

PLANNING COMMISSION MEETING

February 11, 2010

The Planning Commission convened in Courtroom No. 1 at City Hall for their regular meeting. Chairman Fitzgerald called the meeting to order. He asked the secretary to call the roll. Members in attendance were, Mr. Andrew Eade, Mr. Brian Temming, Ms. Christine Shoop, Mr. David Komjati, and Chairman Thomas Fitzgerald. Also present were, City Manager Rita McMahon, Assistant City Manager/Community Development Director Douglas Lewis, City Planner Russ Schaedlich, Assistant Law Director James Lyons, and Secretary Lynn White.

MINUTES: Chairman Fitzgerald asked if there were any additions or corrections for the Planning Commission Meeting Minutes of January 14, 2010. There being none, he asked for a motion. Motion by Ms. Shoop, seconded by Mr. Komjati to approve the Planning Commission Meeting Minutes from January 14, 2010 as submitted. All members present said "aye". Motion carried.

NEW BUSINESS:

None.

ADMINISTRATIVE REPORT:

Shamrock Business Center PUD Amendment: Planning Commission review of PUD to allow for multifamily development in the area designated for Office/Industrial Development on the Development Plan.

Chairman Fitzgerald indicated that he has reviewed the Administrative Report from the City regarding this amendment. He asked if there was anyone present to speak on behalf of this request. Mr. Lance Osborne indicated he would be representing Shamrock Business Center.

Mr. Osborne indicated they are requesting an amendment to the PUD to allow for an age restricted senior housing facility to be on the right hand side as you enter the Shamrock Project from Brookstone Boulevard. He stated that it has been about a year since they have been before the Commission. He updated the Commission on the progress of the development. They have been working on extending Brookstone Boulevard to the bridge and the TIF related documents in order to finance the extension of the road. Mr. Osborne indicated the proposed amendment is related to the extension of the road. In addition, they are working on a residential subdivision with the Administration that is to start later this year. He stated they are also working on this proposed amendment with a senior housing developer who has this type of development throughout the State of Ohio. Mr. Osborne commented that he respectfully requests the Commission to amend the PUD to allow the proposed senior development to move forward. He stated that he would be happy to address any questions related to the project.

Mr. Komjati asked if the proposed development would allow Section 8 housing. Mr. Osborne responded the development is for rent age restricted housing. He stated he does not believe it would be Section 8 however; they may have government financing or aid. Most projects that move forward today have some type of government backing.

Chairman Fitzgerald asked for clarification of what the intent for this area was originally. Mr. Osborne responded that the PUD plan had shown this area as office/community building. The community building was for a public recreation facility or for an emergency facility.

Ms. Shoop stated the Cobblestone Apartments are higher-end, luxury apartments. She asked if the proposed development would be similar to those already there and if they would complement each other. Mr. Osborne commented that the housing is age restricted and aesthetically they are similar in style. The apartment units would be different sizes than offered at the Cobblestone Apartments. Ms. Shoop asked if this is an independent living facility where someone would be on staff. Mr. Osborne responded that he is not the developer and not sure of the staffing of the complex. The unit mix would be slightly smaller and more of one-bedroom than two or three bedroom units. Ms. Shoop asked what the definition of age-restricted housing is. Mr. Osborne replied it is 55-years and up. Ms. Shoop inquired if this was similar to the housing complex in Mentor off 615. She stated that she has looked at that complex and explained the setup of the living arrangements, specifically the kitchen. Mr. Osborne stated the proposed units would have their own kitchen facilities within the apartment. This is not an assisted living facility with shared common areas as Ms. Shoop described.

Ms. Shoop inquired about the advantage of having this senior housing development as opposed to

the originally proposed office/community building. Mr. Osborne indicated the advantage is when you look at the scope of the entire development. They are planning to build the single-family residential subdivision to the east. With the proposal, the increased residential uses will add a demand for the commercial uses. The road will be extended giving an opportunity for future commercial uses and the residential base will be in place to create the mixed-use development.

There was discussion regarding the project statistics and the types of residential development and the number of units. The impact of the traffic was also discussed with the increased number of multi-family units. It was explained that if the total number of residential uses does not change the traffic impact on the development does not change. The staff recommendation is to keep the total number of residential units at 700. The change can be within the types the development will allow. The Commission needs to determine if the proposed change is acceptable for this area.

