

PLANNING COMMISSION MEETING

June 11, 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 Mr. Mark Wainwright, Ms. Carol Fleck, Vice-Chairman Ms. Christine Shoop and Chairman David Komjati. Ms. Leah Huth was absent. Also present were 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 May 14, 2015 and the Special Planning Commission Meeting of May 28, 2015. There being none, he asked for a motion. Motion by Ms. Shoop, seconded by Mr. Wainwright, to accept the Planning Commission Meeting Minutes from both May 14, 2015 and May 28, 2015 as written. Chairman Komjati asked the Secretary to call the roll. On roll call, Ms. Shoop, Mr. Wainwright, Ms. Fleck, and Chairman Komjati said “yes”. Motion carried.

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. There being none, the matter remained 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.

Chairperson Komjati asked the Secretary to read the next item under Tabled Business.

Shamrock Business Center PUD Amendment: Planning Commission review of proposed modification to the overall development plan of the Shamrock Towne Centre.

* Preliminary discussion of proposed Saber Healthcare site plan.

Motion by Ms. Fleck, seconded by Ms. Shoop, to remove the Shamrock Business Center PUD Amendment from the table. On Roll Call, Ms. Fleck, Ms. Shoop, Mr. Wainwright, and Chairman Komjati answered “yes”. Motion carried.

Ms. Lynn White, the City Planner, stated that a set of conditions pertaining to the PUD amendment was e-mailed to the members of the Planning Commission this afternoon. She indicated that the City has been working with the developer and Saber Healthcare and all collectively agree that these five conditions are acceptable for the development of the Shamrock Towne Center. Mr. Lance Osborne, the developer of the property confirmed Ms. White’s statement, that the conditions are acceptable to both Shamrock and Saber Healthcare. Ms. White further stated that at this time, Shamrock would like to have the PUD amendment with the five conditions approved. The proposed site plan for Saber Healthcare will return to the Commission for review at a subsequent meeting.

Mr. Anthony Carson, the City Manager, requested that the City Planner read the conditions into the record.

The recommended Planning Commission conditions are as follows:

1. Owner/Developer will grant a 60-foot wide access easement to the City of Painesville (City) for the entire frontage on Meadowbrook Parkway of the property purchased by Saber (per #3 below) and the City will accept (the “Access Easement”). A legal description and drawing of the Access Easement will be attached as Exhibit A. Concurrently, with the grant of the Access Easement, the City will grant a temporary easement to Saber to use the Access Easement for access to their property. The temporary easement will expire once Meadowbrook is dedicated to the City and installed per the requirements of the City. The Access Easement must contain language that requires the 60-foot wide Access Easement to be dedicated to the City for roadway purposes within 30-days after installation of Meadowbrook per the requirements of the City. Any further division or subdivision of the land immediately adjacent to the Access Easement owned by the Owner/Developer (other than the Saber property) shall not be allowed unless Meadowbrook Parkway is dedicated to the City and has been installed per City/County specs to the northern property line of the Saber property.
2. City of Painesville will grant to Saber a temporary easement to install within the Meadowbrook Parkway Access Easement and in the Meadowbrook Parkway road right-of-way a 26-foot wide concrete driveway (“Temporary Meadowbrook Parkway Driveway”) with curbing from Brookstone north 300-feet to serve as the main “temporary” entrance (“Temporary Meadowbrook Access Easement”). Saber will have two

- options regarding the Temporary Meadowbrook Parkway Driveway as follows: 1. To install a cul-de-sac at the end of such access driveway to the site; or 2. Extend curbs of such access drive directly to the site. Saber will be responsible to maintain and repair this driveway. The access driveway will be temporary in nature until Meadowbrook Parkway is dedicated to the City and has been installed per City/County specs to a distance of a minimum of 300-feet north of the present condition of Brookstone Blvd. so Meadowbrook Parkway is constructed to a point that is past (north of) the proposed main Meadowbrook Parkway curb cut servicing the Saber property. The Owner/Developer shall install the Meadowbrook Parkway roadway and all required improvements per City/County Specs when a site plan is approved by the City for a commercial development north or west of the Access Easement. The Temporary Meadowbrook Parkway Driveway with curbing shall meet the specifications that the City establishes for this “temporary” driveway. Owner/Developer and its successors and/or assigns shall remove the temporary Saber driveway when the Temporary Meadowbrook Parkway Driveway and all required improvements are installed.
3. The City will grant Saber a temporary easement to have the ability to obtain a permit for a curb cut on Brookstone Blvd. This will serve as a secondary means of ingress and egress to the Saber property (the “Brookstone Driveway”). During the period of construction of Meadowbrook Parkway, this entrance will be the only means of ingress and egress to the Saber property when the temporary driveway within the Meadowbrook Parkway Access Easement is removed by the Owner/Developer to allow construction of all or a portion of Meadowbrook Parkway to City street specifications. Upon the completion of the construction of Meadowbrook Parkway and upon Saber being able to resume using its Meadowbrook Pkwy. permanent curb cut as its main entrance to the Saber property, then the City will grant Saber a permanent Brookstone Blvd. curb cut to be used for right in, right out access to the property. Owner/Developer and its successors and/or assigns shall remove and restore the temporary Brookstone Driveway access across the Brookstone Boulevard road right-of-way during the construction of Brookstone Boulevard. The “temporary” Brookstone Driveway with curbing shall meet the specifications that the City establishes for this “temporary” driveway.
 4. Saber, the City, the Owner and the Developer shall sign a written Agreement that contains all of these conditions in the event that Saber purchases the subject property from the Owner/Developer, which will be binding upon their successors and assigns. Unless this written agreement is signed by all parties then the City is under no obligation to allow the development of the property by Saber.
 5. The Owner/Developer authorized the conditions to be filed with the Lake County Recorder’s Office as conditions and covenants on the property.

