

## PLANNING COMMISSION MEETING

*December 10, 2015*

The Planning Commission convened in Courtroom No. 1 at Painesville 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, Mr. Mark Wainwright, Ms. Christine Shoop and Chairman David Komjati. Also present was 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 November 12, 2015. There being none, he asked for a motion. Motion by Ms. Kuhlmann, seconded by Ms. Fleck to accept the Planning Commission Meeting Minutes from November 12, 2015 as written. Chairman Komjati asked the Secretary to call the roll. On roll call, Ms. Kuhlmann, Ms. Fleck, Mr. Wainwright, Ms. Shoop and Chairman Komjati said “yes”. Motion carried, 5-0.

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

### **REFUSAL NO. 2272 - CONDITIONAL USE PERMIT REQUEST**

**Applicant:** Lori A. Richards  
**Owner:** Anthony Zappitelli  
**Location:** 735 South State St. (Parcel Number 15-B-020-0-00-011-0)  
**District:** B-2 General Business District  
**Section:** 1143.06 (a)

The City of Painesville has received an application from Lori A. Richards for a Conditional Use Permit. The applicant is proposing a Tattoo and Art Studio at 735 South State Street (Permanent Parcel Number (Parcel Number 15-B-020-0-00-011-0)). The property is located in the B-2 General Business District. 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.

Chairman Komjati explained this matter is to be tabled due to improper notification as outlined in the City of Painesville’s Codified Ordinances Section 1143.03 NOTICE AND HEARING for Conditional Use Permits. A revised Notice for this matter will be sent fifteen (15) days prior to the date of the rescheduled hearing to the surrounding property owners within the 400-feet as required by the City of Painesville’s Codified Ordinances for Conditional Use Permits.

Motion by Ms. Shoop, seconded by Ms. Kuhlmann, to table Refusal 2272 to the January 2016 meeting. On roll call, Ms. Fleck, Ms. Shoop, Mr. Wainwright, Ms. Kuhlmann, and Chairman Komjati answered “yes”. Motion carried, 5-0.

Mrs. Lori Richards, the applicant, questioned why the matter is being tabled. Chairman Komjati explained that the notification was not done properly and 15 days notification needs to be given to those who would like to attend. He said he did not know that another meeting could be scheduled before the next regularly scheduled meeting.

Mr. Lyons explained that a Conditional Use Permit request requires a Public Hearing. Under the Painesville Ordinances, those individuals owning property within 400 feet of the location of the Conditional Use request must be notified of the public hearing. In this case, the majority of the people were notified, however, it was discovered by the Administration that 38 people were not notified in a timely manner. It was the opinion of the Administration that this meeting must be rescheduled. In order to have a hearing that has proper legal notice, the motion to table was put forward.

Ms. White indicated that a new notice would be mailed around December 29<sup>th</sup> for the January 14, 2016 Planning Commission meeting.

Chairman Komjati apologized to everyone for the error, saying it was not done purposely.

### **REFUSAL NO. 2273 - CONDITIONAL USE PERMIT REQUEST**

**Applicant:** Pinnacle Commodity Recovery LLC (Bart Davenport)  
**Owner:** Lake County Port Authority (Mark Rantala, Executive Director)  
**Location:** South State Street (Parcel Numbers 15-B-015-0-00-001-004)  
**District:** M-2 Industrial District  
**Section:** 1143.06 (a)

The City of Painesville has received an application from Pinnacle Commodity Recovery LLC (Bart Davenport) for a Conditional Use Permit. The applicant is proposing to locate a Recyclable Material Wholesale Facility at South State Street (Parcel Numbers 15-B-001-0-00-001-004). The property is located in the M-2 Industrial District. Section 1127.05 does not list recycling facilities as a permitted use in the M-2 Industrial District. A conditional use permit for a Similar Use designation is requested.