Chairman Fitzgerald commented that the Comprehensive Plan states the City should promote homeownership. The proposal would add more rental units to the overall numbers for the City. Mr. Komjati indicated that the action of July 10 for amendment number two states; "no additional apartments shall be permitted." He stated if the Commission was true to that action, the proposed apartments would not be permitted.

Mr. Osborne stated that he believes the intent from the July 10 meeting was not allowing any additional apartments of that nature. This is a different variety of apartment; it is age restricted and not the same style of apartment living that is already there. Ms. Shoop asked if the proposed apartments were built, what type of housing the developer would not build. Mr. Osborne stated that when the PUD was put in place there was to be some flexibility as the economic climate changed. He stated they like that flexibility so they are not forced into something that in the future there is no demand. Mr. Osborne indicated that he could not give a definite answer as to what the new numbers will be for the types of residential. He did state they are committed to completing the single-family residential development to the east. There was discussion of how the Commission should handle this request. Mr. Schaedlich stated that the Commission would need to determine if what the developer is requesting is a major or minor change from the original PUD. Both of which require a different process from the Commission. Mr. Osborne replied that they do not want to change the overall residential numbers for the plan.

Mr. Lyons asked if there was a developer in place for this area and if the project is contingent on this PUD Amendment. Mr. Osborne replied that they are in negotiations with a developer for this project. Mr. Lyons asked if it is essential that the amendment be approved at this meeting based on negotiations with the developer. Mr. Osborne replied yes. Mr. Lyons asked if there was a development similar to the one proposed for this site in the area where the Commission could compare the two. Mr. Osborne indicated based on appearance the place in Mentor off 615. As far as the scale of the apartments, it is not the same. There was discussion regarding the resident living arrangements at the apartments on 615.

Mr. Komjati asked about the developer and if they would be open to creating a project more in line with what the PUD allows for. It was explained that the number of apartments allowed in the PUD is at the maximum of 400 since there are already 396 units there currently in Cobblestone Apartments.

Mr. Osborne indicated they are committed to the 150 single-family home subdivision. The product that would most likely be reduced would be the townhome development. Ms. Shoop inquired about this project going before City Council and whether or not it would be approved. Ms. McMahon indicated that historically City Council does not vote favorably for multi-family developments.

Mr. Osborne explained the reasoning behind this modification. He indicated that more uses are desirable to support any future commercial development. He stated they are in the process of issuing the TIF bond, which is securing real estate tax payments of the project. There has been some concern in the investment community that all of the real estate taxes are currently derived from one entity, Cobblestone Court. This development will help diversify the tax base within the Shamrock Community. This development will help make that process go smoother so they can extend the road and start on new projects.

The Commission compared the differences between the proposed senior housing development and the townhomes. The number of people living in each was discussed and the type of disposable income that both would have. The discussion then focused on what would happen if the proposed amendment were approved. The developer would have to submit their proposal and the project would need to meet the criteria set forth in the guidelines for the Shamrock Business Center. Ms. Shoop asked if the City felt that the proposal of adding more residential was necessary to support

the development. Ms. McMahon indicated that the mix of the 700 units is critical to the development of the town center concept. She commented that whether or not they should be in this configuration is up for discussion. The City has always been supportive of the mixed-use development of residential, commercial and industrial.

Ms. Shoop inquired about the Section 8 housing question and the fact that Mr. Osborne was unsure. She indicated that she was not comfortable with the fact that there is not a definite answer and asked how the City protects itself from this happening. Ms. McMahon indicated that the City has placed restrictions of this nature on various developments in the past. There was discussion regarding the type of restrictions that could be placed on the development by the Commission.

Mr. Lyons suggested some language for the Commission in regards to the stipulations. The stipulations would involve limiting the type of development to a 55+ senior community and placing some type of income restriction. Mr. Osborne asked that the income restriction be changed due to the fact they will be seeking government funding for the project. This restriction may limit what is available to them. After much discussion, it was decided to add a stipulation regarding the development must be a for-profit entity.

Mr. Temming indicated that he did not have a strong objection to this type of housing in that area. It fits well with the existing apartment units and the age restriction makes this not the typical apartment style of living.

The discussion regarding the wording of the various stipulations continued. After the Commission agreed on the stipulations, Chairman Fitzgerald asked for a motion on this matter.

