

PLANNING COMMISSION MEETING

April 9, 2009

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

MINUTES: Motion by Mr. Temming, seconded by Ms. Shoop to approve the Planning Commission Meeting Minutes from February 12, 2009 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 Proposed Code Amendment to Chapter 1146.

PROPOSED CODE AMENDMENT

CHAPTER 1146 Design Review Standards

Amendment to the Historic Preservation District Section 1146.03

Establishment of a Mentor Avenue Historic Preservation District to promote the preservation and protection of the old historic or architecturally worthy structures and quaint neighborhoods which impart a distinct aspect to the City and which serve as visible reminders of the historical and cultural heritage of the City, the state and the nation.

Chairman Fitzgerald explained there would be a presentation given by the City Administration first and then the floor would be given to the members of the Commission and then to the Audience.

Mr. Douglas Lewis began his presentation indicating he would like to give a brief overview of the proposed Mentor Avenue Proposed Historic Preservation District. He stated he would like to begin with explaining the process that went into bringing the proposed amendment to the Commission. The City had received a request from the residents to create a historic district. Mr. Lewis stated that Mr. Schaedlich would give some detailed background information on the district meetings and the history of this proposal. After the request for the proposed amendment was received, notice was sent out to the residents within the district and there was a notice placed in the newspaper for the public hearing. The Planning Commission will hold the public hearing after the presentation is given. Should the Commission make a recommendation to approve the Amendment it would then be forwarded to City Council for their action. The purpose for the public hearing is to obtain input on the proposed amendment to the historic district ordinance. The Commission will consider the information presented. The Commission may approve, modify, deny or table the proposed amendment. Mr. Lewis turned the presentation over to Mr. Schaedlich to discuss the history and background of how this petition came about.

Mr. Russ Schaedlich stated the organization was formed by some of the homeowners on Mentor Avenue in the federally recognized historic district area and included some of the areas outside that historic area on Mentor Avenue. In working with the group over the past year and a half discussing such issues as the character of the area and things they can do to preserve the area they concluded they would like to create this district. Mr. Schaedlich approached the map that was displayed as a representation of the district and explained the boundaries of the district. The district includes homes on Mentor Avenue, Washington Street, Wood Street and Sterling Avenue. The application is based on these boundaries and is what the proposed ordinance is suggesting to be included by the Commission.

Mr. Lewis indicated he would like to explain the design review district and the historic preservation district to give an idea of what items are regulated and what the differences are between the two. The difference is one of compatibility. In the design review district the criteria is not intended to restrict imagination, innovation or variety, but rather to assist in focusing on design principles, which can result in creative solutions that will develop a satisfactory visual appearance within the City. The Historic Preservation District is intended to maintain and enhance the scale and basic character of Designated Historical Neighborhoods through ensuring compatibility between new, renovated and old structures; and promoting the improvement and upgrading of properties in a manner, which will benefit property in the area.

Mr. Schaedlich indicated there is currently a design review district existing in the area of Liberty Street to Mentor Avenue to Wood Street. This area is within the Downtown Design Review District, which makes up about one-half of the proposed Historic District. Mr. Schaedlich reviewed the Certificate of Appropriateness application process that would be required for the structures located within the proposed Historic District. A Certificate of Appropriateness would be required if the exterior of the structure is being altered, for any new structures being constructed, and for the demolition of existing structures or portions thereof. He also explained that a certificate of appropriateness shall not be required for ordinary maintenance and repair which includes repainting a building in the existing color palette; replacement of window and/or glass (but not style or type of windows); caulking and weather-stripping; landscaping; repairs to walks, patios, fences, and driveways as long as replacement materials are compatible with the original or existing materials in style and appearance; replacement of small amounts of missing or deteriorated original or existing trim, roof coverings, porch flooring, steps, etc., as long as replacement materials are compatible with the original or existing materials in style and appearance; replacement of gutters and downspouts as long as the shape matches the original or existing; roof ventilators on rear slopes and chimney caps; installation of house numbers and mailboxes; repair of existing street or yard lighting; and similar maintenance items.

Mr. Schaedlich added that interior work and any alteration or demolition which is necessary to correct or abate a condition which has been declared unsafe by the Chief Building/Zoning Official or the Fire Chief do not require a certificate of appropriateness.

Mr. Schaedlich stated the processes for permitting in a Historic District differs slightly from the Design Review District. In a design review district, all applications go through the administrator, which is the City Planner. The administrator works with the applicant and the application is either approved or denied. If the application is approved a certificate will be issued. If the application is denied the applicant may file an appeal, which goes before the design review board or Planning Commission. The administrator reviews all new construction and demolition applications. In the historic district, the administrator reviews only alterations. Any new construction or demolitions go directly to the design review board or Planning Commission. The design review board is responsible for the review and authorization of all properties requiring a certificate of appropriateness.

Chairman Fitzgerald indicated that he would like to get comments from members of the Commission. Mr. Komjati stated that Ms. McMahan indicated about one-third of the proposed area is within the newly adopted Downtown Plan. He asked if this proposal has any affect on that plan.

Mr. Schaedlich indicated that it would not have an impact since the area is comprised of residential and governmental uses. The First Merit Bank on the corner of Mentor Avenue and Liberty Street is currently within the Downtown Design Review District and within the Historic Preservation District. This would cause an issue since there cannot be two classifications for the same property. Mr. Schaedlich indicated this would need to be addressed.

