

PLANNING COMMISSION MEETING

June 9, 2016

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. Hada, Ms. Kuhlmann, Ms. Fleck and Chairman Komjati. Mr. Wainwright was 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: Chairman Komjati asked for additions or corrections for the Planning Commission Meeting of April 14, 2016 and the Special Planning Commission Meeting of April 25, 2016. There being none, he asked for a motion for the April 14, 2016 minutes. Motion by Ms. Fleck, seconded by Ms. Kuhlmann, to accept the Planning Commission Meeting Minutes from April 14, 2016 as written. Chairman Komjati asked the Secretary to call the roll. On Roll Call, Ms. Hada, Ms. Kuhlmann, Ms. Fleck and Chairman Komjati answered "yes". Motion carried, 4-0. Chairman Komjati then asked for a motion to accept the April 24, 2016 minutes. Motion by Ms. Hada, seconded by Ms. Fleck, to accept the Special Planning Commission Meeting Minutes from April 25, 2016 as written. Chairman Komjati asked the Secretary to call the roll. On Roll Call, Ms. Kuhlmann, Ms. Fleck, Ms. Hada and Chairman Komjati answered "yes". Motion carried, 4-0.

NEW BUSINESS: (Public Hearing Item)

REFUSAL NO. 2279- CONDITIONAL USE PERMIT REQUEST

Applicant: Ohio Energy, Inc. (Christine Egensperger)
Owner: George Dutton, RODUT Properties, LLC
Location: 305 West Prospect Street (Parcel Number 15-C-028-B-00-004; 15-C-028-0-00-026)
District: M-2 Heavy Manufacturing District
Section: 1143.06 (a)

The City of Painesville has received an application from Christine Egensperger on behalf of Ohio Energy, Inc. for a Conditional Use Permit. The applicant is proposing the continuation of the Commercial/Organizational recreation use at 305 West Prospect Street (Permanent Parcel Numbers 15-C-028-B-00-004; 15-C-028-0-00-026). The property is located in the M-2 Heavy Manufacturing District. Section 1143.06 (a) requires a conditional use permit for Commercial/Organizational recreation uses in the M-2 Heavy Manufacturing District.

Ms. Christine Egensperger, 11876 Girdled Road, Concord, was present on behalf of Ohio Energy, Inc. Ms. Egensperger's daughter handed out a mission and history statement of Ohio Energy Inc. to the Commission. Ms. Egensperger explained that Ohio Energy was established in 2011 with one team. It now consists of six teams, representing age groups from 10 to 15 years old. There is now a seventh group, a 9-year-old developmental team to enter the tournament season at 10 years old. The Ohio Energy organization consists of five Board Members and two coaches per team. The coaches are not parents of a child on the team; they come from division one schools to help coach and develop the talent of the girls. Ohio Energy now represents 88 players in Painesville. The organization has hit many milestones this past year. It is now a traveling team, traveling throughout the northeast US. Last year, the 13 year olds were runners-up in nationals. The organization also has developed a relationship with the Akron Racers and has paired up with two division one coaches from Kent State University. The organization has held an Ohio Energy fund-raising reverse raffle that has for the past two years in a row, earned over \$10,000 per raffle. The funds help to keep fees low. Other local teams have fees in excess of \$1,100. Ohio Energy's fee is \$750. Ohio Energy is committed to helping the underprivileged youth who would not be able to afford the fees charged by other teams. If a player makes a team, even if they cannot pay, they play. These players have their fees subsidized by Ohio Energy. Additionally, the funds help to care for the facility. Installation of extra safety netting was completed, as well WIFI for the parents, and an audio-visual system that allows players to see what their issues are and correct the mechanics. Ms. Egensperger further stated that the team is rarely at the site in the summer months. The facility is utilized mostly in the winter, primarily on the weekends, some evenings, but not during business hours and they never practice outside the facility. They have improved and maintained the property and payed all their bills and have no issues with the property owner, Mr. Dutton. Ohio Energy would like to stay in Painesville. They represent Painesville very well. When Ohio Energy travels, everyone knows them as a Painesville fast pitch team.

Ms. Fleck commented that Ohio Energy represents Painesville very well; however, the use is still a Conditional Use that requires approval. Ms. Egensperger said she understands, however, the benefits the warehouse brings to the girls, in her opinion, outweighs what might be gained in City income.

