

PLANNING COMMISSION MEETING

October 13, 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. Kuhlmann, and Ms. Fleck and Chairman Komjati. Absent were Mr. Wainwright and Ms. Hada. Also present were the Interim 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 September 8, 2016. There being none, he asked for a motion. Motion by Ms. Fleck, second by Ms. Kuhlmann, to accept the Planning Commission Meeting Minutes from September 8, 2016. On Roll Call, and Chairman Komjati answered “yes”. Motion carried, 3-0.

TABLED BUSINESS: (Public Hearing Items)

REFUSAL NO. 2285 CONDITIONAL USE PERMIT REQUEST

Applicant: Robert Knopf
Owner: Mobilite
Location: Right of Way near 607 Williams Street (Parcel Number 15-A-003-0-00-009-0)
District: R-1 Single Family Residential District
Section: 1127.05

The City of Painesville has received an application from Robert Knopf of Mobilite for a Conditional Use Permit. The applicant is proposing to install a 75-foot public utility pole for broadband infrastructure purposes within the right-of-way at 607 Williams Street (Permanent Parcel Number 15-A-003-0-00-009-0). The property is located in the R-1 Single Family Residential District. Section 1143.06 (b) requires a conditional use permit for the installation of commercial transmissions of radio, television or communication systems in all districts.

REFUSAL NO. 2286 CONDITIONAL USE PERMIT REQUEST

Applicant: Robert Knopf
Owner: Mobilite
Location: Right-of-Way near 225 E. Prospect Street (Parcel Number 15-D-010-0-00-025-0)
District: R-1 Single Family Residential District
Section: 1127.05

The City of Painesville has received an application from Robert Knopf of Mobilite for a Conditional Use Permit. The applicant is proposing to install a 75-foot public utility pole for broadband infrastructure purposes within the right-of-way at 225 East Prospect Street (Permanent Parcel Number 15-D-010-0-00-025-0). The property is located in the R-1 Single Family Residential District. Section 1143.06 (b) requires a conditional use permit for the installation of commercial transmissions of radio, television or communication systems in all districts.

REFUSAL NO. 2287 CONDITIONAL USE PERMIT REQUEST

Applicant: Robert Knopf
Owner: Mobilite
Location: Right-of-Way near 701 East Erie Street (Parcel Number 15-A-008-B-00-008-0)
District: R-1 Single Family Residential District
Section: 1127.05

The City of Painesville has received an application from Robert Knopf of Mobilite for a Conditional Use Permit. The applicant is proposing to install a 75-foot public utility pole for broadband infrastructure purposes within the right-of-way at 701 East Erie Street (Permanent Parcel Number 15-A-008-B-00-008-0). The property is located in the R-1 Single Family Residential District. Section 1143.06 (b) requires a conditional use permit for the installation of commercial transmissions of radio, television or communication systems in all districts.

At the request of the applicant, Refusals 2285-2286 and 2287 remained tabled until the next regularly scheduled Planning Commission meeting.

- **Temporary Structure and Uses:** Temporary Office trailer to provide office space at Lake County Committee on Family Violence

This has also been tabled at the request of the applicant. The applicant may return to the Planning Commission with their trailer request if a solution is not reached with the aid of the Economic Development Department, Cathy Bieterman.

NEW BUSINESS:

Chairman Komjati asked the secretary to read Refusal 2295.

REFUSAL NO. 2295 CONDITIONAL USE PERMIT REQUEST

Applicant: Veronica Dahlberg on behalf of HOLA Ohio LLC
Owner: Lake County Land Reutilization Corporation
Location: 265 North State Street (Parcel Number 15-A-013-0-00-0-011-0)
District: B-2 General Business District
Section: 1143.06 (a)

The City of Painesville has received an application from Ms. Veronica Dahlberg on behalf of HOLA Ohio LLC for a Conditional Use Permit. The applicant is proposing to utilize the structure at 265 North State Street (Parcel Number 15-A-013-0-00-0-011-0) as a commercial kitchen economic incubator (food prep; for sale, catering, training), retail, office, community center. Section 1143.06 (a) requires a conditional use permit for uses that are not specifically listed in the zoning code as a permitted use. A similar use determination is being requested by the Planning Commission.

