

PLANNING COMMISSION MEETING

February 10, 2011

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. Brian Temming, Ms. Christine Shoop, and Chairman Thomas Fitzgerald. Absent were Mr. Andrew Eade and Mr. David Komjati. 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 for additions or corrections for the Planning Commission Meeting of January 13, 2011. There being none, he asked for a motion. Motion by Ms. Shoop, seconded by Mr. Temming to approve the Planning Commission Meeting Minutes from January 13, 2011 as submitted. All members present said "aye". Motion carried.

NEW BUSINESS: (Public Hearing Items)

Rezoning Application No. 63-11

Location: Permanent Parcel Nos. 15-C-019-0-00-037 & 062.

From: R-2 Multi-Family Residential District to B-1 Business/Residential District

An application has been submitted by Barbara Gromek, Managing Member of The 720 Group, LLC and Rasha White, Homes for the Brave, for the rezoning of Permanent Parcel Numbers 15-C-019-0-00-037 & 062. This property is currently zoned R-2 Multi-Family Residential and consists of approximately 0.79 acres of land. The applicant would like to rezone the parcel to a B-1 Business/Residential District. The rezoning of the parcel would permit the applicant to apply for a Conditional Use Permit to develop an Adult group home at this location .

Chairman Fitzgerald asked who was present to speak on this request. Ms. Rasha White introduced herself as the applicant. She indicated her address is 11731 Basswood Road, Chardon, Ohio. Ms. White distributed copies of her presentation that she would be giving to members of the Commission.

Ms. White began by stating Homes for the Brave is a private, non-profit group. Their mission is to create and provide a clean stable living environment for the men, women and families that served our country. They will have part of their group giving back to the community. They will be serving Lake, Geauga and Ashtabula County. They provide housing, transportation, counseling, employment and resume help, and working with Lakeland for schooling.

Ms. White stated "Why Painesville?" She indicated Painesville is the right location because many VA facilities are within walking distance. The location of the property is on the Laketrans bus route. It will also free up some of the beds at the local homeless shelter. Ms. White mentioned the other facilities located in Painesville; VA Mental facility, VA Outpatient Clinic, Louis Stokes VA Medical Center, Veteran Affairs Department, Job and Family Services, and Veterans of Foreign War.

Ms. White commented on the security of the premises. She indicated there would be no roaming the streets during the day. Each veteran will be working, volunteering in town and/or working around the facility. There will be 24-hour supervision at the site, key cards for the entrances, security cameras, door checks, and at 9 PM, the facility will be locked with a no visitor policy.

Veterans will receive counseling to measure their ability to reenter society successfully. The length of stay, according to the government housing grant guidelines, is up to 2-years. The goal is to get them stable in a shorter period if possible. The benefit to the neighborhood is because of the shelter starting with the men's facility now is to grow eventually in the future to accommodate women and families. This will create jobs for the community as well.

Ms. White explained how the floor plan of the facility would be changed to meet their needs. The building would need to be rehabbed to allow for a common area, dining room, office space, and kitchen space. The second floor would allow for bunked living arrangements with locker storage and locker room style bathrooms. Ms. White explained that due to the cost of the renovations the suggestion of a complete tear down has come up. She indicated the last page of the packet she handed out to the Commission is a letter from their contractor. The letter states that the back end of the property can only be accessed with a driveway being put in. They are looking into the possibility of tearing down the existing structure and putting up a new facility in the rear of the property. The

new structure would be more beneficial to be dorm style living one-floor areas in the back end of the property. Ms. White indicated that she could answer any questions regarding this request.

Chairman Fitzgerald asked if this would service only Lake County Veterans. Ms. White replied that they would service Lake, Geauga, and Ashtabula counties. He asked about Cuyahoga County veterans. Cuyahoga County has a separate facility in Cleveland.

Ms. Shoop asked for clarification on what is needed from the Commission. She wondered if the rezoning of the property is what is to be decided. She stated in the packet it was noted that more information was necessary from the applicant. Has the applicant provided the information to the administration? Mr. Schaedlich indicated that the Commission needs to look at the proposed use and the issue is the rezoning, not the Conditional Use of the property. There were several questions noted in his report that the Commission might want to get additional information on from the applicant. Those types of issues need to be raised so the Commission can get a better feel on how the facility would be operated. Afterwards, if the Commission does not feel enough information has been provided, the request can be tabled until such information is received.

Chairman Fitzgerald indicated he would like to open the meeting up to the public. He stated that anyone wishing to speak on this request to please stand, state their name, and address for the record.

