Mr. Komjati asked for some detail on the type of improvements that were made. Mr. Guarnieri stated that aluminum siding has been added to the structure which makes it more aesthetically pleasing. The use of the structure has been limited to help alleviate any unnecessary wear and tear. Stairwells have been put in place and matting has been purchased to be used around the perimeter of the trailer to keep the area from being torn up when the weather is not good. Mr. Guarnieri indicated they have had discussions regarding what they can do as sub-leasees with the Local School District. A subcommittee has been created to work collaboratively with the various entities to discuss maintaining the park and cost sharing. Mr. Komjati asked if there were any items on the table that he would like to share with the Commission. Mr. Guarnieri indicated they have been meeting on a regular basis and they are looking at ways to improve the park and sharing the costs of those improvements.

Ms. Fleck commented about the stipulation to keep the structure in good repair and the structure is to be removed in December 1, 2014. What kind of an ease out plan does the college have in place. Mr. Guarnieri stated they would like to have funding in place. He indicated that he does not know if that will be the case, the history speaks for itself. In the collaboration efforts, the thought is by having an open dialogue and as part of the subcommittee and talks about enhancing the contract that is in place a strategic plan would be created for the area. The thought is to either incorporate the structure into the facility or come up with a plan to upgrade the current structure on the site the High School uses. Ms. Fleck asked if this would all cumulate by December 1. Mr. Guarnieri stated the removal of the structure from the property, given that they are not given another extension, we would want to live up to what is being requested.

Ms. Shoop commented about Mr. Schaedlich's memorandum stipulating the trailer be removed by December, however, in the letter requesting the extension from Ms. Robin Johnson it is requesting the trailer remain for the 2014 through 2015 football season. Mr. Guarnieri indicated Ms. Johnson is no longer with the institution. He was asked to fill in as her replacement. He explained to the Commission historically what has been done at the field. The football season uses the fall to practice for competition and in the spring, during the academic school year, it is used for practice. Mr. Guarnieri explained that if the request needs to be modified to allow it to continue through the spring that could be done. Mr. Schaedlich explained the code allows for a one-year extension on this type of request. This is what the Commission has granted in the past. The idea is to keep track of the need of the temporary structure and the condition of the unit. There was some discussion of the code and what the regulations are for this type of request. Mr. Guarnieri was clear about the fact another request for an extension will have to be done at the end of 2014 in order for the use to continue.

Mr. Wainwright made a general comment. He indicated there is no exit plan. There is no way a facility will be put in place by the end of the year. He asked how long is temporary? This request has been granted five to six times. He stated that he does not want to be hard-nosed; however how long are we going to do this. If there is no plan in place to build something, it will not happen. Mr. Wainwright commented that he is not saying this should not be granted. He wants to be sure that everyone realize there needs to be a plan.

Ms. Shoop commented about partnerships with the city and the college. The temporary structure requirement gives the city the ability to monitor the structure to keep it from becoming an eyesore. This is a sports facility while she understands what Mr. Wainwright is saying, she feels the temporary permit is fine. After 2015 maybe there will an opportunity to find something not temporary. Ms. Fleck agreed with Ms. Shoop in regards to the partnerships with the City. She does not feel those partnerships should be taken for granted.

Chairman Komjati stated that this might be something Mr. Guarnieri could take back and discuss with the college. Mr. Guarnieri replied the college does not take the relationship for granted, nor this application for the temporary structure. This is his first year as the Director of Athletics. He is aware of some of the issues created by the former director. The administration of college is changing to help with becoming more involved with the community and try to enhance the City of Painesville. Lake Erie College values the City of Painesville and the use of the facility.

Mr. Carson stated that he strongly urges the Commission approve this request. The administration has been working with the college and the school system. There are many issues at the park and to have three partners working together is sometimes difficult. Mr. Carson stated that he gives the college credit, they have made a commitment to the city, they are good for the city, and we want them to stay here. Anything that we can do to help facilitate that is encouraged.

Mr. Lyons asked if there a reason this request was limited to a year on the previous requests. It was discussed that under the code, temporary permit are to be issued for not more than one year. The city needs to determine if the college is operating in good faith in order to move forward. The city has to do this in one-year segments.

Mr. Schaedlich indicated that he has been at the site where the structure is located. The unit has been maintained in an acceptable manner. There were times when this was not the case. He stated he is satisfied with the current conditions.