Mr. Peter Zahirsky, representing the Lake County Port and Economic Development Authority, 1 Victoria Place, Ste. 265 A, was present for the meeting. He explained that Coe Manufacturing was purchased several years ago by a company that donated the land to the City of Painesville, who in turn, transferred the land to the Port Authority. Mr. Zahirsky stated the Port Authority was successful in securing a grant from the State of Ohio to remediate the site and address environmental concerns. The entire site has now successfully been remediated. As part of the 1.2 million dollar grant, the facility site must remain an industrial or manufacturing use. Mr. Zahirsky explained that although Pinnacle Commodity Recovery has been described as a recycling operation, it

is a bit of a misnomer. This facility does not haul loads of solid waste for sorting, but rather, deconstructs specialized equipment to extract the precious metals. Mr. Zahirsky stated he believes this use is consistent with the M-2 zoning requirements, but most likely, at the time the zoning regulations were written, this type of use was not contemplated as a business model. Additionally, the Port Authority is amenable to the recommendations and conditions for operation made by the City Planner, Lynn White. The Port Authority is willing to make those recommendations part of the terms of the lease. Mr. Zahirsky mentioned that this property is surrounded by other industrial uses. The company locating to this specific site will add six (6) positions immediately to the premises, with the hope of growing to 20 positions within the next year. This property once supported 200 jobs, so there will be no major impact to the neighborhood. Additional parking will also be available on Bank Street.

Mr. Jeff Hewitt, 1487 Forestbrook Lane, Painesville, Vice President of Operations for Pinnacle Commodity Recovery LLC, explained that the company dismantles machinery from commercial industry, processes the scrap and quickly ships the product out. It is not a scrapyards open to the public. They usually received one truck trailer delivery a week and two small dumpsters daily, which will be stored behind the building. Mr. Komjati asked who Pinnacle's customers are. Mr. Hewitt replied GE, Philips, Metal-tech International, and major foundries in the Cleveland area.

Ms. Fleck asked how the materials are packaged. Mr. Hewitt replied that the product is shipped in barrels or plastic 500-gallon super-totes. Ms. Fleck asked if it is possible to have loose metal from the trucks making its way onto the roadway. Mr. Hewitt responded that the materials are contained for the safety of their drivers and others on the road. Ms. Fleck asked if Pinnacle owns or operates other recycling facilities. Mr. Hewitt replied no, Pinnacle has one company that has been in operation for about four (4) years. Ms. Fleck asked if the company has ever been cited by the EPA or by the City in which they operate for any violations. Mr. Hewitt replied no, they have not. She also asked what type of containment they have for nickel dust; are scrubber systems used for air-borne particles. Mr. Hewitt replied they do not generate the nickel dust. They receive the dust in barrels, drill it for a core sample, put the lid back on and ship it out. Ms. Fleck questioned if there were concerns about contaminants leaking into the water table. Mr. Hewitt stated no; the scrap dumpsters are used only for iron and only empty dumpsters will be stored in a fenced in area behind the building.

Mr. Zahirsky stated that they are taking bids at this time to have the property fully fenced in.

Ms. Shoop asked Mr. Hewitt why Pinnacle is leaving its current location on Blase-Nemeth Road. Mr. Hewitt replied that the company has outgrown the facility as in need of more space. The company is looking to expand and this location in the City of Painesville is one option.

Ms. White presented a picture of the site to the Commission. She revealed that her report contains an error. It states that the structure that Pinnacle wishes to locate to is 13,188 sq. ft., when in fact it is 32,164 sq. ft. Ms. White detailed the layout of the property. She explained that there is no access into the building except through State Street. The bay doors at the back of the property will allow the tenant to place their empty containers and storage bins. Ms. White questioned Mr. Hewitt about the purpose of the large storage containers that are at their current location on Blase Nemeth Road. Mr. Hewitt responded that as their current facility is small, they use the containers to store the customer's material that they are waiting to process. In the new facility, they may not be needed at all.

Ms. Kuhlmann asked if the sorting of material is done manually and what type of noise will be generated. Mr. Hewitt replied that the majority the sorting is done manually, however, skid steers and tow motors are used. The tools that are used are similar to welding shop: grinders and demolition saws.

Chairman Komjati asked if there were questions from the audience. Mr. Matthew DelBane, owner of 704 Bank Street, asked what type of chemicals will be used in the recovery of these products. Mr. Hewitt explained that Pinnacle is a third party and no hazardous chemicals will be used to dismantle metals from the products. There will be diesel fuel and oil for the trucks on site. Mr. DelBane asked if Freon would be used. Mr. Hewitt replied that no product with Freon is accepted. Mr. DelBane asked the hours of operation. Mr. Hewitt replied that they will operate 8 am to 4:30 pm, Monday through Friday and some Saturdays, as the need arises, with the same hours. Mr. DelBane questioned the amount of traffic the business will contribute to the neighborhood. Mr. Hewitt replied that 2 to 3 small trucks will enter the property each day with one large semi arriving a week. Mr. DelBane asked if there would be increased truck traffic on Bank Street. Mr. Hewitt stated that Route 84 to South State Street would be utilized. Mr. DelBane explained that if there is increased truck traffic and Bank Street continues to be damaged, is there a plan (by the City) to repave because it will continue to be torn up. He said he appreciates that the Port Authority is working to get space occupied and he doesn't really have an objection to the company, just noise and traffic and road conditions.