Ms. McMahan addressed Mr. Komjati by indicating the Downtown Plan that was recently adopted by City Council does not have any design weight through the zoning code. She explained the Downtown Plan is a concept plan outlining the City's future plans. In a few months, the City will be bringing forth to the Commission several regulation changes to implement some of the criteria that were established by the Plan. Mr. Komjati clarified that the zoning regulations would be changed to match the Downtown Plan.

Ms. Shoop commented about the inclusion of the properties that currently have a design regulation, why was not the district boundary ended at that point. Mr. Schaedlich indicated that on the Mentor Avenue portion to the square there are quite a few historic structures. The regulations within the Historic Preservation District are much too restrictive and give the city much more oversight of the area than the design review district does. Ms. McMahan stated this is the applicant's request and at this point, it is a good question to ask the applicants when the public hearing is opened. Mr. Komjati stated the proposed district includes both sides of Mentor Avenue and only the north side of Washington Street.

Chairman Fitzgerald asked if the Historic District includes Mentor Avenue to Wood Street and Erie Streets. Ms. McMahan stated that is the current design review district boundary. The Federal Historic District includes both sides of Wood Street and Mentor Avenue from Liberty Street to Washington Street.

Mr. Temming asked about existing structures that are in need of repair. Is there anything that addresses those properties as far as bringing them up to historic value. He indicated there are a few homes in the proposed district in need of repairs. Mr. Lewis explained that the existing property maintenance code addresses those types of issues. Ms. McMahan stated that any alterations that the

homeowner would have to follow the guidelines within this district if it is passed. Mr. Komjati stated that the biggest issue would be the Steele Mansion. If that were to be taken down and rebuilt then it would have to comply. Ms. Shoop asked how the property maintenance code affects that property. Mr. Schaedlich indicated the staff would work with the property owner to ensure compliance on both levels. Mr. Lewis indicated that the property has been cited into Court.

Chairman Fitzgerald stated that he would like to begin the Public Hearing. He explained to the audience that anyone who would like to speak needs to address the Commission by stating their name and address for the record.

Mr. Gary Gilmore, 274 West Washington Street, stated that he is opposed to this proposal in its current state. He commented that there is not enough attention to the homeowners prospective looking out. Everything is geared toward everyone looking from the outside into the property owners, but does not address the historic preservation of properties around us. Mr. Gilmore stated he could cite numerous examples where the City has failed significantly if there were some existing regulations to protect our property. He is opposed to government reaching out to control his property. He indicated he does not understand why one side of the street was chosen but not the other. He stated there were regulations put in place 20-30 years ago that were supposed to protect the historic nature and those were never followed. He asked why is the college not included. Mr. Gilmore stated that he would like the properties across the street to be included so that his property is protected aesthetically. He mentioned he has complained to the City about the bike path fencing and the utility boxes that are on the corners of the streets. The City has done nothing to protect his interests and he has little faith that the same can be done by placing restrictions on his rights.

Ms. Lorene Moran, 85 Mentor Avenue, stated that she has owned her home for twenty years. Her house was built in 1852. She stated that when she moved into the home 20 years ago, the Sullivans were trying to place a historic district in this area and it failed. She stated she believes there are too many rentals, which are not kept up. She sees more houses within the area that need repairs and most of the people cannot afford the repairs. Ms. Moran stated she could not afford the upkeep on her property also. She does not want something put in place that she cannot afford that is very unfair and she indicated there would be a lot of resistance. She also stated she does not believe the city has the capability to do this the right way because they waited too long to do it.

Mr. James Calendar, 362 Mentor Avenue, indicated that he would like to read for the record a letter from Michael Victor, President of Lake Erie College.

Dear members of the Planning Commission: On behalf of Lake Erie College, I am writing in support of the establishment of the Mentor Avenue Historic Preservation District. This area contains many structures of historic significance that Painesville can be proud to call her own. Over the years, many students and alumni of Lake Erie College have recognized the character and charm of the area where their alma mater is located. The landmark buildings of the College – College Hall, Morley Music Building and Kilcawley Hall – blend in perfectly with the beautiful homes and structures found in the designated area, and we sincerely hope they will be preserved for present and future generations. We request that the zoning amendment be passed in support of the designation of the Mentor Avenue Historic Preservation District. Please feel free to contact me at 440.375.7200 or mvictor@lec.edu if you have questions or desire further dialogue on this subject. Thank you for your consideration. Sincerely, Michael T. Victor, President.

Mr. Callender commented that he has heard two in opposition. He would like to speak in favor of this request. He indicated that he has been involved with this since the beginning and has worked with Mr. Schaedlich on this proposal. Our organization of the Mentor Avenue Historic District was formed a year and a half ago. We have had several meetings with several people who have been active. Mr. Callender stated that he is not speaking for the group; he is speaking for himself. We have seen some improvements with what has been going on. We looked at the area that already is in the Federal Historic District, which encompasses Liberty Street to Washington Street on Mentor Avenue. If you look at the map, this makes up 75 to 80% of the homes. To be honest, he believed the people on Washington Street would be happy to be in a historic district. He had gotten some indication from some people that they would like this district. It gives more of what was asked for earlier. It gives more protection of our properties of what other people are doing. For the long haul, this will be a small price to pay for our individual properties but will be a large improvement for the district. It seems to me what is asked in these regulations is relatively small; most of this we would probably do anyways. To maintain our homes, maintain our properties, and even more than that to maintain the whole neighborhood. Mr. Callender asked the Commission to look favorably on this request. He stated if there are changes to be made, they are not opposed to that, but would like something in place to protect the area.