Chairman Komjati asked if there were any other comments or questions. There being none he asked if there was a motion on this request. Motion by Ms. Fleck, seconded by Ms. Shoop, to approve the Temporary Structure and Uses extension request for Lake Erie College for an additional one-year for the modular unit at Recreation Park with the stipulations that it be maintained in good repair in 2014 and be removed by December 1, 2014. There being no further discussion, the secretary was asked to call the roll. On roll call, Ms. Fleck, Ms. Shoop, Ms. Huth, Mr. Wainwright, and Chairman Komjati answered “yes”. Motion carried.

There was some discussion regarding ownership of the football field and the responsibilities of the parties that use the field. It was determined that there is a lease in place and there are working agreements between the school, the college, and the city.

Chairman Komjati moved onto the next item.

NEW BUSINESS: (Public Hearing Item)

Zoning Code Modification: include party centers as a conditional use in the M-1/M-2 Industrial Districts.

Chairman Komjati asked the applicant to speak on behalf of this request for the zoning code modification.

Mr. Dan Fisher, 66 Lusard Street, Painesville, indicated the facility that they operate is a great tool for many girls not only for this area but also from other areas. Approximately 60% of the girls that use the facility receive scholarships as they get into high school. Chairman Komjati asked Mr. Fisher to explain what the facility is used for. Mr. Fisher replied Ohio Energy Fast Pitch is a travel ball organization with four teams, 10, 11, 12, and 14. The players are required to pay a fee, which covers uniforms, facility fees, and travel. On the weekends and during the week there are pitching coaches and hitting clinics. Chairman Komjati asked if other teams use the facility. Mr. Fisher responded they open the facility for other organizations without a charge. Mr. Komjati asked if there is any income. Mr. Fisher stated that anything that is collected over the cost per player is put back into the facility. They are a non-profit organization.

Chairman Komjati asked Mr. Schaedlich to explain this request to the Commission. Mr. Schaedlich stated that beside this use the proposed zoning code change would allow other uses by adding “Commercial/Organizational Recreation Uses” to the list of Conditional Uses permitted in the M-1 and M-2 Industrial Districts. This shall include, but not be limited to fitness centers, gyms, schools for the martial arts, gymnastic schools, indoor softball/baseball practice facilities, golf practice facilities, and other such similar facilities.

Mr. Schaedlich explained the proposed zoning text change would limit the number the number of facilities to three within the City. This limitation is not to have the already small amount of industrial uses occupied by something other than what they were intended to be used for, manufacturing. He also explained that in order to prevent a facility from keeping a conditional use if not necessary the City is recommending that the Conditional Use Permit shall be valid for a period of one year from the date of issuance and may be renewed, and is subject to renewal by the submission of a new application.

Chairman Komjati posed a scenario of the current facility owner is approached by a machine shop company who is willing to pay well; where does that leave Ohio Energy. Mr. Fisher replied that is why they are there. The building has been vacant for such a long time, the owner appreciates that they pay their rent, take care of the

property and the facility. Ms. Shoop asked if there was a lease between the two parties. Mr. Fisher indicated that they have a year-to-year lease.

Ms. Fleck asked if this change affects all M-1 and M-2 zoning districts. Mr. Schaedlich replied yes, once the change is made, it is for all property within the City limits that have that zoning classification. It was asked if there have been other requests like this. Mr. Schaedlich indicated there have not been any other requests. He reminded the Commission there would only be three of these types of uses allowed at one time.

There was discussion regarding the economy and the desire for having this as an opportunity for property owners to generate additional income for vacancies. The idea of using the industrial districts when there are limited areas for this was a concern. The stipulation of only allowing three conditional use permits to be issued at one time should help to eliminate the concern. Mr. Schaedlich directed the Commission's attention to his memorandum that outlines the proposed wording for the text change. Ms. Fleck inquired about the previous proposed zoning text change that was denied by the Commission and how that would be different. Mr. Schaedlich explained the party center use is not listed, therefore it is not permitted. Mr. Schaedlich went through each of the stipulations that he is suggesting for this request. The suggested text is:

(i) Commercial/Organizational Recreation Uses. In the M-1 and M-2 Districts the following minimum standards shall be the basis for review of a conditional use permit request; (1) That no more than three (3) Commercial/Organizational Recreation Uses may be operational at any given time within the combined M-1 and M-2 Districts.; (2) Off-Street Parking: The Commercial/organizational recreation use shall require a minimum of 5 parking spaces per 1,000 square feet of gross floor area of the facility. No parking shall occur in the roadway in the M-1 or M-2 Districts.; (3) Handicap parking spaces shall be provided as required under Section 1137.04(c) of the Planning and Zoning Code.; (4) Building Inspections: The facility used for a commercial/organizational recreation use shall be compliant with all appropriate building, health, safety & fire codes applicable to the use of Commercial/Organizational Commercial/Organizational Recreation Uses. Occupancy permits specific to the use of Commercial/Organizational Recreation Uses shall be obtained prior to the facility commencing operation.; (5) The Conditional Use Permit shall be valid for a period of one year from the date of issuance and may be renewed, and is subject to renewal by the submission of a new application.