Mr. Ray Sternot, 346 Birchwood Lane, stated that as a veteran he is in favor of the rezoning for two reasons. The first is that it will help veterans. The second is that it is a business. If it brings in revenue for the City what else would you do with this property? Right now, it has been vacant for two years and it is not bringing anything in. Would this operation be staffed with people working in the City of Painesville and paying taxes? The City of Painesville gets most of their money from people who work in the City. He stated if it is good for the City in terms of revenue, good for the community, and there is security, then he does not have a problem as a resident of the City.

Mr. Bob Sternot, 464 Walker Lane, stated that he is also a veteran. He indicated that he agrees with his brother that he is in favor of this request. If there are questions about the security, but based on what was said it sounds more like a prison than a place for rehabilitation. He stated that he is assuming this is for veterans who are out of work and unable to provide for their family or themselves. In that respect, he agrees that it is a step in the right direction since the place has been vacant for two years and nothing has become of it. It has become dilapidated, an eyesore he presumes, and it needs a lot of work.

Chairman Fitzgerald asked if there were any other comments in favor of this request. There being none, he asked if anyone would like to speak in opposition of this issue.

Mr. Ken Roll, 687 Mentor Avenue, stated the concept is honorable. We are talking about a district that is mostly multi-family. The area to the west is multi-family, south is a church and single family, and north is multi-family. He stated that he does not know if the fact that it brings in revenue is the driving factor. There are plenty of commercial districts that can bring in revenue. He stated he has not heard how many people are staying there, the term is two years, they talk about building a facility in the back; there is concern that there is no access from the front; there is a parking area in the back; are there plans for obtaining an easement from the property on the east or west. Mr. Roll stated those are some of his concerns. In addition, once the property is rezoned for a group family, who is to say the next group family that comes in will be veterans; it may be individuals that do not belong in a residential district. Painesville has plenty of commercial land available; he is opposed to this request.

Mr. Peter Georges, 732 Mentor Avenue, stated he is also a veteran. He owns the Debbie-Kris Townhouses that abut the property. His concern is that they have no access. They currently have to go through his property to go into the back lot to cut the grass. He stated he is not going to give a right-of-way. He has been asked to do so before, but he will not agree to do that. Mr. Georges commented that eventually families would be at this location. They only have parking for approximately eight people, or eight cars in the front. He stated that the back property is not useable, unless the building is torn down. They cannot come onto his property and the person on the other side has been angry with them since the mowing is never done. He will not let them on his property either; there is no way to get back there. Mr. Georges indicated that he has eight units that are all three bedrooms and there are many children in the area. This may be a problem with cars trying to go in and out of the property.

Mr. Steve Costell, 762 Mentor Avenue, stated that he agrees with Mr. Roll's statements. The area is currently residential with single and multi-family homes. There is the Perkins next door, but it is certainly not a commercial district. He indicated that he looked around and he comes from a family

of veterans and he is all for the concept of what they want to do. He was unable to find out additional information on this use and he has security concerns. Mr. Costell stated the concept is great but he does not feel this is the right spot with the number of people and children. He lives in the area. He could not find anything that says if there is screening, are they sexual offenders, there was nothing on what qualifications are necessary to reside there short of being drug and alcohol free for fourteen days. Those things do concern him as a resident of the area and having two children.

Chairman Fitzgerald asked if there were any other members of the audience wishing to speak. There being none, he asked if the City had any new information to add to this request. Mr. Schaedlich indicated that the City has not received new information, only what was presented this evening. There are still unanswered questions regarding the number of people this operation would serve. He indicated that he did not know if the Commission feels that more information is warranted.

It was mentioned that the secretary had received some correspondence on this request. She read an email that was received from Debbie & Biff Hall, 745 Mentor Ave Painesville; *we do not feel the planned use of this property under the B1 Business/Residential would not be a good fit for this location. More information is needed about the rezoning of the parcel as an adult group home. I hope this request will not be approved.*

The secretary also stated that she received a call from Cliff Stanley, 708 Mentor Avenue, who indicated that he was against the rezoning; parking is an issue at this location; there are trespassing problems happening now; he would like to see this kept as an office use.

Ms. Shoop asked for clarification. This is not being rezoned to have an adult group home. This is being rezoned to B-1 and the group will still need to come back and request a conditional use permit. This is not an automatic use if it is rezoned. Mr. Schaedlich affirmed Ms. Shoop's statement.