Mr. Lyons clarified that the conditions pertain to the PUD amendment that was discussed at the previous Planning Commission meeting. The amendment will allow the development plan for the property to “flip” from the north-west corner of Brookstone Boulevard to the north-east corner. if the five conditions are met by the owner, developer and Saber Healthcare. These conditions are not the actual amendment discussed at the previous meeting, but the conditions of the PUD amendment approval. Mr. Lyons stated that additionally, the conditions would allow commercial development on the north-west corner of Brookstone Boulevard.

Motion by Ms. Fleck, seconded by Ms. Shoop to approve the Shamrock Business Center PUD Amendment with the five conditions listed on the memorandum dated 6/11/2015 and attached as an Exhibit allowing the residential units to be located at the northeast corner of Meadowbrook Parkway and Brookstone Boulevard as shown on the Conceptual Plan submitted at the May 28, 2015 Planning Commission Meeting. On roll call Ms. Fleck, Mr. Wainwright, Ms. Shoop and Chairman Komjati answered “yes”. Motion carried, 4-0.

Motion by Ms. Shoop, seconded by Ms. Fleck, to confirm that the development located at the northeast corner of Meadowbrook Parkway and Brookstone Boulevard as shown on the Conceptual Plan submitted at the May 28, 2015 Planning Commission Meeting will contain a maximum of 60 residential units, including nursing homes, with each nursing home patient residence room being considered as a single residential unit. On roll call, Ms. Fleck, Mr. Wainwright, Ms. Shoop, and Chairman Komjati answered “yes”. Motion carried, 4-0.

Chairman Komjati asked the secretary to read the first item under New Business.

NEW BUSINESS: (Public Hearing Item)

REFUSAL NO. 2266 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.

Mrs. Christine Egensperger, Secretary for Ohio Energy Inc., was present with her daughter, Anna. Mrs. Egensperger explained that the photo that Anna showed to the Planning Commission is of just one of the six tournament teams that represent Painesville, Ohio. Mrs. Egensperger explained that Ohio Energy, Inc. is a four-year old, fast pitch tournament team that began with just two teams and has expanded to six teams fast pitch tournament teams, ages 10, 11, 12, 13, 14 and 16 years. These teams are elite; they can beat any high school. She indicated that Ohio Energy has been a good neighbor to East Prospect Street and a good steward to the City. The organization is sensitive that they are a recreational use in an industrial area: there are no outside practices of any kind. Mrs. Egensperger stated that Ohio Energy has done everything that the Commission has asked, including striping the parking lot. Mrs. Egensperger explained that in the months October through April 200 different families visit the facility for pitching and hitting clinics on a weekly basis. In the summer, that number is a little less because of tournaments. Many communities in the area have teams that represent their cities; Mentor Big Red, Willoughby Stars, Wickliffe-Willowick Wizards, Concord Cobras, Geneva Hurricanes, Conneaut Crossfires, Jefferson Jags, Grand River Sticks and Eastlake has the Captains. Mrs. Egensperger stated that her organization believes it represents Painesville well. The 10-year old team just beat the no. 1 team in Ohio and the 13-year old and 14-year old teams just qualified for State. Ohio Energy would like to bring a fall tournament to Painesville Recreation Park. Additionally, quite a few corporations have been donating in support of the organization and the good things they are doing for the girls. According to Mrs. Egensperger, through the help of Ohio Energy, these girls have been getting almost "free rides" to college. Mrs. Egensperger said that Ohio Energy loves its home at 305 West Prospect Street and hopes that the Commission will let them stay in that location.

Ms. Shoop asked the total number of players on all teams. She also asked how Ohio Energy recruits. Mrs. Egensperger replied there are six teams with 72 active players and recruiting is done through tryouts. Last August, a two-day tryout attracted 150 players to fill 25 available spots with Ohio Energy. The organization would like to begin using Painesville Recreation Park's field for that purpose. She indicated that it is a pay-to-play tournament team, at a cost of \$750 a year. Three uniforms and all tournament fees are included. The fee also includes the rental of the facility on West Prospect Street. Ohio Energy just held a fundraiser that raised over \$10,000 that will fund directly back to the facility and the girls. Ohio Energy is not-for-profit, 501 3C, tax-exempt, made up of all volunteers.

