

PLANNING COMMISSION MEETING

March 13, 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, Mr. Brian Temming, Ms. Christine Shoop, and Chairman Thomas Fitzgerald. Absent was Mr. David Komjati. Also present were, City Manager Rita McMahon, City Planner Russ Schaedlich, Assistant Law Director James Lyons, and Secretary Lynn White.

MINUTES: Chairman Fitzgerald asked for additions or corrections to the Planning Commission Meeting Minutes of January 10, 2008. There being none, Chairman Fitzgerald asked for a motion to approve the minutes. Motion by Mr. Temming, seconded by Ms. Shoop to approve the minutes as submitted. On roll call, all members present answered "yes".

NEW BUSINESS: (Public Hearing Items)

Chairman Fitzgerald asked the secretary to read the notice for the first item under New Business.

REZONING NO. 59-08

Location: 319 E. Prospect Street - Permanent Parcel No 15-A-013-0-00-030-0

From: B-2 General Business District to R-1 Single Family Residential District

An application has been submitted by Sonishari Bellamy, Asset Manager, for the Secretary of Veterans Affairs for the rezoning of 319 East Prospect Street (Permanent Parcel Number 15-A-013-0-00-030-0). This property is currently zoned B-2 General Business and consists of approximately 0.0421 acres of land. The applicant would like to rezone the parcel to R-1 Single Family Residential to allow occupancy of the home on the property. The parcel is contiguous to an R-1 Single Family District. The rezoning of the parcel would allow the owner to market the home for sale.

Chairman Fitzgerald asked if there was someone present to speak on behalf of the rezoning request.

Ms. Tami Pawlyshn, 1959 Mentor Avenue, indicated she is with Falvey Realty and is currently the asset manager for the VA Department. They have not been able to sell the property with the zoning going to business. This is a true single family home within 50 feet from St. Clair Street School and the St. Mary Church and school. The use is single family, to run a business out of that property would be dangerous. The parking would have to be done across the street causing children to go around cars parked in the street. The home has a functional bathroom, a working kitchen, and three bedrooms.

Chairman Fitzgerald indicated this is a public hearing. He explained that if anyone would like to comment on this application to state their name, address, and to address their concerns to the Commission. He asked if anyone from the audience would like to comment. There being none, Chairman Fitzgerald asked Mr. Lyons if there were any legal issues the Commission needed to be aware of in regards to this application. Mr. Lyons indicated he does not see any unusual circumstances that the Commission needs to be aware of on this request. The Commission can certainly make recommendation to City Council to approve the rezoning request and it seems to meet the criteria for a positive recommendation.

Chairman Fitzgerald asked if the Administration had any additional comments to add other than the information that has been submitted. Mr. Schaedlich commented that by looking at the photographs that were taken of the area, the best use of the property would be a residential single family home.

Chairman Fitzgerald asked the Commission for comments or questions. Ms. Shoop asked what the home was like on the inside. Ms. Pawlyshn replied the home is in good condition. There has been no interior damage done to the home. There have been some broken windows, which have been immediately boarded up to keep the home safe. The property next door was rezoned a few years back and is currently under a remodeling project, which is more of an eyesore than this home. The home was taken through foreclosure and turned over to the VA in 2006. Ms. Shoop asked Mr. Schaedlich about the statement in the staff report referring to the lot being nonconforming. Mr. Schaedlich responded that the R-1 district requires a 10,000 square foot lot. This lot is much smaller than that and there is no garage on the property. This is only mentioned to make the Commission aware that the lot is nonconforming to the standards currently in the R-1 Single Family zoning district. Ms. Shoop asked how long has the lot been zoned B-2. Ms. McMahon indicated the property has been zoned B-2 since

the 1960's. The zoning regulations prior to 1984 allow for single-family homes to be built in commercial districts. In 1984, the change was made that only commercial uses were allowed in commercial districts. This house pre-dates 1984 and became a nonconforming use at that time.

Chairman Fitzgerald asked if there was any further discussion on Rezoning Application No. 59-08. There being none, he asked if there was a motion. Motion by Ms. Shoop, seconded by Mr. Temming to approve the rezoning of Permanent Parcel No. 15-A-013-0-00-030-0 from a B-2 General Business District to an R-1 Single Family Residential District. There being no other discussion, the secretary was asked to call the roll. On roll call, Ms. Shoop, Mr. Eade, Mr. Temming and Chairman Fitzgerald answered "yes". Motion carried.

