



**Date:** October 14, 2016  
**To:** City Manager  
**Cc:** Clerk of Council; Community Development Director; City Planner; City Engineer; Economic Development Coordinator; Building Official; file  
**Re:** Planning Commission Action

The following item(s) were presented to the Planning Commission for consideration during their regularly scheduled Meeting on October 13, 2016.

**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 as the applicant indicated he is waiting for the revised drawings showing the attachments. This matter remains 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 item remained tabled until the next regularly scheduled Planning Commission meeting.*

#### **NEW BUSINESS:** (Public Hearing Items)

#### **REFUSAL NO. 2295 CONDITIONAL USE PERMIT REQUEST**

**Applicant:** Veronica Dalberg 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 Dalberg 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.

*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 use and/ or consumption of alcoholic beverages at the site is strictly prohibited;*
- 6. Special events. Monday through Thursday special events shall only be scheduled at 6 or less events per month and limited to the designated room occupancy at any one time. Such events of any kind shall end no later than 10:00 p.m., with clean-up completed by no later than 10:30 p.m. All events on Friday evenings, Saturdays and Sundays are limited to the designated room occupancy at any one time. Events on Sunday shall end no later than 6:00 p.m., with clean-up completed by no later than 6:30 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/incubator in order for the Conditional Use Permit to be valid;*
12. *Review. The applicant will return to the Planning Commission for review 6 months from the date of occupancy of the facility. At that time the Planning Commission has the right to change the hours and occupancy limits to either increase or decrease the hours of operation and/or the occupancy limits for events, depending on the facts that are presented during the review hearing.*

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

### **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.

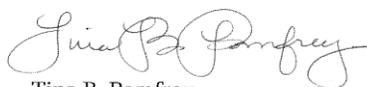
*Motion by Ms. Kuhlmann, seconded by Ms. Fleck, to favorable recommend Rezoning Application No. 85-16 for 356 North State Street, Permanent Parcel Number 15-A-013-0-00-038-0, from an M-2 Industrial District to a B-2 General Business District. On Roll Call, Ms. Kuhlmann, Ms. Fleck, and Chairman Komjati answered "yes". Motion carried, 3-0.*

### **ADMINISTRATIVE REPORT:**

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

*Motion by Ms. Kuhlmann, seconded by Ms. Fleck, 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.*

Please forward this information to City Council at the earliest time possible



Tina B. Pomfrey  
Planning Commission