Ms. Veronica Dahlberg, was present, representing HOLA Ohio. She introduced Jeffrey Meyers, the architect of the project, 136 N. Water, Suite 208, Kent, Ohio. Mr. Meyers explained they are in the second phase of development of the project and hope to get feedback from the Planning Commission. He mentioned the location is adjacent to a church with a large parking lot and Ms. Dahlberg has a parking agreement with the church to use 80 + parking spaces during operation of the facility. Mr. Meyers said the proposed building is in a state of disrepair. It used to be a car dealership. Various contractors and engineers have determined the building to be very salvageable. An investment of about 1 million dollars will go into the project to make it a community center the Hispanic community can be proud of and that will act as an incubator kitchen to engage others in the community.

Mr. Meyers stated his firm has focused on restaurant design since 1983, and that is the reason HOLA chose them. He indicated that there has been a lot of support and money invested into developing this concept. Mr. Meyers explained that there is a large dining area, office space, restrooms and an incubator kitchen. This kitchen is meant to be an incubator kitchen that is compliant with the Health Department and their Codes. This will allow others to prepare food and engage in other businesses out of the space. The space is about 5,000 square feet.

Chairman Komjati asked the time- frame for operation. Mr. Meyers replied there would be a four to six month construction period, with full operation a year from now. Chairman Komjati asked if storage tanks are still on the property. Mr. Meyers replied at this time they do not believe so, but if there were, the situation would be remediated.

Chairman Komjati asked if the restrictions that the City is suggesting were reviewed. Veronica Dahlberg, who has offices at 53 South St. Clair Street and lives in Ashtabula, said she has worked with HOLA for about 20 years. She introduced the HOLA Board President, Elizabeth Perez, Board member Gladys Figueroa, Advisor Sharlene Ramos, who has been recently awarded businesswoman of the year, and others from the community who have offered their support. She explained that the idea has really evolved in the last year. Ms. Dahlberg communicated that HOLA does not want to detract from the community, but instead wants to be good neighbors by promoting economic development through the commercial incubator kitchen, creating small businesses within the City. They also would like to offer educational support, working with the universities and already have commitments where they can host some outreach programs with the youth in the community. The space is not just for Hispanics; it will be available to all. She clarified it will not be a party center. This will be a place for families.

Justine Bernacet, a junior at Case Western Reserve University, was present along with five other students from CWRU. They came to support Veronica and HOLA, for providing them with support and a safe space and giving them family here in Ohio, as they are from all over the United States. She read a letter from Xavier Murillo, President of La Alianza, the Latino student organization at CWRU, in support of HOLA's request. Ms. Bernacet explained that she is the liaison between all the Latino organizations and these universities. She said this is an incredible opportunity to engage with HOLA to achieve the American Dream.

Mr. John Niedzialek, 125 E. Erie Street, was present, representing the Western Reserve Resource Conservation and Development Council, comprised of County Commissioners and soil and water districts from nine counties. In 2009, the WRRC&D Council received a similar grant to train Hispanic growers. The grant began in 2008 and was very successful. In 2009, (State Representative) LaTourette toured the fields and was very enthusiastic about the project. This kitchen incubator will be the culmination of the project. When they learned that HOLA was applying for a grant, the President of

WRRC& D, Richard Kennelly, signed a support letter and sent it to John Rogers, the Executive Director of the Lake County Land Reutilization Corp. They support the project and believe it would be a great opportunity for Painesville.

Ms. Dahlberg mentioned that the kitchen incubator would create jobs in the construction phase, but additionally, ten business that are certified through the USDA will utilize the space and will create one to two jobs in the first year of operation, not to mention the staff that they will be hiring. She said she believes it is a great vehicle for job creation.

Sharlene Ramos Chesnes, 4451 Newcomer Road, Stowe, Ohio, stated she is a first generation Puerto Rican who grew up on the near west side of Cleveland immersed in her culture. Aside from being a business owner, she said she has a passion to help students today be leaders of the future. Her goal is to help students of all cultures. Painesville has an opportunity to support a center that embraces culture and will positively influence the community. Currently, universities are offering programs in entrepreneurship and the largest employers are small business owners. Ms. Chesnes said this facility would be a place to bring recruiters in to speak to students to keep them school and give them hope for tomorrow. This location offers another venue to reach out to students and the community.