Ms. McMahan explained the rezoning request would be forwarded to City Council for a Public Hearing. There is a 30-day time frame to schedule the public hearing and will most likely be held in the middle of April. The applicant requested to be notified of the public hearing.

Chairman Fitzgerald moved onto the next Public Hearing item on the agenda. He asked the secretary to read the notice for Refusal No. 2143 for a Conditional Use Permit.

REFUSAL NO. 2143 CONDITIONAL USE PERMIT REQUEST

Applicant: Elm Street Properties, LLC
Owner: City of Painesville
Location: 257 Main Street
 Permanent Parcel Numbers 15-A-012-0-00-011-0 & 012
District: B-3 Central Business District
Section: 1143.06(a)

The City of Painesville in cooperation with Elm Street Properties, LLC, developer, is requesting a Conditional Use Permit for property at 257 Main Street (Permanent Parcel Numbers 15-A-012-0-00-011-0 & 012). The proposal is the renovation of 257 Main Street to provide alternative available housing options along with commercial/retail use. The property is located in the B-3 Central Business District. Section 1143.06 (a) states that conditional use permits shall be required for the following uses, *Residential uses when accessory to a permitted commercial use.*

Ms. McMahan indicated this is a joint application from the City of Painesville and Elm Street Properties. She commented that she intended to give the Commission an update at the February Meeting in regards to the Downtown Plan. However, the Planning Commission did not meet in February. Ms. McMahan indicated she distributed to the Commission three handouts that had been distributed at the Downtown Community Meetings and the Steering Committee Meeting. The handouts are products from City Architecture who has been hired to look at the Downtown, particularly with the departure of Lake Hospital next year. They are looking at the appropriate redevelopment and reuse options for various parcels in the downtown. There are three areas are being looked at closely. The first is the hospital site, second is the river area, and third is the Richmond/East Erie site. In addition, the Harvey high school site has been looked at since this area will also be vacant at the time the hospital's departure. Ms. McMahan explained the other two handouts given to the Commission. The concept for the area near the river is to have mixed-use developments. There needs to be additional people brought into the downtown area with disposable income to support commercial and retail uses outside the current 8-5 PM timeframe that are currently seen in the downtown. The purpose of the circle on this map is to show the quarter mile walking area, an easily adaptable walking area, which takes in most of the downtown area. The other item to take into consideration is that this walking area is the same size as places being built like Legacy Village, but our downtown is the authentic "real thing". Along the riverfront corridor, in particular where the hotel is located, the map shows mixed-use and commercial along with residential use. The last drawing indicates a development scheme showing the detail next to the hotel property and the proposed retail and multi-family residential. The information shared with the Commission has been presented to the Downtown Plan Steering Committee and at the public meetings. The concepts are being accepted and adopted.

Ms. McMahan stated this sets the stage for why this conditional use it being presented to the Commission. As was indicated earlier, the city obtained the hotel through a donation about three to four years ago. For some time, the city has been trying to identify the appropriate use or reuse of that land and property. About three years ago, the city sent out an RFP to various developers in the Cleveland Area. There was quite an interest in the property but concern was raised that the property was not part of an overall plan for the downtown and that the property did not have a larger land base in the 10-15 acre area. As a result, the city was unable to accept any of the proposals. Elm Street

Properties had contacted the city with interest in the property. Over the last two years, the city has worked with Elm Street Properties to figure out what the best use would be for the property. In November of 2007, City Council authorized an agreement with Elm Street Properties to allow them to go forward to look closely at the building. Elm Street Properties has come back to the City indicating they would like to pursue a mixed-use for this property and in order to allow that a conditional use permit would need to be obtained.

Ms. McMahon stated that Mr. Urbanick would explain his concept to the Commission. She indicated the plan from Elm Street Properties is in cooperation with the overall Downtown Plan and once the zoning mechanism is in place he will be able to go forward and get the financing and other items started for this project to see if it is feasible. Ms. McMahon asked that Chairman Fitzgerald recognize Mr. Urbanick so he can discuss his concept plan with the Commission.

Chairman Fitzgerald indicated that Mr. Urbanick could address the Commission. Mr. Joseph Urbanick stated that as Ms. McMahon indicated they have been working together over the past couple years trying to fine-tune the use for this property. During this time, we have had experts look at the mechanical, structural, and environmental concerns for this property to determine the best use. The reason for the application is to fine-tune the architectural plans and the cost analysis for using the top seven floors as residential and the bottom floors to be used as a retail type of operation. Mr. Urbanick stated that during this time he has been in contact with Lake Erie College to look at the expansion of their facilities and the possibility of accommodating their housing needs. He indicated that he would like to see if this plan is acceptable to the Commission and get some direction as to what plan works best for the city.