Ms. Shoop asked if the applicant has met all of the suggested requirements outlined by Mr. Schaedlich. Mr. Schaedlich responded yes. This was verified by Mr. Fisher.

Mr. Lyons suggested a modification to stipulation number 5 to include ...submission of a new application to the Planning Commission, so it is clear that it is this body to review the application. Based on the concerns by the Commission and the City, the terms of everyone having to come back in one year is valid. The current situation of the space being vacant may change in the future. There may be a need for this space for an industrial user. This would allow the Commission to review the application and deny the conditional use for a recreational use to allow an industrial user to occupy the space as a specific reason. Mr. Lyons stated that a business that can generate tax dollars would be in the City's best interest. The current user of the facility does not generate income tax dollars for the city.

Mr. Fisher responded that he understand that, however, the people the use the facility support the local businesses by purchasing food and gas in this area. Mr. Lyons indicated that could be a consideration at that time for the Commission to review. Mr. Fisher stated that is more than what income tax the City would get from five employees. The hundreds of people that come to use the facility out-weigh that point.

Mr. Lyons suggested language that states, the conditional use permit may be denied if there is a commercial need for this space. He comment that if the situation comes up where the Commission will have to decide between the recreational user or the industrial user, the application will have the opportunity to state his case as to the benefit to the City.

Mr. Carson asked if the change Mr. Lyons is suggesting the only reason that a conditional use permit for this use would be denied. Mr. Lyons stated no, that is not the only reason. Mr. Carson responded that as good as an organization that is there currently, the two other places could have different types of uses. The other uses could cause problems being located in the industrial zoned areas. He stated that he would like to ensure that there is adequate language in place for the Commission to deny other requests if deemed necessary. Mr. Lyons suggested adding the wording, or for other factors deemed relevant by the Planning Commission to the end of his first suggestion.

Ms. Shoop asked if there was additional space located in the current facility for another recreational user, can it be sectioned off. Mr. Fisher indicated there are three to four separate areas available at this location.

Mr. Schaedlich explained that this is a text change to the code. If this is approved by City Council, the applicant will have to make an application for the conditional use to operate this facility at that location. They will be subject to a public hearing to allow the recreational facility to be operated there.

Ms. Huth asked if the changes discussed are permanent. Mr. Schaedlich responded yes, they are permanent. She asked how the three permits would be handled as far as tracking and who decides if they can apply. Mr. Schaedlich indicated the permits would be handled on a first come, first serve basis. They will also have to prove that the use is in operation.

Chairman Komjati asked if there were any other comments or questions. There being no other comments, Chairman Komjati asked if there was a motion to approve the Zoning Code modification. Motion by Ms. Shoop, seconded Ms. Fleck to approve the proposed zoning code modification to include commercial/organizational recreational facilities as a conditional use in the M-1/M-2 Industrial Zoning Districts with the stipulations

outlined in the Staff Report as modified during discussion. Mr. Lyons restated the change; (5) The Conditional Use Permit shall be valid for a period of one year from the date of issuance. The Conditional Use Permit may be renewed by the submission of a new application to the Planning Commission. In addition to the other factors in the Ordinances that must be considered for the issuance or renewal of a conditional use permit, the conditional use permit issuance or renewal may be denied if there is a commercial need for this space or for other factors deemed relevant by the Planning Commission. There being no further discussion, the secretary was asked to call the roll. On roll call, Ms. Shoop, Ms. Huth, Mr. Wainwright, Ms. Fleck, and Chairman Komjati answered “yes”, motion carried.

OTHER MATTERS THAT MAY PROPERLY COME BEFORE THE PLANNING COMMISSION

Mr. Schaedlich explained that Chairman Komjati suggested having a training session for the Commission. There is one new member and it would be good to have a refresher for the rest of the members. The Commission agreed to have a training session prior to the next Planning Commission Meeting.

Lynn M. White, Secretary

David Komjati, Chairman