Elizabeth Perez, 1549 Wood, Cleveland, states she believes the center will work in so many positive ways, and operate full circle; from purchasing products from local farmers market to make their products; to selling the products made at the center, here in the community; with the money earned from this endeavor staying right here in the community.

Chairman Komjati asked if anyone in the audience would like to speak in opposition of the request. Mr. Fred Pollutro, business owner in Painesville and former Councilman in Painesville, stated his family owns property right next to the proposed site of the CUP. He said the property at 265 North State Street was always used as an office space and was vacated by 5 PM. As a former council member, some of his biggest complaints came from homeowners who were located next to properties that hosted social activities and he has some concerns. One is where the refuse containers would be kept. Additionally, he is concerned with the exit from the property spilling out onto the properties next door, his family's property. He commented that if the vision for the property is not successful, what is left is a big, vacant, commercial kitchen. Mr. Pollutro said he is not against the plan, however, but he does have some legitimate concerns.

The architect, Jeff Meyers, replied that they will address the Code regarding trash and it likely would be kept internal until trash pickup comes. Additionally, the building will be fully fire suppressed and will have two fire exits per the Fire Code.

Ms. Charlene Ramos Chesnes also replied that it will increase property values and if, sadly, it does not succeed, the City will still have a nice building to increase opportunities for other people.

Chairman Komjati asked if there were comments from the neighborhood. The secretary replied no. He then asked the Commission for comments or questions.

Ms. Fleck stated that she would like to thank the applicants for the comprehensive and positive vision for businesses in the City.

Mr. James Lyons, Assistant Law Director for the City of Painesville, asked what percentage of the space would be used for the commercial kitchen. Mr. Meyers replied that the kitchen would comprise about 25% of the space. Mr. Lyons asked if HOLA would rent out the kitchen at an hourly rate. Ms. Dahlberg replied yes, at \$18 - \$24 an hour. Mr. Lyons questioned how the business incubator would operate. He assumed that those who want to use the commercial kitchen already have or are interested in starting a business. Therefore, people will be coming and going around the clock to use the kitchen. Ms. Dahlberg replied that is correct. He asked if people would be parking on the street to load their product. Ms. Dahlberg replied yes, and since this is not a large kitchen, huge quantities would not be made and should not require too much time to load. She added that they do not want to be disruptive to the community. Mr. Lyons indicated to the Planning Commission that they must first determine if the business incubator is a similar use and then consider it a Conditional Use. The Commission then has the right to put conditions on it.

Discussion ensued regarding which uses the business incubator is similar to. Mr. Meyers said he is reluctant to say it is similar to clubs and bars, because it is not. It is a nice restaurant to make food for the community and where community events occur. Ms. Dahlberg also added that there is a training and education aspect to it: people in partnership with other organizations teaching others how to start a small business. Mr. Lyons asked which of the permitted uses is the community center most similar to. Ms. Dahlberg replied offices. Mr. Meyers said he said the intent is commercial use, business use,

incubator use. The church across the street has a social room and kitchen for their use; it is not used strictly for worship. The intent of the operation is all the uses within B-2 District.

More discussion ensued regarding the hours of operation and possible disruption to the community. Mr. Meyers stated that it is a transitional neighborhood, but in a B-2 District, restaurants, hospitals, and other commercial businesses are permitted to be there.

Mr. Angelo Cimaglio, 477 Owego Street, asked Ms. Dahlberg if she had title to the building yet. Ms. Dahlberg stated not yet, but they are working on it. Mr. Cimaglio asked what would happen if HOLA does not get the funding to build this facility. Mr. Meyers stated that if they cannot procure the funding for the commercial kitchen, then the conditional use would not be necessary. If the CUP is granted with conditions, the conditions are probably not transferable.

Discussion ensued regarding the parking agreement between HOLA and St. Mary's Parish. Mr. Cimaglio also mentioned that no business in Painesville is open 24 hours a day and the hours will be a problem and he urges the Planning Commission to think about the hours. More discussion ensued.