Chairman Komjati asked Mr. Hewitt if the Port Authority shared the conditions that the City is recommending as part of the Conditional Use approval. Mr. Hewitt replied yes and stated he does not have an issue with the conditions.

Mr. DelBane asked about the business plan for Pinnacle; do they plan on expanding and, if so, what is the time frame for expansion? Mr. Hewitt replied that the company is starting with six (6) employees and, within the year, they would like to expand to 14 employees. Mr. DelBane asked if they would be asking for more property then, possible the property that is adjacent to the property or the property that is across Bank Street (former Coe Administration Building). Mr. Hewitt replied he does not have those answers at this time.

Ms. Fleck said that any changes would need approved from the Planning Commission.

Mr. Lyons asked Mr. Zahirsky if he has a proposed lease with the applicant. Mr. Zahirsky indicated that the

lease has not yet been negotiated, but under the terms of the grant from the state, it usually is a minimum of 5-years.

Mr. Lyons asked if the Port Authority is willing to incorporate the conditions of the Planning Commission into the lease with Pinnacle. Mr. Zahirsky acknowledged that is correct. Mr. Lyons also asked if there are conditions under the clean up grant. He asked if the grant was through the EPA. Mr. Zahirsky replied it was through the Ohio Development Services Agency. Mr. Lyons inquired if there are conditions that have to be met by the Port Authority in terms of leasing or selling to a third party operating a clean business. Mr. Zahirsky stated he is not aware of any since the grant dealt with existing contamination and added that the Port Authority has no interest in cleaning up the site again. Mr. Lyons questioned if the applicant's work is regulated by a governmental agency. Mr. Zahirsky replied they are directed by standard EPA regulations. Mr. Hewitt interjected that the Department of Health monitors the use of the metal air analyzer.

Mr. Jim Frey, 308 Cumings Drive, asked for clarification regarding the type of materials delivered to the operation. He is concerned with lose metal being scattered on the roads. Mr. Hewitt replied that chips are analyzed and sold as a recovery item based on what kind of metals they are. They are not being sorted and are not lose materials. Furthermore, they are contained in super-totes or barrels. Pinnacle communicates to their customers how they want their materials delivered and they are delivered in super-totes or barrels.

Mr. Frey asked if the City would monitor the road surface. Mr. Lewis indicated that, if there were an issue, the City would address it with Pinnacle and the Port Authority.

Ms. Bernadette Cottrell, 709 Rivers Edge Lane, commented that she appreciates the Port Authority and Pinnacle for wanting to do business; however, she believes that they are not going to be able to utilize all 32,000 sq. ft. without major expansion. She is concerned with the traffic and the condition of the roads, particularly Bank Street. Ms. Cottrell asked if there are tax abatements on this property.

Mr. Zahirsky stated that the Port Authority is not participating in tax abatements.

Mr. Komjati asked Ms. Cottrell what she would like to see in the property to improve Painesville. Ms. Cottrell asked if any one of the Planning Commission members would want to live next to this property. Ms. Shoop countered that manufacturing has been in that neighborhood for a very long time and the developer for Rivers Edge Lane chose to build in that location. Ms. Shoop admitted that she would not want Coe Manufacturing building a facility behind her residence today; however, she is of the opinion that those who have purchased residential property around the former Coe property would have had to consider the possibility that the property would again be reoccupied and have a future use. Ms. Cottrell asked what would happen to the property values in the area if the Planning Commission approves the Conditional Use request.

Mr. Lyons interjected that the only reason Pinnacle Commodity Recovery is before the Planning Commission is because this use does not fit specifically into the M-2 Industrial District. Any other use permitted in the M-2 district could occupy the property without a public hearing or conditions put upon it. A machine shop or warehouse could rightfully occupy this property. The Planning Commission is hearing this tonight to determine if this use is similar to any of the other permitted uses in the M-2 Industrial district.

Ms. Stephanie Beres, 320 Bank Street, stated she is concerned about the dumpsters being visible from Bank Street. She thought all the containers would be contained inside.

