

## PLANNING COMMISSION MEETING

*July 10, 2008*

The Planning Commission convened in Courtroom No. 1 at City Hall for their regular meeting. Chairman Fitzgerald called the meeting to order at 7:30 PM.

Members in attendance were, Mr. Andrew Eade, Ms. Christine Shoop, Mr. David Komjati, and Chairman Thomas Fitzgerald. Absent was Mr. Brian Temming. 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:** Motion by Ms. Shoop, seconded by Mr. Komjati to approve the Planning Commission Meeting Minutes from June 12, 2008 as submitted. All members present said "aye". Motion carried.

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

Chairman Fitzgerald asked the secretary to read the notice for the first item under New Business, Refusal No. 2153 for a Conditional Use Permit.

#### **REFUSAL NO. 2153                      CONDITIONAL USE PERMIT REQUEST**

**Applicant:** James E. Dillard  
**Owner:** Painesville City Local School District  
**Location:** 605 Elm Street  
 Permanent Parcel Number 15-A-018-0-00-016-0  
**District:** R-1 Single Family Residential District  
**Section:** 1143.06(a)

The City of Painesville has received an application from Coaches' Corner, Inc. and Painesville City Local School District for a Conditional Use Permit. Coaches' Corner is proposing a residential support outreach program for high school boys. The applicant is proposing to provide this public use at 605 Elm Street (Parcel Number 15-A-018-0-00-016-0). The property is located in the R-1 Single Family Residential District. Section 1127.05 lists public uses as a conditional use within the R-1 Single Family Residential District.

Chairman Fitzgerald asked if there was anyone present to speak on behalf of this request. Ms. Connie Strickland indicated that she is on the Board of Directors for this project. The objective of this Project is to provide a safe haven for homeless boys who have been abandoned by their parents. The Painesville City Local School District is providing a house for this operation to be placed where supervised children will be provided with a place to stay for a better future.

Chairman Fitzgerald commented that it seems they are moving to a smaller house. Ms. Strickland stated that actually this house is better situated for the use. It is a four-bedroom, two-story home, about 1,700 square feet and will provide housing for four teenage boys. Ms. Strickland stated that they are currently looking for house parents to run the program.

Komjati stated we approved a CUP for Coaches Corner a few months ago, he asked is this a new location? Strickland, that is correct. She stated the house they had originally applied for needed a lot of work to be in compliance. This new location is more feasible and can be easily remodeled for this use. Mr. Komjati asked if they have gone through this new location and determined that this location will work so the application will not have to be gone through again. Ms. Strickland replied yes this house would work for this use.

Ms. Shoop commented about the Staff Report indicating the use would be for four to six boys. She asked if this was just left over from the previous Staff Report. Ms. Strickland indicated they are only asking for three to four boys. She stated there are six to eight homeless boys currently; however, they would like to start smaller and see how things go. The possibility of having eight boys in a home like this could be disastrous especially when they are just starting out. They would like to see something started that will be successful. Ms. Strickland commented about Joe's Place in St. Louis, which has been very successful. This home in Painesville will be fashioned after that operation and the hope is to be as successful.

Mr. Fitzgerald asked if a garage and driveway would be constructed at this location. Ms. Strickland responded yes. Mr. Fitzgerald asked if this was on the school property. Ms. Strickland replied that

yes, the home is located in front of the new Elm Elementary School on property that the School Board owns. He asked the age of the boys. Chairman Fitzgerald asked the ages of the students. Ms. Strickland responded they are between the ages of 15 to 18, once they graduate from high school they will be encouraged to move on to something else.

Chairman Fitzgerald asked for comments from members of the Commission. Chairman Fitzgerald indicated this use was discussed in length at a previous meeting and the request is just to move the location. He inquired about the appropriate action for revoking the previously issued permit. Mr. Lyons stated the Commission should make a condition revoking the previous permit within the request before them.

Ms. Shoop asked about the parking area or driveway location. Ms. Strickland stated the driveway would be located next to the home. Ms. Shoop was concerned about the parking situation within this request since this was a major discussion point with the last permit request. Mr. Schaedlich responded that all single-family homes must provide for a garage and a driveway, which is where the parking areas would be located. Mr. Komjati commented that it would be no different from any other resident using their driveway and on-street parking if it is available.

Chairman Fitzgerald asked about the fencing located around the home. Ms. McMahon indicated the fencing was put in place around this home by the school. This house was used as a temporary construction site during the construction of Elm Elementary.