Ms. Fleck stated that businesses launch from the incubator. She asked if there is a certain period to expect entrepreneurs to establish their business and integrate other groups in the kitchen. Ms. Dahlberg said that ideally, some of these groups would go on to open brick and mortar stores. She said she anticipates a year to launch a business.

Chairman Komjati reviewed the conditions proposed by Administration. Discussion ensued regarding hours of operations and special events. Ms. Dahlberg asked for clarification of special events. It was determined that a special event would be determined by the occupancy load. Ms. Dahlberg stated that this facility would be self-sustaining but not disruptive to the community. More discussion ensued. Mr. Lyons suggested adding that this Conditional Use would be valid only if they obtain title to the building and obtain funding for the commercial kitchen and is operated as an incubator kitchen.

Chairman Komjati asked for a motion. Motion by Ms. Kuhlmann, seconded by Ms. Fleck that the proposed commercial kitchen economic incubator use is similar to the permitted uses in the B-2 General Business District. On roll call, Ms. Fleck, Ms. Kuhlmann, and Chairman Komjati answered "yes". Motion carried, 3-0.

Motion by Ms. Fleck, seconded by Ms. Kuhlmann, to recommend approval of Refusal 2295 Conditional Use Permit for a commercial kitchen economic incubator use at 265 North State Street with the following conditions:

1. Conditional Use Permit. The conditional use permit shall not be transferable to another entity;
2. Security. The owner/applicant shall provide a security plan that is acceptable to the City prior to occupancy;
3. Inspections. The facility must be in compliance with all appropriate building, health, safety and fire regulations applicable for the use of a commercial kitchen;
4. Occupancy permits. Permits specific to the use of the commercial uses shall be obtained prior to the facility commencing operation;
5. Alcoholic beverages. Sale and/or consumption of alcoholic beverages at the site is strictly prohibited;
6. Special events. Shall be limited to 6 events per month and limited to the designated room occupancy at any one time. Events shall end no later than 10:00 p.m., with clean-up completed by no later than 10:30 p.m. Exceptions to the hours of operation may be granted upon review and approval by the Planning Commission. Occupancy for the facility is limited to 80 for all other times;
7. The facility shall not be used as a party center;
8. Outdoor storage. There shall be no outdoor storage of materials or equipment;
9. Parking. A written parking agreement approved as to form by the Law Director of the City of Painesville shall be filed with the application for a building permit;
10. Title. The applicant must obtain title to the property before the Conditional Use Permit is valid;
11. Funding and Operation. The applicant must obtain the necessary funding for use as a commercial incubator kitchen and the facility must be operated as a commercial kitchen in order for the Conditional Use Permit to be valid;
12. The Planning Commission has the right to change the hours and occupancy limits, both increase or decrease, depending on the outcome of the 6 month review;
13. Review. The applicant will return to the Planning Commission for review 6 months from the date of occupancy of the facility.

On Roll Call, Ms. Fleck, Ms. Kuhlmann and Chairman Komjati answered "yes". Motion carried, 3-0.

Ms. White explained that the Conditional Use request would be forwarded to City Council. City Council has 15 days to determine if they would like to have a public hearing. Then there is a 30-day procedure for notification. It could be another 45 days before it is heard by City Council.

Chairman Komjati asked the secretary to read Rezoning Application 85-16:

REZONING APPLICATION NO. 85-16

Owner: Teresa Rodriguez Properties

Location: 356 North State Street (Parcel Number 15-A-013-0-00-038-0)

From: M-2 Industrial District to a B-2 General Business District

An application has been received from Mr. Pascual Rodriguez on behalf of Teresa Rodriguez Properties, 351 North State Street, requesting the rezoning of Permanent Parcel Number 15-A-013-0-00-038-0. The request is to change the zoning classification from an M-2 Industrial District to a B-2 General Business District to allow for the operation of grocery store. The current industrial zoning does not allow retail establishments.