Mr. George Lehtonen, 332 Mentor Avenue, stated he has a number of questions. He asked if this is to accomplish maintaining the homes in this mixed district. He stated that there is a property

maintenance ordinance and if that is enforced then we already have something to take care of maintaining the properties. Mr. Lehtonen stated his number one question is how this district would benefit us as property owner. This is really just big brother coming in to tell you what can be done; this is not democratic or American. He stated that few people who are presenting this district think that they have a right to create a monument on private property. If you want to maintain the properties enforce the property maintenance ordinance. He stated you are taking money out of his pocket and who will want to buy this property with all of these regulations.

Mr. Gilmore commented that he understands completely the intent to protect and preserve this historic district. He stated that in the area that has been chosen we are well past that point of providing protection. The diversity is rampant. There is no continuity of the structures for the most part. If you were to look at each of the homes, you would see what a joke this is it is just too far past trying to protect. The existing ordinance should provide the protection necessary for the historic properties.

Mr. Paul Gothard, 308 West Washington Street, asked if Lake Erie College was included in the district. Mr. Schaedlich indicated that the College is not included. Mr. Gothard commented that might put Michael Victor's letter into perspective. He stated he has a couple of problems with this proposal. He stated he does not see the benefit as a homeowner to be under that kind of gun to be careful of what type of materials to use. He asked what is the city's interest in this. What is the city contributing? He commented that if he were to die or sell his house he will not benefit from anything. He stated that maybe his taxes will be raised due to the increased value of the historic district. He commented that maybe those within a historic district should be given a tax break for taking on the extra legislation over what he believes is his house. He stated he has a real problem with the assumption that the people who live in this area do not know enough to preserve what they have their hard earnings invested in. He stated he also has a problem with some wording in the slide that states, "Approvals are not required where no change is made to the building or the grounds". He asked what can one do that does not change the appearance. He commented that if he plants a tree or changes the landscaping, he has changed the appearance. He expounded on this idea of making changes that affect the appearance. He stated there is a lot of policy and not much substance behind this proposal and it is not something that he can buy into.

Ms. Bridget Holzheimer, 260 Mentor Avenue, asked everyone to think for a moment about Steele Mansion. She stated she has seen the inside and it is beyond saving. What will happen when it is torn down, what will go in there, and how do we regulate that. We need to be strong and fight for what might happen to this area. We have to be careful about more apartments that might go in there. We have to look to the future and unfortunately, Steele Mansion will be coming down, it is only a matter of time, the chimney has already fallen down, what is going into that property. How do we regulate what goes in there? We need to do something about that.

Ms. Carol Johnson, 368 Mentor Avenue, Johnson Funeral Home, stated in 1968 they moved from where Morley Library is currently to the present location they have now. We have spent a lot of effort to keep our grounds and our building to be the best it can be. It was a lovely private home and we chose to use it as a funeral home. The reason was its demeanor and its architecture. I have to say I am one of the people involved in this request because I think there are other properties in Painesville that are even more beautiful and should be restored and kept in the style that it was meant to be. Even though the Steele Mansion is an issue, we work hard to keep our property up and if we do not have regulations on whatever level. She stated she is not saying this is the perfect plan; things can be changed since it is not cast in stone yet. It is very frustrating to see something two doors down from you just fall down. It is frightening to think that since 1968 when we moved to this location that would be in jeopardy because of other properties that do not have some type of regulation and ability for us to be sure we are protected by keeping our properties up. She asked the commission to consider this.

Mr. Don Obrenski, 298 West Washington Street, stated that the only good part about this is an increased value to your home. That is only important if you plan on selling. If you plan on selling this is a good thing to do. The value will go up and you leave behind this increase intrusion on your privacy and your property. The increase value will also increase your taxes. If you plan on staying this will increase your taxes. He stated that he does not mind having a valuable home but not at the expense of the work that he has put into it. He indicated that he works hard on making a nice home. He took a dump and put in a lot of effort and money. He took responsibility to do that himself. Our area is nice, our area is beautiful, that is because people took the responsibility to make it that way. We did not need regulation put on us. We did it ourselves. That is why they want to preserve it, he understands that, but not at our expense. Look across the street at West Washington Street, unregulated. He stated that he is not for regulation. When he bought his house it was gutted, termite

infested. He stated that he had a government official walk through his house when he was not there. They stopped his work and told him he had to go to them and ask permission to get proper permits. He stated that is okay if you like regulation. He was planning to do a better job. However, they wanted me to have standards. He indicated that he could not restore it to the original design because trim was rotting away. Under this regulation, he would probably have to spend \$15,000 to restore that to a usable structure. That would have taken everything that he had put on the outside and inside to make it livable. There is no way we will keep up with this regulation and do all the other stuff we need to do in the house to keep it livable. He commented that you can restrict us monetarily to make this residence nice for somebody who is going to sell because his or her value has gone up. Now that they are gone, you have restricted us, people who like this area. Our taxes are going to go up and we are all going to have to pay for it by asking permission every single time we want to plant a tree, change our sidewalk. He stated that he plans to change my driveway because it is a wreck. He cannot do it if he has to do all this other stuff. Mr. Obrenski stated we are all Americans, we do not need restrictions, we do not need people to tell us how to hang our shingles, and how to do the stuff that is approved by other people. He indicated this is too many regulations; we lose our ownership of our property when we give it to a commission. You let them decide what we can do so you can increase your value. You have to pay the price of someone looking in your front door, looking in your back door, under the guise of historic preservation you are going to lose your property. It is not yours anymore. The last thing he wants is more government intrusion. He stated that the cost of keeping up your property is going to be higher because you are regulated on the type of stuff you can use along with the time limitation. He indicated that he has a glass enclosure on the side of his house that was put up on a weekend. The professor at the college who knew nothing about construction had students put this thing up. Now it is a historic item because it is underneath their claws. It has beautiful glass panes however, it has to be replaced but he cannot do it without their permission. Not only that, it would cost 30 to 40 thousand dollars just to maintain this structure. He stated we could not allow ourselves more regulation.