Chairman Fitzgerald asked if there were any questions or comments from members of the audience. Mr. Dan Smith, 8 North State Street, stated that Ms. McMahon pointed out the Steering Committee and Stakeholder Meetings and that process has not been completed. He asked if this rezoning request would in any way be counterproductive as to the eventual outcome of the Downtown Plan. Ms. McMahan commented that this is not a rezoning request; it is a conditional use request to allow the residential use at this property. She indicated that she feels this request would be complementary to the Downtown Plan since it possesses all the parameters the plan has been advocating. We have a very interested partner who is trying to move forward who has financial opportunities right now. Since this use supports the plan, it is a good direction for the property. Mr. Smith asked if the city would retain ownership of the property until such time a formal plan is submitted and approved. Ms. McMahon indicated that is correct, Mr. Urbanick has an option that has certain criteria, which includes this process of obtaining a conditional use. Mr. Smith asked if the city would be providing financing for this project at this point. Ms. McMahon replied no.

Chairman Fitzgerald asked if a college dormitory is a residential use. Ms. McMahon indicated the discussions with the college; this project would not be used as a dormitory. This would be traditional apartment living arrangement where the college could lease a bulk number of units from the developer. The college currently does this in other areas of the city.

Mr. Angelo Cimaglio, 477 Owego Street, stated he feels this is a wonderful idea, however, he questioned the parking situation since there does not seem to be adequate areas for parking. Ms. McMahon stated the property to the north of the building that is currently being used for the recycling center for the City would be part of this use. The preliminary calculations indicate this area should be sufficient for the parking area for the building. This will be a factor taken into consideration and will determine the amount of units that can be placed in the building.

Chairman Fitzgerald asked for additional comments or questions from the audience. There being none, he asked the Commission Members for comments. Ms. Shoop asked about the calculation of the land area. Ms. McMahon indicated the two parcels make up 2.6 acres of land for this project.

Chairman Fitzgerald stated the thought is to renovate the structure and not demolish. Mr. Urbanick commented that his initial objective is to renovate the structure. Chairman Fitzgerald indicated that he understood the rooms inside the building are very small hotel rooms. Mr. Urbanick indicate they will be doing structural work inside the building to expand the rooms to make them conform to the appropriate square footage allow by code. Chairman Fitzgerald asked what type of retail would be occupying the main floor. Mr. Urbanick indicated that he would expect the retail area to be complementary to the residential use.

Chairman Fitzgerald discussed the quarter mile radius drawing and the inclusion of additional buildings fronting the main streets that surround the hotel building. He asked if this is still a possibility or if this goes forward would this not be possible. Ms. McMahon responded she felt that would be possible, they

are not mutually exclusive to each other; and it would further expand the retail uses on that first level. This could still be incorporated into the Downtown Plan. Chairman Fitzgerald stated that maybe the parking situation would be an issue. Ms. McMahon explained that the entire downtown area would be reviewed and addressed for parking availability. As the City goes forward with the Downtown Plan the committee will have to look at parking as a general use otherwise the concepts will fall apart.

Mr. Temming indicated that he felt this project was worthwhile to proceed and he commented that he also has doubts about the parking situation in the downtown area. Chairman Fitzgerald asked about the structural integrity of the building. Mr. Urbanick stated they have looked closely at the integrity of the building, it is an asset and a liability because of the fact it creates added cost. He stated that whatever they decide to do once they get the hard facts they will be back before the Commission with a concept for the property.

Mr. Lyons asked what the minimum size of the units would be for the residential portion of the project. Ms. McMahon indicated the minimum square footage for the units would be based on the number of bedrooms and is outlined in the R-2 Multi-Family section of the code.

Chairman Fitzgerald asked if there were any other comments or questions. There being none he asked if there was a motion on this item. Motion by Mr. Temming, seconded by Mr. Eade to approve Refusal No. 2143 for the Conditional Use Permit for Permanent Parcel No. 15-A-012-0-00-011-0 & 012 to allow residential uses in the B-3 Central Business District per Section 1143.07(b). There being no other discussion, the secretary was asked to call the roll. On roll call, Mr. Eade, Mr. Temming, Ms. Shoop, and Chairman Fitzgerald answered "yes". Motion carried.