Ms. Shoop asked the applicant about the information distributed. It states *facilities for veterans returning from incarceration*. She stated the word incarceration is of concern to her. Ms. Shoop asked the applicant to explain what that means. Ms. White indicated that is a future goal. It will not happen in this facility. It is a goal of the group for Homes for the Brave eventually down the road, 5 to 10 years from now. Currently they are focusing on getting a men's facility started, then a facility for women and families.

Ms. Shoop stated that looking at the floor plan submitted, how many people are expected to be located in the facility. Ms. White replied they were told the maximum number would be sixteen people. In her opinion, she anticipates this project to be a tear-down for access to the rear property; the furnace and roof are in need of replacement; the building has not been kept up to date; it is not handicapped accessible; the contractor who looked at the facility indicated that it would cost anywhere from 150 to 200 thousand dollars to rehabilitate. She stated that the floor plans were given to the Commission for informational purposes. Ms. Shoop asked if the building is torn-down then the problem of access to the rear property is gone.

Ms. Shoop asked what the building owner's interest on this project is. Ms. White stated that the purchase of the property depends on obtaining the rezoning and the conditional use. She indicated that if they can get the rezoning so the shelter can be put in then they would purchase the property from Ms. Gromek. Ms. Shoop reiterated that if the conditional use permit goes through as well. Then if rezoned the property can be marketed as a business use. The Homes of the Brave needs both items to go through in order to purchase the property. Ms. White indicated that was correct. She stated the building was purchased about ten years ago with a title company operation and it has been vacant for about two-years. The property owner has not had any other interest in the building.

Chairman Fitzgerald asked what size staff is estimated for this operation. Ms. White stated that for right now with the one facility of sixteen people, it would be three full time and they are looking for part time people. They plan to have two security people 24-hours a day. The staff would include herself, an executive director, and one other full time person. She indicated they have a couple of people interested in volunteering.

Ms. Shoop asked if the staff would be sleeping at the facility. Ms. White stated there would be two individuals there all night. The full time people will be there during the day.

Chairman Fitzgerald asked if this operation was to be government funded. Ms. White replied they are funded by grants. There are a couple of government funding options for veterans in homeless shelters and there is a building and construction portion. Chairman Fitzgerald asked if the funding is already in place. Ms. White indicated that everything is contingent on approval of using this property.

Ms. Shoop asked if they are planning on continual care. She indicated that she spoke with Marion Norman of the County Offices. They work with Project Hope and stated they were not aware of this project. They have indicated there is a need for a men's shelter in Lake County for veterans.

Ms. White stated that veterans receive a different kind of funding. There is more money available, grant wise, for veterans rather than the general homeless population. She stated this is their starting point. They would like a homeless shelter in the future, but for now, this is where they are starting. Ms. Shoop questioned the veteran's from Cuyahoga County. Ms. White indicated there is a Montessori in Cleveland that deals with veterans in that County. They will not house anyone from Cuyahoga County; they will be referred to the Montessori there. The shelter in Painesville will only be for Lake, Geauga, and Ashtabula veterans. Ms. Shoop stated the objective of returning the veterans to steady employment is a good thing, her issue is granted the services are nearby and Laketrans is available, there are however not a lot of jobs available. She understands the statement, why Painesville, but she can easily say why not somewhere else. Ms. White replied that the main reason is Laketrans so they do not have to walk to the facilities. The veterans who have jobs are placed into a different program for extended housing opportunities. Ms. Shoop indicated that Laketrans does go to other places, not just Painesville; it takes you all over the county. Ms. White stated that her board wanted them to be in Painesville. Tim Grendell is the president of the board and he decided that the first veteran's facility should be in Painesville.

Chairman Fitzgerald asked if the veterans are homeless, how you determine what county they are from. Ms. White answered they will need to provide proof they are veterans and there is no way to really determine what county they are from. If they are found living out in the streets of one of the counties they serve, then they can use the facility.

Ms. Shoop indicated that she is concerned about allowing this use without a building if it would be approved and the structure torn down. Mr. Schaedlich stated that building permits are good for twelve-months. If nothing were to happen, it would become void and the property would have to comply with the zoning district regulations.

Mr. Lewis added that a number of conditions would have to be determined prior to a building permit being issued. Those issues are parking locations, setbacks for a new building. Those types of things will all come into play if the building is torn down.