Chairman Fitzgerald thanked Mr. Obrenski for his opinions. He asked the secretary if there was any correspondence. The secretary indicated there are a few pieces of correspondence.

The first letter is from Nick Langhart, Director, of Boylston Public Library, of Boylston, MA 01505

Mr. Schaedlich: The following is a statement prepared for the scheduled April 9 hearing in support of the newly proposed historic district to be established between the Park and the Lake Erie College campus. I hope it can be read at the public meeting and made a part of the record of that hearing. Thank you for the opportunity to present this. Congratulations on your establishment of a local historic district ordinance and on the designation of the Bank Street District. I am urging the voters of Painesville to support the inclusion of the proposed second district between the Park and the Lake Erie College campus as a part of the local historic district legislation. This area should be designated as an historic district because-It retains the appearance and character of nineteenth-century Painesville that has been preserved over many generations by caring private owners; a legacy we wish to keep for many more generations. It contains the largest remaining concentration of pre-Civil War buildings left in Painesville; these blocks include at least a dozen of the best Greek Revival style homes in the city. This is a unique and irreplaceable heritage of buildings built before 1850. It includes excellent examples of over 100 years of the architectural development of the Western Reserve territory within a relatively small area – from the Greek Revival Jonathan Goldsmith-designed Dr. Denton House of 1820 at 55 Mentor Avenue through the Colonial Revival Helen Carter House of 1930 on Wood Street. The proposed district includes several grand Victorians near the intersection of Mentor and Wood Streets and also many nineteenth century working class homes along Sterling Avenue. It is very vulnerable to unsympathetic development. This area has already lost many fine buildings in recent years; a few are the Church of Christ at the corner of Liberty and Washington Streets, the Hobbs and Lord Houses at the corner of West Washington and Wood Streets, and the Studio Inn at the corner of Mentor and Erie Streets. There is no better protection for historic streetscapes than local historic district designation. In fact, there is no other protection available that is legally enforceable. Although I now live in Massachusetts, I was born and raised in this neighborhood. My mother, also born in Painesville, after marriage, sought out, purchased and restored the house at 66 West Washington Street in 1940, then a virtual ruin. So, I played in these yards, roller-skated on these sidewalks and delivered newspapers to these homes. More importantly, these surroundings and the quiet instruction of my parents led me to a career in the field of historic preservation, first in Cleveland, then in New York State and eventually in Boston at the Society for the Preservation of New Antiquities. Being exposed to surroundings of quality architecture at a young age greatly impacted my life and I know it has affected others as well. It is important that we preserve what is best in our environment for the benefit of future generations – for their understanding of history, for their development of aesthetic discernment and for their appreciation of the material contributions of past generations. Painesville has already paid a very heavy price for highways and commercial development; many of the city's best buildings were ruthlessly swept away between 1955 and 1980. I watched them fall, took their pictures, collected discarded fragments for museums and grieved at what went up in their places. And the threat of yet more mega-drug stores and similar developments is still a very real danger. These remaining sites, buildings and landscapes are irreplaceable. We are stewards of them today; they are a precious gift from the past and a valuable legacy to generations to come. I urge you to support this district designation; we can only wish it had been

enacted years ago. Thank you for this opportunity.

The next letter is from Tim Kassinger and Vanessa North, 66 West Washington Street, Painesville.

Dear Mr. Schaedlich, I am writing because I will not be able to attend the hearing tomorrow night regarding the proposed expansion of the Historic District. Vanessa and I would like to extend our enthusiastic support to this effort. We have long been concerned that our 1840's Greek Revival on West Washington be preserved along with the other wonderful neighboring homes from this period and some even older. Painesville has had somewhat sad history of preservation with many irreplaceable historic homes lost. Yet there is much still to be proud of and to preserve. We hope this commitment to our historic neighborhood's preservation will encourage others to invest in Painesville's history as we have.

The last letter is from First Merit Bank, Painesville.

Dear Mr. Fitzgerald, As you are aware, FirstMerit Bank owns and operates a retail branch location at 56 Liberty Street in Painesville. In addition to this first floor branch, we also lease space to commercial tenants on the upper floors of this building. As the building owner, we were recently notified by your office of the proposed Mentor Avenue Historic Preservation District. Based on the information that was provided to us, we believe that our property on the west side of Liberty – from Sterling to and West Washington – is included in the proposed district. We also noted that the adjacent property south of West Washington is not included, and that the proposed district is primarily comprised of historic homes on traditional residential-scale lots. We respectfully ask you to remove our property at 56 Liberty Street from the proposed district. While we support the designation and preservation of the adjacent area, we feel very strongly that the goals and benefits of the proposed district do not apply to our larger scale, multi-tenant commercial property. Thank you for your consideration, and please contact me with any questions. Sincerely, Elonie Christian, Senior Vice President, Strategic Development and Real Estate Management Manager.

