

PLANNING COMMISSION MEETING

June 12, 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, and Chairman David Komjati. Absent was Ms. Christine Shoop. 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 April 10, 2014. There being none, he asked for a motion. Motion by Ms. Fleck, seconded by Ms. Huth to accept the Planning Commission Meeting Minutes from April 10, 2014 as written. Chairman Komjati asked the secretary to call the roll. On roll call, Mr. Wainwright, Ms. Fleck, Ms. Huth, and Chairman Komjati said “yes”. Motion carried.

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

NEW BUSINESS: (Public Hearing Item)

REFUSAL NO. 2251 - 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 a 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.

Chairman Komjati asked the applicant to speak on behalf of the request.

Ms. Christine Egensperger, 11876 Girdled Road, Concord, stated that she is the secretary of Ohio Energy, Inc. Ohio Energy is a non-profit, volunteer driven, girl’s competitive fastpitch organization out of northeast Ohio and has been operating at 305 West Prospect Street for the past two years. The organization serves young women from the age of 8-years to about 20-years old. There are approximately 800 individuals that have used the facility. It is the mission of Ohio Energy to be resolved to commit ourselves, our athletes, and parents to the advancement of Fastpitch softball through a competitive, structured, yet fun environment. Ms. Egensperger stated that they provide pitching and hitting lessons along with allowing other local fastpitch organizations to use the facility. The main goal of the organization is not only to provide athleticism with the young women, but also to gain them the ability to go to college and obtain scholarships. The organization has been very successful in getting scholarships for the participants. Ms. Egensperger commented the organization families use all of the different venues in Painesville including the gas stations, local fast food restaurants, etc. They try to keep everything local and encourage the participants in doing this. She stated that she could answer any questions the Commission may have.

Chairman Komjati asked Mr. Schaedlich to explain this Conditional Use Permit. Mr. Schaedlich stated that this application started in 2012. The use started as a temporary use request since there were no other means for this use to be in any zoning district. After one year, an additional year was requested and granted with the understanding that the organization should be looking for a different location or submit a request to add this into the Zoning Code as a conditional use. Mr. Schaedlich commented that as a conditional use the City has more control over the use of the structure within the M-1/M-2 Districts.

Ms. Egensperger commented that they are aware the (temporary use) conditional use permit is only good for one-year at a time. Mr. Schaedlich explained that an application to add Commercial/Organizational Recreation Uses into the Zoning Code was submitted. The Planning Commission approved the language as proposed in April this year. The matter was taken to City Council and on the third reading; it was passed as an emergency measure so it would go into effect immediately. This is the first time Ohio Energy has been able to apply for a conditional use permit at this location.

Mr. Lewis explained that the Ordinance that was passed by City Council was included in the Commission’s packet for reference.

Chairman Komjati asked if there were any questions. There being none at the moment, Chairman Komjati asked the applicant if they had a chance to review the recommended stipulations from the Administration. Ms. Egensperger indicated they have seen the stipulations and they are aware of what is expected from them to continue the use at this location. Chairman Komjati stated that after reviewing the minutes from last month, Mr. Lyons statement of denying a conditional use permit if there is a commercial need for this space

was included as part of the Ordinance language for this conditional use. It can be used as a determining factor for the Commission if they feel this space is needed for an industrial use. Chairman Komjati asked if this would have to be stated separately. It was determined that it did not have to be included in the list of stipulations, as it is part of the Ordinance. Mr. Schaedlich stated the owner, Mr. Dutton, is also aware of this condition.

Chairman Komjati asked if there were any other comments or questions. There being none, he asked for a motion. Motion by Ms. Fleck, seconded by Mr. Wainwright to favorably recommend approval of Refusal No. 2251 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.
3. The parking lot at 305 West Prospect Street shall be striped and maintained in good condition.

On roll call, Ms. Fleck, Ms. Huth, Mr. Wainwright, and Chairman Komjati answered “yes”; Motion carried.