Chairman Fitzgerald asked if there were any comments from members of the audience. There being none, he asked if there was any other correspondence. Ms. McMahon stated that she has written comment that was delivered this evening, which was requested to be read into the record. The letter is from Ms. Emily Kuhn of Oak Street. The letter states, "To Painesville Planning Commission; Enclosed is a copy of the letter I submitted to Painesville City Board of Education in May. I am in favor of the "Outreach Program for Boys", and am so happy that the home at 605 Elm Street is going to be saved. Thank you. Emily Kuhn." Ms. McMahon added that the letter referenced to the School Board is asking for the home at 605 Elm Street to be saved due to its historical value.

Mr. Lyons asked if he could ask a few questions since he was not at the last meeting, this request was heard. He asked what is meant by homeless. Ms. Strickland explained that the young men are discovered by the coaches. Mr. Lyons asked how they are discovered. Ms. Strickland stated these boys are in sports and it was noticed that while on an away game the child did not have his "paddies" and asked why. After talking with the child the coach finds out the child has been abandoned by his family either due to hardship, incarceration or drug addiction so they go from family to family or friend to friend to live.

Mr. Lyons asked who has legal control over these children. Ms. Strickland stated they are going through the legal advisement of having the parents sign-off to allow the children to stay at the home. Mr. Lyons stated he understands the concept; however, you cannot just borrow children. He asked if the children are from the Painesville area or from the Greater Cleveland area. Ms. Strickland stated they are Painesville residents within the Painesville City School System. Mr. Komjati help to explain what was discussed at the previous meeting to Mr. Lyons. There was continued discussion of the legality of custody of the children. Ms. Strickland indicated that Coaches' Corner is still working on those issues.

Mr. Komjati asked since this is not clear, does that prevent the Commission from taking action on this item? Ms. McMahon stated the Commission is approving a use, whether or not they can implement the program is another issue.

Chairman Fitzgerald asked if there were any boys for the program. Ms. Strickland indicated they have a number of them in need of shelter and that is why they would like to get this program up and running. Chairman Fitzgerald asked when they plan to open the home. Ms. Strickland responded they hope to have something in place by the beginning of the school year.

Mr. Lyons asked what if the student damages the property in the neighborhood. Typically, a parent would be held responsible for their child's actions. Would the corporation be responsible? Ms. Strickland indicated that is a good question; however, she cannot answer the question. Mr. Lyons indicated that he agrees with Ms. McMahon, the Commission is approving the use of the property and not how the program will work.

There being no further discussion, Chairman Fitzgerald asked for a motion on this request. Motion by Mr. Komjati, seconded by Ms. Shoop to approve Refusal No. 2153 for a Conditional Use Permit allowing a public use at 605 Elm Street with the following stipulations: 1. The facility shall meet the City's minimum housing standards for the number of persons permitted to occupy the house. 2. Parking at the rear of the property shall be provided to meet the needs of the occupants. 3. The home shall be inspected on an annual basis to ensure compliance with minimum housing standards of the City. 4. The property shall remain titled to the Painesville City Local School District Board of Education. 5. At a minimum, a single-car garage must be constructed on the parcel. 6. The multiple metering of utilities on the house must be converted to a single meter per utility. 7. This permit is non-transferable. 8. The Conditional Use Permit approved for 625 Elm Street is revoked. There being no other discussion, the secretary was asked to call the roll. On roll call, Mr. Eade, Ms. Shoop, Mr. Komjati, and Chairman Fitzgerald answered "yes". Motion carried.

Ms. McMahon explained that City Council will be notified of the favorable recommendation and they will have fifteen-days to request a public hearing on this request. If there is a majority of Council seeking a public hearing, one will be scheduled. The applicant will be notified appropriately.

#### **ADMINISTRATIVE REPORT:**

Chairman Fitzgerald indicated that for the next two items on the Agenda the Commission would like both representatives to make their presentation and then the meeting would be opened for discussion.

Mr. Lance Osborne stated that he is representing Shamrock Business Center LTD in conjunction with the Goldberg Companies; they are proposing the next phase of development for Shamrock. The next phase will include 96 apartment units consisting of phase 4 of the Goldberg's apartment development. Mr. Osborne stated they are proposing single-family development on 28-acres within the Shamrock Business Center PUD. He indicated if they receive approval of the design changes, they would return with the Preliminary Plat for the single-family development. Mr. Osborne explained in detail the various design changes they are proposing for the Shamrock Business Center PUD.