Motion by Mr. Temming, seconded by Ms. Shoop to approve the proposed Amendment No. 3 for the Shamrock Business Center with the following stipulations:

1. The total residential development units shall be no more than 700 units consisting of 150 single-family homes, 104 boulevard townhomes, and 446 apartments. No additional apartments shall be permitted;
2. The development shall consist of 55 plus age restricted independent housing;
3. There shall be no Section 8 Housing allowed;
4. The development shall be owned by a for-profit entity that pays property taxes. This is the only type of ownership permitted now and in the future for this location;
5. Amendment No. 3 supersedes Amendment No. 2 as it relates to unit configuration for the Shamrock Business Center.

On roll call, Ms. Shoop, Mr. Eade, Mr. Komjati, and Chairman Fitzgerald answered “no”; Mr. Temming answered “yes”. Motion denied.

Chairman Fitzgerald moved onto the next item on the Agenda.

Historic Preservation District Demolition of Structure – 348 Mentor Avenue – in accordance with Section 1146.13(b)(1) Demolition has been ordered by a public official for reasons of public health and safety (in the case of imminent danger, such demolition may occur prior to approval by the Design Review Board).

Chairman Fitzgerald asked if the City Administration had any additional comments on this item. Mr. Schaedlich indicated the Board of Zoning Appeals held a meeting on January 28 and voted to uphold the Emergency Demolition Order issued by the Chief Building Official. The Planning Commission in its Design Review Board capacity must approve the demolition of a structure within the Historic Preservation District.

Mr. Lewis indicated the Commission has a copy of a letter that was provided to the owner of 348 Mentor Avenue in regards to the chimneys. He stated a contractor who is trying to secure the chimneys for the owner contacted the City. The City is trying to work with the contractor and the owner to have the proper documentation submitted in the attempt to keep the structure from being demolished. There was discussion in regards to when the demolition will occur. Mr. Schaedlich explained that based on the Board of Zoning Appeals decision the demolition of the chimneys should occur by February 15.

Chairman Fitzgerald asked if there was anyone present to speak on behalf of this issue. There being none, he asked if there were any comments or questions from members of the Commission. Chairman Fitzgerald commented stated that it is obviously too expensive to repair and has become an eyesore for the community. There being no other comments he asked for a motion.

Motion by Mr. Komjati, seconded by Ms. Shoop, to uphold the demolition order for 348 Mentor Avenue. On roll call, Mr. Komjati, Mr. Eade, Mr. Temming, Ms. Shoop, and Chairman Fitzgerald answered “yes”. Motion carried.

Request for Office/Assembly Room Use at 66 North State Street by Painesville Fraternal Order of Police – B-3 Central Business District per Section 1133.04.

Chairman Fitzgerald asked if there was anyone present to speak on this issue. Mr. John Levicki, 34 Orchard Grove, Painesville, indicated that he would like to speak on behalf of this request. He stated the Fraternal Order of Police began in 1950 and is devised of only Painesville City Police Officers. He was president of the FOP in 1996 and served for 9 years. One of the FOP goals was to gain a building to call the lodge home. Currently they use a room inside the Police Department. That room is utilized daily by the Department and does not warrant for a practical place for a lodge. Mr. Levicki stated that when he became president they had only \$300 in the organization; the organization did nothing. Since that time, they have built an impressive portfolio with checking and savings accounts. The lodge has established programs like the yearly children’s Christmas party, summer parties, picnics, and has music shows as fundraisers. He commented they have been trying to broaden their membership by recruiting associate members to include friends, lawyers and judges.

Mr. Levicki stated that the Fraternal Order of Police has determined that the building at 66 North State Street would be a place to hold their monthly meetings along with the ability to hold family parties, a place to hold their fundraising functions. Some of the fundraisers the FOP provides are Coats for Kids, Toys for Tots, pancake breakfasts; they donate money to local sports teams, give out bike donations, sponsor child safety classes, and provide Party-in-the-Park activities. All of these programs require a place to house the items and a place to hold the activity. Mr. Levicki stated they have looked at many different locations and buildings. They believe this building will provide them the space they desperately need, a place to hold meetings, store their supplies, and operate their fundraising activities. Mr. Levicki explained in detail the various programs and activities they provide to the community.