Ms. Sharon Green, a Certified Public Account in downtown Painesville, was present representing Teresa Rodriguez Properties. She explained that the Rodriguez' have been her clients for about 10 years, beginning right after he opened La Hispania at 351 N. State Street. Mr. Rodriguez is an owner of 12 residential properties in the City and owns a money services business that has gone through three or four audits. Mr. Rodriguez is a very honest and legitimate businessman. He has made an offer to purchase 356 North State Street, which previously was Tony's Subway Inn. Because of the death of the owner, it has been vacant for well over a year. The property is zoned Industrial, but La Hispania is zoned B-2, General Business. Mr. Rodriguez would like to move the grocery store to 356 North State Street and add a small family restaurant there, since the building already contains a commercial kitchen. Ms. Green stated that when she first started her CPA practice, she located her office above La Hispania. She stated that it was a very bad corner because of the location of the bar. Ms. Green declared that because of Mr. Rodriguez' efforts and cooperation with the Painesville Police Department, the criminal element on that particular corner has been greatly reduced. He would continue to do the same thing located across the street. Mr. Rodriguez would maintain ownership of 351 N. State Street and possibly rent it to someone else.

Chairman Komjati asked for comments from the audience. There being none, he asked for a motion. Motion by Ms. Kuhlmann, seconded by Ms. Fleck, to favorable recommend Rezoning Application No. 85-16 for 356 North State Street, Permanent Parcel Number 15-A-013-0-00-038-0, from an M-2 Industrial District to a B-2 General Business District. On Roll Call, Ms. Kuhlmann, Ms. Fleck, and Chairman Komjati answered "yes". Motion carried, 3-0.

ADMINISTRATIVE REPORT:

Chairman Komjati moved on to the next item on the agenda.

- **Request for Office Use** – 154 Main Street – Starfish and Coffee – Austin and Bethany Homrighaus - B-3 Central Business District.

Mr. Austin Homrighaus 8944 Woodridge Lane, Mentor, Ohio, was present for the meeting. Mr. Homrighaus explained that he and his wife Bethany are requesting the Planning Commission permission to use a 16 ft. x 15 ft. space as a treatment space for acupuncture. Mr. Homrighaus explained that he is a licensed, practicing acupuncturist, with a master's degree in acupuncture. He has national accreditation and is considered a non-medical licensed acupuncturist. His first four years of practice were conducted primarily in Willoughby. He relocated to Chesterland last year, when he got a great deal on rent; however, he would like to relocate again closer to his home in Mentor. He said he has many patients who would probably be pleased if he relocated closer in town. He indicated that there are no issues with the state medical Board of Ohio in having the treatment space in the proposed location. The more pressing question was determining if acupuncture was a medical service or a personal service. It was clarified that it is a medical service and that is why he must request approval from the Planning Commission.

Chairman Komjati asked if the hours of service for acupuncture would be consistent with the coffee shop. Mr. Homrighaus said his patients would access the treatment space through the coffee house as they share the same entrance; however, his clients are familiar entering a space and finding his wife's jewelry on display. Many clients like to look at it and purchase it. There will be plenty of coaches and space for the clients to enjoy a cup of tea or coffee while they wait for their service.

Ms. Kuhlmann asked if there would be signage at the location. Mr. Homrighaus replied it is not likely since his clientele is almost exclusively referral.

Chairman Komjati asked the hours of operation. Mr. Homrighaus said his practice would be open all day on Friday, 8 AM to 8 PM and Saturdays, 8 AM to 1 PM. He works for University Hospital as well.

Generally speaking, Mr. Homrighaus said he does not do emergency calls outside the regular schedule. He said he has no staff.

Ms. White said this is very similar to last month's request where the Planning Commission provides the waiver to allow to the office use on the ground floor in the B-3 District. The City feels this activity is much like personal services, similar to services such as massages, offered at Bella Donna Salon.

Chairman Komjati asked for a motion. Motion by Ms. Fleck, seconded by Ms. Kuhlmann, to approved the request for office use at 154 Main Street. On Roll Call, Ms. Fleck, Ms. Kuhlmann, and Chairman Komjati answered "yes". Motion carried, 3-0.

OTHER BUSINESS:

There being no further business, the meeting was adjourned at 9:25 pm.

Tina B. Pomfrey, Secretary

David Komjati, Chairman