Chairman Fitzgerald thanked the secretary; he asked if members of the Commission would like to comment. Mr. Komjati stated that this is not the first time that the commission has heard something like this. Not long ago the residents of Bank Street had requested their area be designated a Historic Preservation District. We had a very similar conversation, the for's and against. Mr. Komjati stated the comment about the taxes going up; he does not believe that taxes automatically go up because you are in a historic preservation district. Ms. McMahon replied that is correct. Mr. Komjati stated that obviously with the enhancements and upgrades to your property that in turn would increase the value of your home. The increased value of a home causes the taxes to go up. He commented that he does not believe that anyone wants the value of his or her home to go down. This is not big brother looking over your shoulder. The city is willing to work with residents on any modifications and rebuilding. It is not anyone's goal to bankrupt anyone in order to maintain their properties a specific way. It does not do the city any good to force a property owner to do improvements they cannot afford. Mr. Komjati asked the administration if this proposed regulation is as restrictive as the audience is feels it is.

Mr. Schaedlich explained that painting for instance; if it is the same color, it does not require a certificate of appropriateness. Ms. Moran indicated that she has been in her house for twenty years and she feels that if she wanted to paint her house she should not have to go to a committee to get approvals.

Chairman Fitzgerald stated that he lives in the proposed Historic District and he cannot vote on the issue. He commented that he personally does see this as a personal invasion of rights or the ownership of my home. He also stated that he wants to protect my home and investment.

An argument broke out regarding Chairman Fitzgerald's opinion on the proposed district and the restrictiveness of the regulations. When the comments had ceased, Mr. Gothard asked if he could have his question answered about, what he could do that does not change the appearance of his property.

Ms. Elizabeth Devney, 242 Mentor Avenue, commented she believes that everyone is missing the boat. We all live in the city because we want to be here because we love our homes. This should not turn into this. Ms. Devney stated she has lived in her home twenty years and she grew up in the City. We all live in this town because we want to be here. A lot of us have chosen historic homes because we love historic homes. It is not meant to be big brother or government telling you anything. It is meant for everyone to keep their homes nice and lovely and make it a nice neighborhood and make our city proud and us proud. We should all be positive here.

Ms. Shoop asked about the property maintenance ordinance. Ms. McMahon responded that the property maintenance codes are minimum standards. They maintain a minimum level of health and safety requirements for an area. They do not address architectural style or the character of the home. For example, on the Steele Mansion they could put a very different roof structure on the top of that building if they chose to rebuild that structure. She stated that is one of the items that the city has

the owner in court for is to make that change. If the owner chooses to put a different design on the roof or take the top half of the house off and leave the first floor and install a flat roof they could do it. That would be making it structurally safe, watertight, and meeting those minimum standards and requirements. It does not address whether or not that is appropriate for the architectural design or style or character of the building that is being prepared. The difference with the historic preservation district is when those changes are made they are asked to be made in accordance with the design, character and style of when the building was originally designed or built.

Ms. Shoop stated a couple people have brought up what is the city's benefit in terms of this commission and she indicated she did not see it from that perspective. She sees it as an overall city benefit if it were to be approved by the City. Is there a monetary city benefit to this district? Ms. McMahon replied not directly. If properties are preserved and they maintain their value, they do not lose their value, and then yes there is a tax that is on those properties. She stated the City only receives 3 cents of every dollar that you pay in property taxes. The real benefit of any property tax is the school system. We are not going to see any huge increase in income if the properties go up thousands of dollars. There is a benefit, but the benefit is to the community as a whole. You are preserving the appearance, the quality and character and the city is working to ensure that if you make an investment in your property it is not detracted or deteriorated by someone who chooses not to invest next door. The goal as a government entity is to regulate for protection as much as anything else. With a Historic Preservation District, we can say we value the aesthetics and historic character of that area and that is an important element that we wish to preserve as much as whether it is used as commercial use or residential use or some of the items we have traditionally regulated. This ordinance is already on the books. We have an area in the city that has already been established. In discussing with the property owners in the area that has been in place for over a year, how they feel about the regulation. Has it inhibited them or created any problem. The answer has been no; it has not increased their taxes, they are investing in their property, and some of the things indicated before are inaccurate. We are not going to make you do things. It is when you choose to do things unless it is a property maintenance issue that everyone has to follow. We will work with you. It does not tell you specifically what kind of material you can use it tells you that when you do use the materials we want the appearance to look the same. Ms. McMahon gave examples of the types of less expensive materials that could be used. She explained that the Planning Commission worked very hard to make the code not overly restrictive but at the same time allow the ability to control what goes in those districts to maintain the architectural integrity of the area that the designation is placed. Ms. McMahon stated that this ordinance is not the city imposing it; it is based upon requests by residents of the City.

Ms. Shoop asked for clarification of the landscaping comments. Does landscaping require approvals prior to being done? Mr. Schaedlich responded the primary focus is the structure but at the same time, the landscaping will not require a permit. Ms. Shoop asked about fences. Mr. Schaedlich replied that fences require permits regardless of it being in the Historic Preservation District or not.

Chairman Fitzgerald stated to the audience that the Commission is here to take public comment and we appreciate the concerns that have been brought up on the proposed District. He asked that the audience refrain from interjecting comments while discussion is taking place. He stated that if there are any further comments he asked them to be brief and to the point.

