

PLANNING COMMISSION MEETING

September 10, 2015

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 Kuhlmann, Ms. Carol Fleck, Ms. Christine Shoop and Chairman David Komjati. Mr. Mark Wainwright was absent. Also present was the City Manager, Anthony Carson, 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 July 9, 2015. There being none, he asked for a motion. Motion by Ms. Fleck, seconded by Ms. Shoop to accept the Planning Commission Meeting Minutes from July 9, 2015 as written. Chairman Komjati asked the Secretary to call the roll. On roll call, Ms. Fleck, Ms. Shoop, Ms. Kuhlmann and Chairman Komjati said "yes". Motion carried, 4-0.

Chairman Komjati stated the first item listed on the Agenda is the tabled business for Fast Auto and Truck. He asked if there were any changes on this matter. Ms. White replied that she had spoken to Mr. Federico who wishes to leave this matter on the table.

TABLED BUSINESS:

Temporary Structure and Uses: J. Federico/Fast Auto & Truck has made application for the determination of one (1) trailer in accordance with Section 1137.12 (a)(1). Mr. Federico is proposing to place the trailer at 61 South State Street as a temporary office for Fast Auto Sales and Leasing after demolition of the structure at 61 South State Street.

ADMINISTRATIVE REPORT:

- **Preliminary Plat:** request for an extension - Heisley Park Residential Subdivision - Phase XX

Mr. Carson stated there was an agreement made in October 2014 with the developer, Mr. Mortell. There are certain conditions the developer has to meet before the Planning Commission will approve any more plats. At this time, those conditions have not been met; therefore, this item must be tabled. The Chairman asked if Mr. Mortell was with us this evening. Mr. Carson replied no.

Mr. Komjati asked for a motion to table. Ms. Shoop moved, seconded by Ms. Kuhlmann, to table the Preliminary Plat extension for Heisley Park Residential Subdivision Phase XX until the October 8th Planning Commission meeting. On roll call, Ms. Shoop, Ms. Kuhlmann, Ms. Fleck and Chairman Komjati answered "yes". Motion carried, 4-0.

Chairman Komjati commented that there is a large audience present this evening. He said he imagines everyone is here to speak of the Heisley Park Subdivision; however, this is not a public meeting. Out of respect for those who did attend the meeting, he will allow 10 minutes of discussion on the subject of Heisley Park, particularly by one person representing the subdivision. Mr. Komjati indicated that there would be no action taken on the subject; the Planning Commission is only allowing people to voice their concerns.

Ms. Carolyn Senedak, 1818 Spruce Lane, spoke on behalf of the residents present from Heisley Park. Ms. Senedak explained that when she moved to Heisley Park, she was under the impression there was already a park in the development. Her daughters and she rode around the development on their bikes for a year looking for a park that was not there. A few years later, she discovered that the park was agreed to back in 2002. However, 13 years later, there is still no park. Since this is the last phase of development, there is not much land left. The developer is now donating the lousiest piece of property that he has for the development of the park. The residents of Heisley Park feel that the City had a responsibility to ensure that the developer created the greenspace much sooner in the early phases of the development. Ms. Senedak explained that when she purchased her home, she was told that the property behind her was EPA protected wet lands and would remain undeveloped. She indicated that is the reason why she purchased that particular lot and stated that if she had seen that a park was scheduled for development right behind her, she would not have chosen it. She stated she feels the park will rob her family of their privacy. She stated she has one-half a decade experience in "parks & development". She said, without a doubt, this park would sell out the development. Ms. Senedak first believes it is a terrible location: secluded and next to railroad tracks. Vandalism will occur, in her opinion, because unsupervised kids will be kids. In addition, there will be drinking, possibly drugs, and sex in the tube slide, right in her back yard. She added that the park could not be well lighted because it will impact the nearby residences. She is asking the Planning Commission to refocus their efforts on another location. Ms. Senedak stated that she believes the City must bear some responsibility for creating this situation. Additionally, Ms. Senedak would prefer that the park be City-owned, and not the responsibility of the Home Owners Association (HOA). She indicated that a neighbor mentioned there is a green space near Windmill Estates that is for sale and a good location for a park. If the City does not want to assume the responsibility of another park, the HOA from Windmill Estates (when established) and the HOA from Heisley Park could collaborate on something that would mutually benefit both developments. Mrs. Senedak stated that Spruce Lane's residents are not the only ones against the park's location; others that live in the development are not in favor of the location as well. She is asking the Planning Commission to create an alternative plan; something better than what is proposed.

Ms. Shoop asked if there was a stipulation for the developer not providing a park, and just providing cash; is no park an option? Ms. Senedak stated for her, not having a park is not an issue, but others in the development really would like a park.

Chairman Komjati stated that the Planning Commission does not have power over this location; this is between the developer and the City.

Mr. Carson stated that the Planning Commission only has authority over Phase 20 of Heisley Park. The Commission does not have the authority to stop where a park is because it is a permitted use.

Ms. Senedak asked Mr. Carson if he would consider looking at different pieces of property for this park. Mr. Carson replied that the City has done its due diligence and will not comment on the process and the suggestion that Mrs. Senedak has is not viable. Mrs. Senedak asked the City to please reconsider and find something that is viable and not behind Spruce Lane.

Conditional Use Permit Review

Ms. White explained that under the Painesville Zoning Code, there are standards for evaluating Conditional Use Permit applications. Conditional Uses are approved for specific uses and for specific properties. Ms. White indicated that the following two properties are being brought to the Commission's attention because they either have been sold or are being used by a different entity. The Administration has approved the uses internally and is informing the Planning Commission of the changes.

170-174 Main Street:

The Conditional Use Permit was originally issued to the property in March 2003 and then again in August 2010 for residential use on the second and third floor of the commercial structure. The new owners of the property have agreed, in writing, to the three stipulations that were imposed when the Conditional Use was initially granted.

228 East Erie Street:

The Conditional Use was issued in April 2008 and again in October 2008 to allow for religious services at that location. The property is being leased to another religious service organization. The imposed stipulations regarding the Conditional Use included a parking agreement. The parking agreement was modified to include a new location for parking as the original parking lot has been developed and is no longer available for use. The current occupant has provided the City with the new parking agreement and has met the other stipulations of the original Conditional Use Permit.

OTHER MATTERS THAT MAY PROPERLY COME BEFORE THE PLANNING COMMISSION

Chairman Komjati mentioned that a Special Meeting might be called if the developer comes through with the necessary information before the next regularly scheduled Planning Commission Meeting.

Chairman Komjati asked for a motion to adjourn. Ms. Shoop moved, seconded by Ms. Fleck. On Roll Call, Ms. Kuhlmann, Ms. Fleck, Ms. Shoop, and Chairman Komjati answered "yes". Motion carried, 4-0. The meeting adjourned at 7:54 pm.

Tina B. Pomfrey, Secretary

David Komjati, Chairman