Mr. Lyons stated that the entire area is enclosed by buildings except for the driveway access off Bank Street. The dumpsters are to be stored between buildings and not visible from the street. Discussion ensued regarding expansion. Mr. Lyons commented that this application is only for the 32,000 sq. ft. building. They may only operate on the one facility that fronts off Bank Street, but the loading docks are off State Street. Mr. Hewitt supplemented that there is a door, accessible from State Street, which allows access through the entire building, all the way through to the back where the empty dumpsters will be stored. More discussion ensued.

Mr. Lewis asked Mr. Hewitt how many containers, generally, would be on the property. Mr. Hewitt replied there would be about six (6) and they would be empty. Mr. Zahirsky explained that the Port Authority anticipates installation of a chain link fence with privacy strips so the containers will not be visible from Bank Street or State Street. Mr. Hewitt stated that the fencing is for security reasons as well.

Mr. Lyons suggested amending the stipulation to state that all storage bins on the property should be empty and located on the east side of the building.

Ms. Bernice Taylor, 654 South State Street, commented that she lives two (2) houses south of the railroad tracks and has lived there for 46 years. Ms. Taylor said she is very close to both High Tech and the former Coe Manufacturing locations. Although truck traffic in and out of both of the properties has been busy at times, she indicated that she has never had a problem with the traffic in the area.

Mr. Rick Bauer, 887 Rivers Edge Lane, stated he could not understand the need for four (4) buildings. He suggested to begin with one building and see how it works out. Mr. Zahirsky answered that it is only one building that is situated on four parcels of land.

Ms. Kuhlmann asked if any security lighting had been considered for the building. Mr. Zahirsky replied that there are already security lights positioned about the property, however, the Port Authority is still working on getting electrical meters split.

Mr. DelBane asked if there are plans to improve the building and the property. Mr. Hewitt indicated that there are no plans for modifications to the building, just installation of identification signs. Mr. DelBane said a paint job would be nice. Mr. Zahirsky said that they have cleaned up the site, had the roll-top doors serviced, replaced every man door on the property, fencing has been repaired, and drainage on the property has been addressed.

He stated there are no plans to repave the parking lot. Most of the work has been to clean it up and bring it up to serviceable condition.

Ms. White added that this particular building is brick on the front facade; however, the other properties around the corner do need some repair. Mr. Zahirsky agreed that the overhead doors need some attention.

Mr. Colby Dyer, 845 Rivers Edge Lane, questioned security lighting. He indicated that if the security lighting is too bright and blinds people, no one would notice what is going on inside the property because no one will be able to see it.

Ms. Fleck added that she believes security lighting, done well, is an asset.

There being no further discussion, Chairman Komjati asked for a motion. Motion by Ms. Shoop, seconded by Ms. Fleck, to favorably recommend approval of Refusal 2273 with the following stipulations:

1. All storage of empty containers are to be located on the east side of the building where they are not accessible/visible from the adjacent properties.
2. All materials shipped into the facility must be completely enclosed/covered.
3. There shall be no radioactive material located at this site.
4. There shall be no explosive materials located at this site.
5. The Conditional Use Permit shall not be transferable to another party.
6. The hours of operation of the use shall be Monday through Friday, 8:00 AM to 4:30 PM with occasional Saturday hours.
7. The permit is approved for a one (1) year time period. After one (1) year the applicant would be required to re-appear in front of the Planning Commission for an extension to the permit to be sure there are no adverse health or safety issues associated with the operations and to determine compliance with the stipulations.
8. All required parking shall be met as outline in the City of Painesville Codified Ordinances.
9. The conditions stated above shall be incorporated as terms of the lease with the Lake County Port Authority.

On roll call, Ms. Shoop, Mr. Wainwright, Ms. Kuhlmann, Ms. Fleck and Chairman Komjati answered "yes". Motion carried, 5-0.

#### **ADMINISTRATIVE REPORT:**

##### Review of 239 Mentor Avenue (Parcel Number 15-C-003-0-00-027-0)

Mr. Lewis informed the Commission that a new management company has acquired the property and is actively marketing the property for sale. The owners are making some repairs and the City is not actively pursuing demolition at this time.

#### **OTHER MATTERS THAT MAY PROPERLY COME BEFORE THE PLANNING COMMISSION**

The Planning Commission and Staff congratulated Ms. Christine Shoop on her appointment to City Council and thanked her for her years of service to the Planning Commission.

There being no further business, the meeting adjourned at 8:40 pm.

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Tina B. Pomfrey, Secretary

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David Komjati, Chairman