The applicant was made aware that the conditional use permit might go forward for another public hearing if a majority of the members of Council request a hearing within 15 days. The decision of the Commission shall be final if Council affirms the decision of the Commission. At that time a conditional use permit will be issued and shall clearly, state any and all conditions attached thereto.

Chairman Komjati asked the secretary to read the next item on the Agenda under New Business.

REFUSAL NO. 2252 - CONDITIONAL USE PERMIT REQUEST

Applicant: Cheddaink Tattoos (Ernest A. Fuller)
Owner: Tom Bain
Location: 324 North State Street (Parcel Number 15-A-004-0-00-005-0)
District: B-2 General Business District
Section: 1143.06 (a)

The City of Painesville has received an application from Ernest Fuller on behalf of Cheddaink Tattoos for a Conditional Use Permit. The Applicant is proposing a tattoo shop at 324 North State Street (Permanent Parcel Number 15-A-004-0-00-005-0). The property is located in the B-2 General Business District. Section 1143.06 (a) requires a conditional use permit for similar uses as approved by the Planning Commission in the B-2 General Business District.

Chairman Komjati asked the Applicant to state his name and address for the record. Mr. Ernest Fuller, 486 Payne Avenue, Painesville, introduced himself to the Commission and stated that he would like a Conditional Use Permit to open a tattoo shop. He stated he is an artist and he has been doing tattoos for the past 10-years. He would like to bring a different flavor to Painesville with affordable tattoos.

Komjati asked if he had another operation somewhere else. Mr. Fuller indicated this is his first operation. Chairman Komjati asked for an explanation of how he will be sharing space with the other tenant at 324 North State Street.

Mr. Fuller commented that he and the other tenant get along very well. The businesses will be separated with separate entrances. There will be access granted for him to get to the restrooms. Mr. Fuller's location is in the front of the structure near State Street where his entrance will be. The other entrance is on the side for the other business.

Chairman Komjati asked if there would be other services offered at Mr. Fuller's business or would there just be tattoos. Mr. Fuller indicated that he might offer piercings and other services at a later date. He commented that he does not want to take on too much at the beginning since this is his first business experience.

There was discussion about the business hours. Mr. Fuller indicated that he would be open 11 AM to 5 PM. He would like to extend the hours if he can find the appropriate help that can work with him.

Ms. Fleck inquired about the licensing that is required by the Health Department. Mr. Schaedlich indicated that Chris Loxterman of the Lake County Health District had visited the site with him and gave the Applicant the appropriate regulations that must be followed and approvals to be obtained by tattoo businesses.

Ms. Huth asked about the how the two businesses would work sharing the facilities. Was there some guidance from the Health Department specifically dealing with having a sterile environment? There was concern about contamination issues with the hair salon operation in the same location? Mr. Fuller explained what he was told by the Health Department. He stated that he has completed training by the Red Cross for CPR and Blood Borne Pathogens.

Chairman Komjati inquired about the items noted in the Staff Recommendations on parking issues. In terms of utilizing the parking in conjunction with the hair salon and the other businesses nearby, there are about ten-spaces on North State and Railroad Street. Chairman Komjati asked the Applicant if he anticipated any issue with the parking situation. Mr. Fuller stated that he does not see where there will be an issue. The tattoo business should only have one or two cars at one time and the beauty salon is currently not that busy. There is

parking located behind the building. The owners of the businesses are encouraged to have their employees park in that area so the street parking is open for patrons.

Chairman Komjati asked about signage for the business. Mr. Fuller indicated he has a small sign to be placed on the front of the building. He would also like to have a sign placed on the side of the building. There was discussion about the type and amount of signage that is allowed for the business. Mr. Schaedlich explained that all signage would have to be submitted and reviewed prior to installation. Mr. Fuller stated that he understands and he will submit the information as required.