ADMINISTRATIVE REPORT:

Preliminary Plat Approval: Diamond Park Subdivision – consisting of 169 lots for single-family construction – zoning of property is R-2 Multi-Family Residential.

Mr. Rick Osborne, Jr., 8500 Station Street, Mentor, Ohio, stated that he is the developer of the property. They are requesting approval of a subdivision consisting of 169 residential lots named Diamond Park adjacent to the Shamrock Boulevard, which will be extended and connected to Heisley Park Subdivision. Mr. Frank Chorba, Land Design, indicated he is the Engineer on this project.

Chairman Fitzgerald asked if the City would like to comment on this item. Mr. Schaedlich indicated he has worked with the surveyor and engineer on this proposal; everything meets the R-2 requirements. The City Engineering Department also reviewed the plans and looked at the utilities were indicated on the preliminary, obviously additional work will need to be done prior to the final; however, everything is in place for the preliminary plan.

Ms. McMahon indicated on the plan, Shamrock Boulevard is shown in red. This is a cooperative project between the City and the developer. The city acquired the right-of-way some years ago and has done the design for Shamrock Boulevard. Mr. Osborne has agreed to accept an assessment to build that road up to point where indicated on the plan. This road should be out to bid soon and will be under construction this summer. This will provide one of the access points for this development; the other is through Elizabeth Boulevard.

Chairman Fitzgerald asked for comments or questions from Members of the Commission. Ms. Shoop indicated that currently Elizabeth Boulevard experiences a good deal of traffic, she indicated that she is concerned about the additional traffic that area will experience with the construction of this project. Mr. Osborne indicated that Shamrock Boulevard will be built first and that should alleviate the additional traffic. Mr. Chorba indicated the subdivision would be built in phases so the area will not see an immediate increase in traffic.

Ms. McMahon explained the discussion that was held previously with the Commission in regards to the relocation of Jackson Street. The Commission had detailed discussion about the overall plan of the subdivision; how it will interconnect to the new interchange, Shamrock Business Center, and Heisley Park Subdivision.

Chairman Fitzgerald asked if there were any further comments or questions. There being none, he asked for a motion. Motion by Ms. Shoop, seconded by Mr. Eade to approve the Preliminary Plat for Diamond Park Subdivision with the stipulations outlined in the memorandum dated March 8,

2008 from the City Planner and the City Engineer. There being no further comments, the secretary was asked to call the roll. On roll call, Mr. Temming, Ms. Shoop, Mr. Eade, and Chairman Fitzgerald answered “yes”. Motion carried.

Chairman Fitzgerald moved onto the next item under Administrative Report.

Final Plat: Liberty Greens Subdivision – Phase V – consisting of 28 lots.

Mr. Schaedlich indicated there are stipulations outlined in the memorandum dated March 4, 2008 from the City Engineer and City Planner. Those items will need to be addressed however; some of them have already been addressed. The city is working on some bonding issues to make sure the outstanding items are addressed. Ms. McMahon explained that is a standard policy. The stipulations on the memorandum are “punch list” items, some of which cannot be completed due to the weather. Some items have to be completed prior to the filing of the plat. The weather-related items will be bonded, a financial obligation to have the items completed. The city will use the money to complete the list if not done by the developer.

There being no further discussion, Chairman Fitzgerald asked for a motion on this item. Motion by Mr. Temming, seconded by Ms. Shoop to approve the Final Plat of Liberty Greens Subdivision, Phase V with the stipulations outlined in the memorandum dated March 4, 2008 from the City Planner and the City Engineer. There being no further comments, the secretary was asked to call the roll. On roll call, Ms. Shoop, Mr. Eade, Mr. Temming, and Chairman Fitzgerald answered “yes”. Motion carried.

OTHER MATTERS THAT MAY PROPERLY COME BEFORE THE PLANNING COMMISSION

By-Laws: City of Painesville Planning Commission. Chairman Fitzgerald indicated the updated By-Laws need to be adopted by the Commission. There was some discussion about the items that were changed in the By-Laws. Mr. Lyons suggested that the version of Roberts Rules of Order be specified within the By-Laws. The Commission agreed to that change. The Administration agreed to wait until the next Planning Commission to adopt the By-Laws with Mr. Lyons suggested change.

ADJOURNMENT

There being no further business, the meeting was adjourned.

Lynn M. White, Secretary

Thomas Fitzgerald, Chairman