Mr. Eric Bell introduced himself to the Commission. He stated that the Commission has changed significantly since they first came to the City of Painesville to build their project. Mr. Bell indicated that he is one of the principals of Goldberg Companies and gave the Commission an overview of their Company and the Business Management. He stated that about four years ago they came to the City of Painesville to talk about building Cobblestone Court Apartments on the Shamrock Business Center Plan. We are going to be completing the 304<sup>th</sup> unit and the last of what has been approved will be completed this year. Mr. Bell stated he hopes the Commission Members have had a chance to go view the apartments. The concept of more apartments in the City of Painesville was a tough sell. These apartments are the finest in Lake County and not the typical apartment units found within the City of Painesville. These are special units with amenities that are found around the country. Mr. Bell indicated the addition of the 96 units to bring it to a round number of 400. The market for these units is good, they have the amenity package in place and they have the staff available. Mr. Bell indicated he is available to answer any questions from the Commission.

Ms. Shoop asked if the boulevard homes were still part of the original plan. Mr. Osborne stated the boulevard home were part of the original plan and is still in the plan. Mr. Komjati asked how the addition of the 96 units fit into the plan. Mr. Bell explained that Mr. Osborne's company is the developer of the Shamrock Business Center and Goldberg has purchased the acreage to build the apartment complex on.

Ms. Shoop asked for additional clarification of the overall numbers. Ms. McMahon stated the overall PUD project was approved as a mixed-use project. The residential mix will be for 400 apartments, 150 single-family homes, and no more than 150 boulevard townhomes. There will be no more than 700 residential units that were contemplated on the plan; it is just the mix of the residential that has shifted.

Ms. McMahon explained the other change from the original plan, to the first amendment, to this amendment is in regards to the road pattern or layout. The road known as Fieldstone used to loop through to Shamrock Boulevard; it will now go directly north and dead-end into the boulevard at that point. Chairman Fitzgerald asked about that section of the plan and if it would be industrial. Ms. McMahon stated it is an office/industrial area. Chairman Fitzgerald asked if other streets would be put in. Mr. Osborne indicated it would probably be private drives that would access the industrial land. The area was "flattened" out to tie into the area. Ms. McMahon indicated the other issue is the

area to the east where Shamrock Boulevard comes across the railroad tracks between Shamrock Boulevard and Route 44 originally had a fair amount of retail/commercial area. Since the industrial was going to be located up against the railroad tracks, it is now shown with the single-family encroaching that area. The City would like to see that corridor along SR 44 as an office corridor. There has been more of an interest for office tenant buildings to be visible from Route 44. This shifts the retail north on the plan.

Chairman Fitzgerald asked about the overpass over the railroad tracks. He wondered if that was still going to happen. Ms. McMahon stated yes, it would be part of Phase 2. Phase 1 will begin next week with the preconstruction meeting. The hope will be to do Phase 2 next year and finish the north side shortly after that. The interchange should be in place the year 2013.

Ms. Shoop asked that the wooded areas be preserved as much as possible to help with the buffer for the industrial areas. There were questions about the brine wells on the property. Mr. Osborne stated there are several on the property and they all will be capped. There were some additional comments about the brine well locations and the original purpose of the wells.

There being no further discussion, Chairman Fitzgerald asked if separate motions would be required for each of the items. Ms. McMahon stated that would be preferable. Chairman Fitzgerald asked for a motion on the first item under the Administrative Report.

**Shamrock Business Center PUD Revision:** PUD Amendment 2 - redesigning the residential development and street layout.

Motion by Mr. Komjati, seconded by Ms. Shoop to accept the PUD Amendment 2 for the Shamrock Business Center subject to the following conditions: 1. The residential mix shall be as follows: 400 apartments, 150 boulevard homes and 150 single-family homes. No additional apartments shall be permitted. 2. The area between Shamrock Boulevard and SR 44 shall be designated for office development. 3. The traffic circle at the intersection of Brookstone Boulevard and Shamrock Boulevard shall be maintained as a primary design feature. 4. Amendment 2 supersedes Amendment 1 of the Shamrock Business Center Development Plan. On roll call, Mr. Komjati, Mr. Eade, Ms. Shoop, and Chairman Fitzgerald answered "yes". Motion carried.

Chairman Fitzgerald stated if there is no further discussion on the next item, he asked for a motion on Cobblestone Court.

**Proposed Phase 4 – Cobblestone Court:** Approval for Cobblestone Court Phase 4; consisting of 8-acres and 96 units.

Motion by Ms. Shoop, seconded by Mr. Eade to approve the site plan submitted for Cobblestone Court Phase 4 subject to the conditions outlined in the memorandum dated July 3, 2008 from the City Planner and City Engineer. On roll call, Mr. Eade, Ms. Shoop, Mr. Komjati, and Chairman Fitzgerald answered "yes". Motion carried.

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

There were no other matters to come before the Planning Commission.

## **ADJOURNMENT**

There being no further business, the meeting was adjourned.

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Lynn M. White, Secretary

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Thomas Fitzgerald, Chairman