Mr. Lehtonen had two questions. The owner of the Steele Mansion has a right to do repairs on the structure whatever he chooses to do; it is a private property. If that was his intention when he bought the property, how do you go back and tell him that he cannot do that. He invested money into the property and now you are changing the zoning. Ms. McMahon stated the zoning is not being changed; this is an overlay district. The underlying zoning is not changed. Mr. Lehtonen stated he believes this is a step backwards.

Mr. Gothard asked for clarification of the wording the change of grounds that would not be acceptable. Ms. McMahon responded the ordinance states it has to do with structure it does not say anything about grounds. Mr. Gothard reiterated the wording in the code. Ms. McMahon stated it was poorly worded as our Law Director pointed out it goes on to say that landscaping is an exception. Therefore, grounds are not included in that definition. Mr. Lyons agreed that it is poorly worded. Chairman Fitzgerald asked that this portion of the code be reworded so it is not so confusing. Ms. McMahon responded the staff would work on an amendment to clarify this section.

Ms. Devney stated that she is planning to sell her home within the year. She indicated she would be using this designation to attract buyers interested in living in a Historic District.

Mr. Gilmore indicated his concern is with the south side of Washington Street not being included. It sounds like the essence is in the character of the buildings and yet you want the character of my building but not the people across the street. I would like to see this expanded to include both sides

of any affected street. Some of the letters that were read are already in the Design Review District. He asked that the College be included if the President is willing to have it placed within the District. Mr. Gilmore stated that if the other side of the street were not included he would like to see the area reduced to not include either side. The ordinance talks about the character of the area in addition to the character of the structures themselves. He asked if anyone could define the character of the area, it is so diverse it defies description. He suggested a Historic District that property owners could apply for separately as opposed to a blanket designation.

Chairman Fitzgerald asked for the justification as to why this district does not include both sides of Washington Street. Ms. McMahon stated that during internal discussions with the staff this was her suggestion. If you are doing one side of the street the other should be included or not at all. However, the way this process is set up the original review by the staff was due to the letter of intent from the residents. Mr. Callender stated the reasoning was because of Harvey High School and the future is unknown. Ms. McMahon commented that she would like to see this site also include for the very fact that it is unknown as to what will happen to that site. It would be nice to see some regulations in place to control what goes in there. Mr. Callender indicated he did speak with President Victor at the College. They are doing everything they can to make that place historic looking already.

Chairman Fitzgerald indicated the Public Hearing is now closed. He stated he believes there need to be more discussion by the Staff to work out the details and to consider the concerns and comments that have been brought up at this meeting. Chairman Fitzgerald asked if there was a motion to table this Proposed Historic Preservation District. Motion by Mr. Temming, seconded by Ms. Shoop to table the Proposed Code Amendment to Chapter 1146 establishing a Mentor Avenue Historic Preservation District until the next Planning Commission Meeting. On roll call, Mr. Temming and Ms. Shoop answered "yes"; Mr. Komjati answered "no"; Chairman Fitzgerald abstained. Motion carried.

Chairman Fitzgerald indicated this item is tabled until the next meeting. There will be more discussion to work on the concerns of the wording and the boundaries brought up at the Public Hearing.

Chairman Fitzgerald asked the secretary to read the notice for Rezoning Application No. 60-09.

Rezoning Application No. 60-09

Location: Permanent Parcel Nos. 15-D-016-A-00-010-0, 15-D-016-A-00-011-0, 15-D-016-A-00-012-0, 15-D-016-A-00-013-0, and 15-D-016-A-00-014-0.

From: B-2 General Business District to B-1 Business/Residential District

An application has been submitted by Mount Olive Baptist Church for the rezoning of five parcels of land known as Permanent Parcel Numbers 15-D-016-A-00-010-0, 15-D-016-A-00-011-0, 15-D-016-A-00-012-0, 15-D-016-A-00-013-0, and 15-D-016-A-00-014-0. This property is currently zoned B-2 General Business and consists of approximately 0.62 acres of land. The applicant would like to rezone the five parcels to B-1 Business/Residential. The parcels are between the streets of Lawnview Avenue on the west and Chardon Street on the east with Chester Street to the south. The rezoning of the parcels would allow the construction of a housing development by Extended Housing.

Mr. Tony Manfroni, Western Reserve Community Development Corporation, indicated that he is the Director of Real Estate Development. He would happy to answer any questions.

Ms. Shoop asked about the real estate purchase agreement and if the agreement with Mount Olive Baptist Church contingent on this rezoning. Mr. Manfroni replied that Western Reserve is purchasing the property regardless. There are two options. The first option is to purchase the property outright and the second option is to build a new sanctuary. Ms. Shoop stated that regardless of what the Commission decides you are still purchasing the property. Mr. Manfroni indicated that is correct.

Ms. Shoop inquired about the differences between B-2 and B-1 Zoning Districts and looking at the Comprehensive Plan's recommendation on the entrances into the City. She asked if changing the property has an impact on that plan. Mr. Schaedlich responded the area on the north side of Chester Street is already zoned B-2. This should have no impact on the Comprehensive Plan.

Ms. McMahon explained that the most significant difference between the two zoning categories is the intensity of the uses. The B-2 District is the most intense commercial district area. It allows a variety of commercial structures. The B-1 only allows less intense types of uses. This would include offices, minor retail, and does have a larger residential component than the B-2 District. The B-2 allows residential only when accessory to a permitted commercial use. The B-1 would permit by

conditional use a variety of residential uses normally found in the R-2 District. The B-1 was to create a mixed-use area whereas B-2 is for a commercial area.