Chairman Komjati asked Mrs. Egensperger if she is aware of the City recommended stipulations for approval of the Conditional Use Permit. Mrs. Egensperger replied no. Ms. White stated they were the same as the last CUP; the parking lot should be striped, and per City Ordinance, the CUP would be valid for one year from the date of issuance. Ms. White stated that she spoke to the Economic Development Director who stated that although there is interest in the Industrial Park, the Conditional Use Permit currently in place is in the best interest of the applicant and the property owner at this time. Ms. Shoop questioned the City recommendation regarding the removal of the debris around the dumpster on the property. Ms. White replied that it was brought to the City's attention that the debris is not from Ohio Energy. Mrs. Egensperger replied that it is from Ruff Neon Sign. She stated that there is no garbage left on site from Ohio Energy; they remove all waste from the site and dispose of it at their homes. Mrs. Egensperger also stated that Ohio Energy plows the entire parking lot in the winter, a service that is donated by the father of a team member.

Chairman Komjati stated that what Ohio Energy Inc. is doing an impressive job and appears to be a good steward of the property.

Motion by Ms. Shoop, seconded by Ms. Fleck, to favorably recommend approval of Refusal 2266 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, Mr. Wainwright, Ms. Fleck, Ms. Shoop, and Chairman Komjati answered "yes". Motion carried, 4-0.

Rezoning Application No. 83-15

Location: Parcel Numbers 15-B-009-0-00-059-0, 15-B-009-0-00-058-0, 15-B-009-0-00-057-0, 15-B-009-0-00-056-0

From: M-2 Industrial District to R-1 Single-Family District

The City of Painesville is requesting a change in the zoning classification of the following Permanent Parcel Numbers: 15-B-009-0-00-059-0 (551 S. St. Clair Street), 15-B-009-0-00-058-0 (557 S. St. Clair Street), 15-B-009-0-00-057-0 (563 S. St. Clair Street), and 15-B-009-0-00-056-0 (575 S. St. Clair Street). These parcels are considered to have preexisting nonconforming uses which mean the current use does not match the current zoning designation. The proposed change is from the current M-2 Industrial District to R-1 Single Family District. The rezoning will bring the zoning of the properties into compliance based on their current use.

Chairman Komjati asked Ms. White for her comments from the City. Ms. White stated that the property at 575 S. St. Clair Street was purchased in March 2015. After purchase, the new property owner inquired about the property and was informed that because the property was vacant for a number of years, it lost its non-conforming use under Chapter 1139 of the Codified Ordinances and could no longer be used as a residence. The owner asked for options for the property. The Community Development Department indicated that the property could be considered for potential rezoning as has been done in the past for similar non-conforming areas within the City, particularly since this area is designed for the use for which they are requesting the zoning change. The subject properties are located on the east side of S. St. Clair Street, starting with the first lot north of the Norfolk and Southern Railroad. The zoning west of the properties are zoned R-1 as are properties north of the area. Directly across the street the properties are zoned M-2 from 546 through 572 South St. Clair Street, and Atra Metal Spinning Inc, a manufacturing and light assembly business located at 572 S. St. Clair Street. The company is still in business, but it does not seem to be an issue. The modest houses were built between 1890 and 1920, prior to zoning being instituted. This group has been non-conforming in use since the zoning code was implemented, however, its use has been consistently single family and the structures and the properties have been maintained in good repair. All the property owners have indicated that they are in favor of the rezoning of their properties to the R-1 Single Family classification. The rezoning of the properties from M-2 industrial to R-1 Single Family Residential makes sense. Ms. White stated there are photographs of the properties in the Planning Commission packet.

Chairman Komjati asked the property owner if he had any comments for the Commission. Mr. Daugherty, the owner of the property, stated he hopes the Planning Commission passes the rezoning because he was not aware of the situation when he bought the property.

Ms. Shoop asked Mr. Daugherty if he has plans to rent this property. Mr. Daugherty replied that his son is going to live in the house.

Ms. Fleck commented that this change is what was called for in the City's Master Plan and it makes sense.

Chairman Komjati asked if there were comments from the neighborhood. The secretary stated she received a call from Mr. Brett Crawford, who owns property at 558 S. St. Clair Street. He stated he is in favor of the granting of the zoning request and is pleased to see the City take the initiative to do this.

Motion by Ms. Shoop, seconded by Ms. Fleck, to favorably recommend Rezoning Application No. 83-15 for the four (4) parcels on South St. Clair from an M-2 Industrial District to an R-1 Single Family Residential District. On roll call, Ms. Fleck, Ms. Shoop, Mr. Wainwright and Chairman Komjati answered "yes". Motion carried, 4-0.

Ms. White commented that this recommendation would be forwarded to City Council. She indicated that the matter would be heard at the July 20th Council meeting as City Council has final approval.

OTHER MATTERS THAT MAY PROPERLY COME BEFORE THE PLANNING COMMISSION

There being no other matters, Chairman Komjati asked for a motion to adjourn. Ms. Shoop moved, seconded by Ms. Fleck to adjourn. On Roll Call, Ms. Fleck, Ms. Shoop, Mr. Wainwright and Chairman Komjati answered "yes". Motion carried, 4-0. The meeting adjourned at 8:05 pm.

Tina B. Pomfrey, Secretary

David Komjati, Chairman