Chairman Komjati asked if the space was adequate. Ms. Egensperger replied that the organization grew fast, and it was decided that this is the size they want to maintain for the next few years. They would still love to remain in the City should they outgrow the space, but currently it meets their needs.

Chairman Komjati asked where they practice. Ms. Egensperger responded that they practice inside the facility in the winter months and on rainy days; however, Perry Township has given them the use of Hardy Field. Ohio Energy, however, would love to use Painesville Recreation Park.

Chairman Komjati asked for comments from the City. Ms. White stated her memorandum indicates the Economic Development Director indicated that there has been interest in the industrial park, however, since this unit is actively being used, it is difficult to market. Several industrial units are vacant in the industrial park at this time, so the City does not believe it is a detriment to the area. Moreover, there have been no complaints

in the last five years that they have been occupying the space. Ms. White mentioned there are two stipulations to the Conditional Use. They must comply with Section 1143.07 and submit another CUP application next year if they want to continue. In addition, the Conditional Use is not transferrable to another facility.

Chairman Komjati asked for comments from the audience. Mr. Dave Thirion, 340 West Prospect, stated he has been in the industrial park for four years and was not even aware that Ohio Energy was there. Some property owners are concerned about other entities going in the space; however, Ohio Energy is not one of them. Ms. Egensperger said they respect for the businesses and take it very seriously. Mr. Thirion stated he believes they represent Painesville very well.

Chairman Komjati asked for a motion. Motion by Ms. Hada, seconded by Ms. Kuhlmann, to favorably recommend approval of Refusal 2279 to Ohio Energy Inc. at 305 West Prospect Street with the following stipulations:

1. That Ohio Energy is required to comply with the requirements of Painesville Codified Ordinance Section 1143.07 (h) for a Conditional Use Permit for Commercial/Organizational Recreation Uses in an M-1, Light Industrial, and M-2, Heavy Industrial Zoning District.
2. The Conditional Use Permit shall not be transferable to another entity.

On Roll Call, Ms. Kuhlmann, Ms. Fleck, Ms. Hada, and Chairman Komjati answered “yes”. Motion carried, 4-0.

ADMINISTRATIVE REPORT:

- **Review of Temporary Structure and Uses:** Tyler Kelly/ET CETERA 450 Storrs Street

Ms. White explained that in April a temporary Business use permit was issued for a party center at 450 Storrs Street. Due to a misunderstanding regarding the use of the facility, the City would like to add an additional stipulation in writing that the hours of operation for the temporary business use shall extend to no later than 12:30 AM. The applicant discussed the hours, however since it was not written into the conditions at the time of approval, the City would like the hours added to the conditions. The City has already met with the applicant who is aware of the proposed change. This is in addition to the two other conditions that are currently on the permit; that is no alcohol permitted on the premises and the temporary use is effective for one year from the date of issuance.

Chairman Komjati asked for a motion. Motion by Ms. Fleck, seconded by Ms. Kuhlmann to approve the additional condition of the hours of operation of the temporary business use of Et Cetera shall extend to no later than 12:30 AM.

On Roll Call, Ms. Fleck, Ms. Hada, Ms. Kuhlmann and Chairman Komjati answered “yes”. Motion carried, 4-0.

OTHER MATTERS THAT MAY PROPERLY COME BEFORE THE PLANNING COMMISSION

- **Temporary Structure and Uses:** 467 North State Street for use as a Parking Lot by the City of Painesville.

Ms. White indicated that the map enclosed in the Commission’s packet shows the proposed temporary parking area for the City to use during construction of a new Public Works facility. She explained that the building on the map has since been demolished. The City has come to an agreement with the owner of the property, Dan Smith, who has agreed to the use of the lot as parking for City employees during the construction. The parking area surface will be improved and construction is to commence in July and end sometime in late October 2016.

Ms. Fleck asked if the lot would be paved with gravel. Ms. White replied that she imagines that some type of surfacing would be installed.

Chairman Komjati asked if a crosswalk would be installed for safety of the employees. Ms. White replied that the City would have the Engineering Department look at the ingress and egress.

Ms. Fleck asked if there is going to be buffering between the lot and 487 State and 417 Sanford properties. Ms. White replied that the City would maintain a 5 ft. buffer that is usually required.

Chairman Komjati asked the number of parking spaces in the lot. Ms. White responded that the number has not yet been determined.

- **Worksession:** Information will be sent to the Commission regarding a zoning work session and a date will be scheduled.

There being no further business, the meeting was adjourned at 7:58 pm.