Chairman Fitzgerald asked for the advantage of rezoning this area to a B-1 District when the surrounding area remains a B-2 District. Mr. Schaedlich explained the surrounding uses of the area, which consists of some offices and residences along with vacant lots.

Ms. Shoop inquired about this request being looked at like spot zoning. Ms. McMahon responded the term spot zoning is not a technical or planning term. It is generally used to describe the rezoning of one piece of property in the middle of another zoning category. There is nothing unique about the piece being rezoned and in this instance would not be considered "spot zoning". Mr. Lyons stated that this request is from one commercial district to another. It is not a classic misuse of zoning.

Chairman Fitzgerald asked if the audience had any questions on this request.

Mr. Tony Torre, 93 Burton Street, stated that he would like to know the benefit from going from a B-2 to a B-1. He does not see the advantage in this area with the empty buildings. The economy is bad and having an effect on everyone. He asked how having offices and apartments in this area would bring people to downtown. This is the wrong location and he is opposed to this request.

Mr. Angelo Cimaglio, 477 Owego Street, stated this is at the north entrance of the City of Painesville. This land has sat empty for 60 years. Mount Olive Baptist Church has had plans to build a church on that land and has never had the funds to do it. He indicated he is not opposed to someone building a nice structure on the land. He commented that he would like to know before the zoning is changed what type of business they are going to operate. The word on the street is this will be some type of mental health facility. He asked if he could get a response on the type of business.

Chairman Fitzgerald was unsure if the fact of the mental health facility is appropriate to address at this point. The rezoning of the parcels is the subject matter. Mr. Lyons indicated that it could be addressed at this time; the applicant does have a plan in place. The zoning is separate from the plan. However, the plan has been submitted to the city for review as part of this zoning request. Mr. Lyons stated he needs to disclose that he is the attorney for Extended Housing. They are asking the City to change the zoning from B-2 to B-1 and they have to demonstrate to the City why this is a good use. They have a plan in place and the Commission has a right to ask about that plan.

Ms. McMahon explained the rezoning process where the Commission needs to understand the zoning districts and the implications of one zoning over the other zoning. The applicant needs to tell the Commission what it is they want to do with the property. The Commission is not approving the use with the rezoning. It is up to the Commission to decide if that type of use is good for that area.

Mr. Manfroni indicated they do have a concept plan in place. They have had a lot of input into the plan since they are in a design review area. Since the area is within the entrance corridor for the City, they are trying to be as green as possible. The intent is to build a 12 to 14 thousand square foot building. It will be a mixed-use structure providing professional offices and apartments on two-floors. It is not a mental health facility. It will provide transitional housing for adults who are homeless where Extending Housing will offer services to help them find a permanent home. Professional office space will be held by Extended Housing and Pathways. They will have attendants there at all times. Mr. Manfroni indicated they have tried to make this project look as residential looking as possible so that it will fit into the community and be comfortable for the residents. He stated they will be using green materials for the construction of the building, geothermal components. He stated they do have an alternate plan if this does not go through. They plan to pay for the construction of the building and they will own the building if this deal does not go through. Mr. Manfroni stated they are here to stay and work in partnership with the City of Painesville. They have invited the residents in the community to look at the project and get their input so they have involved the community.

Chairman Fitzgerald asked if this project could be done without the rezoning and the applicant going through the conditional use permit process for the B-2. Ms. McMahon stated that it could not since the residential is not accessory to the permitted office use. The residential component of the project is of a larger scale than what would be allowed or considered as accessory. She then explained that if this rezoning is approved then the applicant would need to return with a conditional use permit to allow for the residential portion of the structure.

Chairman Fitzgerald asked if members of the Commission had any comments or questions.

Ms. Shoop indicated that the Staff Report talks about the concept plan and how small the site is and so forth. She indicated she is concerned about the area being too small for this many units and the

size of the structure.

Mr. Manfroni commented the concept plan is still in the works. The building footprint is only 6,000 square feet and there is adequate room for the setbacks and parking.

Mr. Komjati inquired about the obstacles of getting something built on that property. Why has it been vacant for so many years? Mr. Cimaglio stated it has been vacant all his life. Mount Olive has always wanted to build on that land and have never been able to do so. He stated that he has nothing against homeless or transient people; however, you have the owner of Chester Restaurant who has invested a lot of money into his business. He stated the homeless population has a problem with alcohol and by placing them near bars might create an issue.

Chairman Fitzgerald asked for the long range plan for that area. he inquired about the facility off Newell Street. Ms. McMahan stated that is a homeless shelter. It is a large facility meant to house a number of people in a temporary fashion. This facility is meant to be apartments for people to live in. Chairman Fitzgerald asked if they would pay for these units. Mr. Manfroni stated the individuals that would reside there would be required to have jobs and pay rent. Trained professionals will monitor them. The anticipated length of stay is approximately one-year.

Ms. Karen McLeod, Extended Housing, stated the residents could stay there as long as they want but the goal is to get them out on their own after they have gotten assistance. Chairman Fitzgerald asked if Laketrans services the area. Mr. Manfroni indicated that Laketrans would provide necessary services to areas that are need.