Chairman Komjati read the recommended stipulations for the Commission. He asked if the Applicant had read them and if he had any questions on the stipulations. Mr. Fuller inquired about the one-year stipulation. It was explained that Mr. Fuller would come back in one-year to request this use again at such time a status of his operation would be given. Mr. Lewis commented that the parking situation should be reviewed at that time. If additional artists are added and parking becomes an issue, it can be addressed at that time.

Mr. Lyons inquired about the bathroom access and it being shared with the salon. Is there a written lease for the use of the restroom? Mr. Fuller explained that the salon owner has the written lease that includes use of the restroom. Mr. Schaedlich added that the building is owned by Tom Bain and the salon owner leases the front of the building from Mr. Bain. Mr. Fuller's lease would be a sublease. Mr. Lyons stated that he would like a stipulation on this request regarding the use of the restroom. This would protect the Applicant from not being able to use the facility in case of a dispute between the two parties. Mr. Lyons suggested the tattoo operation should be limited to the 450 square feet and should be stipulated in the case the business does very well he cannot just expand into the salon area. The recommendation is to have the signed written lease on file prior to issuance of the permit. This should be feasible during the 15-day waiting period.

Chairman Komjati asked if there were any comments from members of the audience. Mr. Anthony Torre, 158 Sanford Street, asked if there were other tattoo businesses in Painesville. Currently there is another tattoo business on the corner of Richmond and Prospect Streets, which was approved a few months ago as a conditional use in the B-2 District.

Chairman Komjati asked if there were any concerns from residents in the area. Mr. Schaedlich indicated there have been no calls or inquiries from the surrounding area.

Mr. Wainwright questioned where the lease for this property would be generated. Is that something that the property owner would have to create? Mr. Lyons explained that in order for the salon owner to lease to Mr. Fuller, they would need to have the right to sublease part of the space. The City has not examined that lease; however, by Mr. Bain signing the consent to allow the business, he is allowing the sublease. In terms of the lease between the two parties, either party can draw it up. There was some discussion about the use of the facility between the two parties. Ms. Fleck asked about the hours of the salon and if this would pose a problem for the Applicant. Mr. Fuller replied the salon is open generally from 8 AM to 3 PM daily. Mr. Lewis recommended stipulating the hours of operation for the tattoo business should be from no earlier than 9 AM to 9 PM.

There being no further discussion, Chairman Komjati asked if there was a motion on this matter. Motion by Ms. Fleck, seconded by Ms. Huth to favorably recommend approval of Refusal No. 2252 to Cheddaink Tattoos at 324 North State Street with the following stipulations:

1. That the days of operation be limited to Monday through Saturday;
2. That the hours of operation of the use shall start no earlier than 9:00 A.M. and extend to no later than 9:00 P.M. daily;
3. That the amount of indoor window signage be limited to no more than two (2) signs per window and said sign cannot be an electronic message sign or neon in nature;
4. That any building signage be submitted to the City Planner for review and approval in accordance with the existing code requirements;
5. That the Conditional Use Permit shall not be transferable to another party;
6. That the parking lot behind the building be striped;
7. That the tattoo parlor operation adheres to all state and local health code requirements and obtains and maintains any and all required licenses and/or permits. Any licenses and/or permits shall be posted in a location within the establishment that is visible to customers;
8. That the Conditional Use Permit is for one year and the owner is required to request a one year extension to determine compliance with the stipulations and impact on the surrounding area;
9. The Applicant shall present to the City Zoning Administrator a written signed lease agreement granting the applicant access to the bathroom facilities in the adjacent unit prior to issuance of conditional use permit;
10. The conditional use is limited to the 450 square feet within the building at 324 North State Street.

On roll call, 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 indicated a letter has been issued to Mr. Havel to have the old signpost removed per the conditions of the permit issued for the Grand Mini Mart located on the corner of Mentor Avenue and Grant Street. The commission was reminded that the training session would be held the date of the next regularly scheduled Planning Commission Meeting. The Commission will be meeting at 6:45 for training and hold the meeting at the normal time of 7:30 PM.

Lynn M. White, Secretary

David Komjati, Chairman