Chairman Fitzgerald asked if the Assistant Law Director had any comments or questions. Mr. Lyons stated that he did have a couple of questions. He stated the Home for the Brave mission statement that was distributed refers to the Homes for the Brave Mission. Is that the name of the company? Ms. White stated it is a non-profit, called Homes for the Brave. Mr. Lyons indicated the mission statement also refers to Homes for Our Heroes. He asked which one is correct. Ms. White replied Homes for the Brave. The program will be done in three parts. The Homes for the Brave is where they are starting for the men's facility, soon to be women and families. Homes for the Brave will provide housing for veteran's in need. Mr. Lyons asked when Homes for the Brave became a non-profit corporation. Ms. White commented this was done within the last year. Mr. Lyons stated there is no experience running one of these operations; there is nothing else to compare it to in terms of how it is operated. Ms. White indicated that was correct. Mr. Lyons asked if Ms. White knew what a group home is in terms of the Ohio Revised Code, which is what our City Code follows. Ms. White responded no. Mr. Lyons stated you do not know if the facility you envision will meet the standards of a group home to take the next step and asked if that was a fair statement. Ms. White commented that she does not know if they would meet the standards. Mr. Lyons asked if the person who owns the property knows that if the rezoning from and R-2 to a B-1 is approved that it will remain B-1 whether or not the conditional use permit is issued. Ms. White replied, yes the owner knows that. Their goal is to sell the property; they cannot use it; it has become a burden. Mr. Lyons stated that Ms. White is representing to the Commission that it does not matter to the owner if the property is zoned B-1 and your operation could not go in there. Ms. White stated they are currently zoned R-2, but they used it as a business. They do not mind that the property be zoned as B-1 because their goal is to sell the property. Mr. Lyons stated as he read the Homes for the Brave Mission, on a couple of occasions it indicates that this is a homeless shelter. Ms. White replied that is their goal. She stated when she presented that she wanted to do this project at this location she was told they needed to rezone the property for up to sixteen people; it will be a homeless shelter. Mr. Lyons asked a homeless shelter in the same way that Project Hope is a homeless shelter in terms of dormitory type living arrangements, not in a family/group style living arrangement. Ms. White responded correct. Mr. Lyons stated the comment was that you are going to control the veterans from wandering the streets of Painesville during the day through some type of programming. Ms. White responded correct, everyone will be working or volunteering at the Salvation Army or at the

facility. They will not be roaming the street since she realizes this is a concern of the people who live in the neighborhood. The goal is to keep them all day long and to keep them occupied. Mr. Lyons asked if they do not follow the guidelines would they be kicked out and become homeless again. Ms. White stated they would have to follow the guidelines; they cannot help someone who will not help themselves.

Mr. Lyons commented about the issue of the veterans from another county. If a homeless person moves from one area to another, if they are in one of the counties you service they would qualify for assistance. Ms. White indicated yes.

Mr. Lyons stated this is an unusual request since it is being done in two parts. The applicant has disclosed what their intention is to use the property; however, the Commission is not having the hearing regarding the use at this time. Mr. Lyons indicated that he feels that he has gotten the information necessary from the applicant. He stated that when he read the Mission statement he has concerns that it would not meet the standards of an adult group home. They can still move forward to rezone the property.

Mr. Ken Roll, 687 Mentor Avenue, stated that if the property is rezoned and the building is torn down there would be no need for the conditional use permit. Mr. Lyons stated that is not correct, in order to have a group home in a B-1 District a conditional use permit is necessary. He reviewed the process for the audience.

Mr. Peter Georges, 732 Mentor Avenue, asked after it is rezoned and they are unable to build there what other uses can go into that property. Mr. Schaedlich read the permitted uses for the B-1 District along with the conditional uses. Ms. McMahon stated that conditional uses require a series of items that need to be evaluated like parking, setbacks, traffic, and so on. If the applicant cannot meet those requirements then the Commission would not grant the permit. Conditional use permits are only issued to the applicant and are not transferrable.

Mr. Steve Costell, 762 Mentor Avenue, asked for clarification of allowing up to 3,000 square feet operations in the B-1 District. Mr. Schaedlich stated that is for professional offices, general or medical up to 3,000 square feet. Mr. Costell stated that would not work for this property since it is too small. He asked about the planning for choosing Painesville. Painesville is not the central location for these three counties. It seems like this property was just ripe for the picking. Ashtabula and Geauga County are a number of miles away from this location and it is by no means central. He stated that he understands the need for being near the bus route; but if the goal is to really serve people then by centralizing it you would not need to bus to other locations. Mr. Costell stated this does not seem well thought out.