Mr. Levicki stated that various options for a building were looked into. He indicated the organization wants the lodge to stay in the City. The 38 members that will be utilizing the lodge will generate foot traffic in the downtown area. There is no intention of starting any form of operation to sell alcoholic beverages. He stated that Lodge #90 does not intend to supply alcoholic beverages to its members at this location. The programs they propose are intended and directed towards the area, all of the fundraisers held are for that purpose. They feel their presence in the area will help create a relationship between the FOP and the business community. Mr. Levicki indicated that Painesville could be the first to have this type of an organization in their downtown district. In most communities’, police do not have the desire to stay in their jurisdiction. The FOP wants to be a positive force in downtown Painesville. Mr. Levicki passed out a list of all the fundraising activities they are involved in and indicated he can answer any questions from the Commission.

Chairman Fitzgerald asked about staffing at the building and the available parking. Mr. Levicki indicated the staff is the trustees. They will not be at the building 24-hours a day. There will be someone at the office every day to check on the structure, not maintain the office. He stated that as the programs come up then there would be a presence at the structure. The parking situation is limited however; they have a verbal agreement with the Lake County Commissioners to use the Job and Family Services lot after hours. This agreement will be put in writing. They are aware how valuable the street-parking situation is for the area and do not intend to create an issue.

Ms. Shoop asked about the pancake breakfast function and if there will be a kitchen facility in the building. Mr. Levicki indicated they are not sure at this point, that was one of the fundraiser topics that had come up from members. If that were explored, they would follow the proper permitting procedures. Ms. Shoop asked if the building would be available to rent to the public or if it is limited to members only. Mr. Levicki indicated that it would only be available to members or family of members. Ms. Shoop asked if the staff was paid or if they are volunteer staff. Mr. Levicki responded the FOP is a 501(c) (3) and the staff is volunteer or members.

Mr. Komjati asked about the other locations the FOP considered for a lodge. Mr. Levicki stated they had contacted Ms. Cathy Bieterman of the City. She gave them a list of available properties. The FOP went through the list, toured buildings; they even looked at houses for this purpose. He stated that the reality of their situation is as a 501(c) (3) they have no collateral or funding. Mr. Komjati

asked how they would purchase the building. Mr. Levicki indicated that since the building is owned by a bank, the bank would be holding the mortgage on the building as they pay on the loan. The FOP has asked every member to increase their dues to help defer the costs of the purchase. They have a strong membership and believe they can afford the building.

Mr. Komjati commented on the fact that this site is located in the downtown district. The City is looking to increase development in the downtown area particularly here in the heart of the district. He stated this is prime retail space. Mr. Levicki indicated they know they are going uphill. They explored other avenues and feel this is their best option. Mr. Komjati asked what the City's opinion is of taking away viable retail space. Mr. Schaedlich indicated this portion of the downtown district is at the very edge of the district. Mr. Levicki indicated the area around this building is not retail oriented. The building sits by itself and the Credit Union does not generate that much traffic. The patrons of the Credit only go to the bank to get their money and they leave. Mr. Levicki stated that he believes that when the building is turned into the lodge there will be more activities generated from their use.

Chairman Fitzgerald asked if Mr. Lyons had any comments. Mr. Lyons stated this issue is purely a Planning Commission decision. Ms. Shoop asked what the impact is to deviate from Section 1133.04. Are there conditions to be placed on the use or does this have to come back after time for a review? Ms. McMahon replied that the Commission is approving the use at this location; if it no longer exists then the use goes away. As long as the FOP is at this location, the use is allowed if the Commission grants the request. This is similar to the Jackson Hewitt Tax Service request.

Chairman Fitzgerald asked if there were any other comments. Mr. Komjati stated that the FOP Lodge does a lot for the community and they should be applauded for all the great things they do. There being no further comments, Chairman Fitzgerald asked for a motion.

Motion by Ms. Shoop, seconded by Mr. Temming to approve the Office/Assembly Room Use at 66 North State Street for the FOP Lodge #90. There being no further discussion, the secretary was asked to call the roll. On roll call, Mr. Eade, Mr. Temming, Ms. Shoop, and Chairman Fitzgerald answered "yes". Mr. Komjati answered "no". Motion carried.

OTHER MATTERS THAT MAY PROPERLY COME BEFORE THE PLANNING COMMISSION

ADJOURNMENT

There being no other items to come before the Planning Commission the meeting was adjourned.

Lynn M. White, Secretary

Thomas Fitzgerald, Chairman