

SPECIAL PLANNING COMMISSION MEETING

April 25, 2016

The Planning Commission convened in Courtroom No. 1 at Painesville City Hall for a special meeting. Chairman Komjati called the meeting to order at 5:00 PM. He asked for a roll call. Members in attendance were, Mr. Mark Wainwright, Ms. Mary Hada, Ms. Carol Fleck, and Chairman David Komjati. Absent was Ms. Leah Kuhlman. Also present were, City Manager Anthony Carson, Assistant City Manager/Community Development Director Douglas Lewis, Assistant Law Director James Lyons, City Engineer Leanne Exum, and City Planner Lynn White.

OTHER MATTERS THAT MAY PROPERLY COME BEFORE THE PLANNING COMMISSION:

Chairman Komjati opened the meeting by stating the Other Matters before the Commission is regarding the Conditional Use Permit for 225 West Prospect.

City Planner Lynn White stated that due to unforeseen circumstances, the conditions applied to the Conditional Use Permit for 225 West Prospect Street need to be revised or modified. The two conditions relate to the Mathews Street Vacation. As the survey conducted for the street vacation has brought to the attention of the City the street was never dedicated. This requires a form of legal action since the property does not legally belong to the City of Painesville. As this matter is being cleared up, the property owner would like to move forward with the installation of the concrete plant. The applicant has purchased the adjacent property and he is moving forward with submitting building and site plans for the plant. The applicant, Mr. Lovick, indicated that he is expecting the concrete batch plant to be delivered the first week of June. The plant cannot be installed without a building permit, which is contingent on the transfer of vacated Mathews Street to Mr. Lovick. The Staff is requesting that the Planning Commission modify the stipulations placed on the original permit.

City Manager Anthony Carson asked City Engineer Leanne Exum to provide some of her findings to the Commission. Ms. Exum explained that upon researching the information for the Vacation of Mathews Street she has located information from 1885. The documentation provides that Mathews Street was a dedicated 66-foot wide roadway at 833-feet north from the north line of Jackson Street to the railroad property. Additionally, in 1926 City Council passed Ordinance No. 1484 to vacation a portion of Mathews Street in the City of Painesville by petition. The Staff is preparing the necessary paperwork to move forward with a judgement entry for this matter.

Assistant Law Director James Lyons commented that the matter will need to be published in the newspaper and the heirs of Mathews will be notified. The assumption has always been that this land was a road. This is apparent with the installation of utilities through an easement. Mr. Lyons indicated that it is worthwhile to file a declaratory judgement. If the Court finds this to be satisfactory then the property can be vacated. If the Court does not agree with judgement then an appraisal will need to be completed and eminent domain would then be pursued. The process could take three to six months to complete.

There being no further discussion, Chairman Komjati asked for a motion. Motion by Ms. Hada, seconded by Ms. Fleck, to remove stipulations number 1 and 2 for the Conditional Use Permit approved for 225 West Prospect Street relating to the Vacation of Mathews Street for Cashen Ready-Mix. On roll call, Mr. Wainwright, Ms. Hada, Ms. Fleck, and Chairman Komjati answered "yes". Motion carried.

There were no other matters to come before the Commission.

ADJOURNMENT:

There being no further business, Chairman Komjati adjourned the meeting.

Lynn M. White, Acting Secretary

David Komjati, Chairman