Chairman Fitzgerald commented that he has the utmost respect for the men and women who serve our country; however, he does not feel this is the right location for this operation. Mr. Temming indicated that he would feel more comfortable if the property owner were present to request the rezoning. It was noted that Homes for the Brave submitted a notarized letter from the property owner indicating the applicant could act on the rezoning request for them.

Ms. McMahon commented that due to the amount of discussion she would like to refocus the Commission. The issue before the Commission is the rezoning. Given what else is in the area, why is B-1 the right zoning classification for this area. While there are concerns about the uses and the property will be evaluated for the different uses that are allowed, is this appropriate for the area, regardless of what use ends up on the property. She stated that if this goes forward, then sometime in May the Commission would then decide on the use of the property and if that use is appropriate.

Ms. Shoop stated that currently the property is zoned R-2. If the building were to be torn down, it would need to follow the guidelines for the R-2 zoning. What would be allowed if it remained an R-2? Ms. McMahon read the permitted and conditional uses for the R-2 zoning. The commercial building was placed in an R-2 zoning and had become a nonconforming use over the years. The owner has an issue for either zoning classification. The current building cannot be used as a commercial use with the current zoning; if rezoned to B-1 it would be allowed to exist.

There was discussion about the advantages and disadvantages of rezoning the property.

Chairman Fitzgerald asked if there were any other comments or questions. There being none, he asked for a motion. Motion by Mr. Temming, seconded by Ms. Shoop, to favorably recommend Rezoning Application No. 63-11 from R-2 Multi-Family Residential to B-1 Business/Residential District. On roll call, Ms. Shoop answered "no"; Mr. Temming and Chairman Fitzgerald answered "yes". Motion carried.

Ms. McMahon explained the process to the applicant and the public hearing being scheduled for March 21, 2011 for City Council.

ADMINISTRATIVE REPORT:

- **Final Plat Approval for Kilroy Pointe (Lighthouse Pointe) Condominium** – Phase 13 and 14 – consisting of Units 3 and 8.

Chairman Fitzgerald indicated the Staff Report submitted by the Administration recommends approval of the Final Plat for Kilroy Pointe Phase 13 and Phase 14. He asked if there were any questions regarding this item. There being none, he asked for a motion. Motion by Ms. Shoop, seconded by Mr. Temming to approve the Final Plat for Kilroy Point Phase 13 & Phase 14. On roll call, Mr. Temming, Ms. Shoop, and Chairman Fitzgerald answered “yes”. Motion carried.

- **Buffers / Mounding** for developments adjacent to railroad tracks and non-residential roads and access to and from new developments.

Chairman Fitzgerald asked Mr. Schaedlich to explain briefly the modifications that were made to this item since the last meeting. Mr. Schaedlich indicated that he incorporated some of the suggestions that were brought up at the previous meeting. Those included the combination of fencing and plant materials up to twelve feet and changes within the preliminary and final plat reviews.

There being no further discussion, Chairman Fitzgerald asked for a motion. Motion by Mr. Temming seconded by Ms. Shoop, to approve the proposed code revision relating to buffers and mounding. On roll call, Ms. Shoop, Mr. Temming, and Chairman Fitzgerald answered “yes”. Motion carried.

- **Walnut Ridge Condominium Project Appeal**

Lake County Case No. 10CV003450: use of transcript

Chairman Fitzgerald asked what action was necessary from the Commission on this item. Mr. Lyons stated that there was an approval for a final plat for Tom and Marsha Winfield, which was in two parts. One was for a Minor Subdivision determination and the other for a Final Plat. Those were both denied and Mr. Winfield has filed an administrative appeal with the Lake County Common Pleas Court. At the hearing, a court reporter was present. The court reporter has typed up the transcript of both of the hearings. Mr. Lyons stated that he has read both of the transcript and they are as accurate as they could be. The Commission needs to adopt these transcripts as part of the record for Painesville City Planning Commission so they can be forwarded to the Court. Mr. Lyons asked that a motion to adopt these transcripts as the official record of the Planning Commission. Motion by Ms. Shoop, seconded by Mr. Temming to adopt the submitted transcripts as the official record of the City of Painesville Planning Commission for the two hearings. On roll call, Mr. Temming, Ms. Shoop, and Chairman Fitzgerald answered “yes”. Motion carried.

OTHER MATTERS THAT MAY PROPERLY COME BEFORE THE PLANNING COMMISSION

None.

ADJOURNMENT

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

Lynn M. White, Secretary

Thomas Fitzgerald, Chairman