Chairman Fitzgerald asked the secretary if there had been any correspondence. The secretary replied yes. The letter read, *"This letter is to inform you that I am opposed to changing the zoning for this property. I do not feel having business and residential together in the same building is a good idea for this area. I cannot see how parking would not be a major problem. Also who will be the adult people living in this area? Thank you, Don Law"*

Mr. Manfroni stated the residents at the facility would not have vehicles. The only vehicles that will be accessing the property will be the staff from the various agencies coming to assist the residents.

Mr. Komjati asked if there was any information about the people that would be residing at the structure. Ms. McLeod indicated the persons would be those who are eligible for a certain voucher. They would be recommended by another social service agency that has worked with that person. She explained in order to receive the shelter plus care voucher you have to be not only homeless and mentally ill but also willing to receive the care. She stated that the other type of individual this would service is someone who has not done well in a group home but is able to handle a supported housing opportunity.

Chairman Fitzgerald indicated that he understands the need for this type of service but asked why at this location. Ms. McLeod stated they believe this to be a win for the City. When you come down Chester Street as a commercial corridor, the plan is to build a beautiful two-story project. We want to look at as much redesign for the property. They want it to look nice. In the past, the folks that are serving the mentally ill the thought was to give them the worst piece of property in the worst area. It is a whole change in attitude. People with mental illness exist and the goal is to get them through recovery. Why not build a beautiful building with reserves in place so you can continue to operate and upkeep the property. It will across the street from Extended Housing. Pathways will have onsite offices. She explained to the Commission how the programs interact with each other to provide the services to the residents.

Mr. Cimaglio asked if convicted felons would be living in this structure. Mr. Lyons indicated that is not a proper zoning issue. Ms. McMahan indicated this is a two-step process. The Commission is aware there is a lot of control within the conditional use process. Ms. McMahan stated should this project go forward, the point in which to add the restrictions on operations and hours is done with the conditional use permit application. She commented that while understanding of what they want to do is important, however, the details of how it will be operated are done at the next level.

Mr. Lyons responded that the Commission needs to look at whether or not a mixed-use of offices and residential is appropriate for this location.

Mr. Manfroni stated that he would rather have a residential type structure at that location than a commercial building from their view on Chester Street.

Chairman Fitzgerald asked if there were other properties like this in Lake County. Ms. McLeod stated we own group homes. This is the first property that will have professional offices for agencies to offer services. This is a new program for supportive housing and is considered best practices. She explained a similar project that was done in German Village in Columbus that was very successful.

Ms. Shoop asked about the commercial aspect of the project and if the space is already occupied.

Ms. McLeod indicated there will be no vacancies; the space is already filled by mental health providers.

Chairman Fitzgerald asked about the number of staff persons that would be on site. Ms. McLeod indicated Pathways would have one and a half persons and Extended Housing would have a part-time night staff. There will be individuals coming in and out of the property throughout the day providing services to the residents. There was continued discussion of the number of staff persons of each of the various agencies.

Ms. Shoop asked for more information on the multifamily aspect of the project. She commented about building 15 apartments since the City's stance is no more multifamily but this does not sound like that type of project. Ms. McMahan stated this is a more service type of a facility not a rental-housing complex. This is the biggest issue since what is being proposed is a multifamily plan. The Comprehensive Plan outlines the need to reduce multifamily in our community. There is a need in the community for the service but how do you balance it with this issue.

Mr. Komjati indicated he believes this is a little more comprehensive than just housing since the project offers other services. This is more rehabilitative and counseling support services. Ms. McMahan replied she cautions the Commission that what is assumed a very stable agency still may change over time. The community needs to be comfortable with this building, this design, this use of 15 apartments in this building for the long-term is appropriate for this area. Twenty-years from now that building is still going to be there. When it is vacant, we need to be able to deal with the fact that there is a 15-unit apartment building at the site. Once something is rezoned and built, it is there long after we are and is this what you want to be there.

Mr. Cimaglio asked if this property would generate property tax. Ms. McMahan indicated that she did not know. It would be a rental to Western Reserve Community Development. Mr. Manfroni stated that he did not know the answer either. Ms. McLeod stated that Extended Housing properties are tax exempt. Once the property is bought, they would apply for tax-exempt status.

Chairman Fitzgerald asked if this goes forward do the apartments have to conform to code in relation to square footage and size. Ms. McMahan indicated yes. Mr. Manfroni stated they have been working with the architect on the plans and the apartments will be built to code.

Mr. Lewis asked if Western Reserve will own the property forever or will it eventually be turned over to Extended Housing. Mr. Manfroni stated that it will be turned over to Extended Housing.

Chairman Fitzgerald asked if the Commission had any further comments or questions. There being none, he asked for a motion to recommend approval of the rezoning. Motion by Mr. Komjati, seconded by Ms. Shoop to favorably recommend Rezoning Application No. 60-09 to allow the rezoning of five-parcels from B-2 General Business District to B-1 Business/Residential District. On roll call, Mr. Temming and Mr. Komjati answered "yes"; Ms. Shoop and Chairman Fitzgerald answered "no".

There was discussion about the vote of 2 to 2 and if someone would like to motion to reconsider and table so the fifth member of the Commission could vote. After discussion the Commission left the original vote as is; Motion failed.

Ms. McMahan stated the applicant can go forward with a negative recommendation to City Council however; they will need a super majority in order to receive the rezoning.

ADMINISTRATIVE REPORT:

OTHER MATTERS THAT MAY PROPERLY COME BEFORE THE PLANNING COMMISSION

Ms. McMahan indicated the Commission had received an invitation to the NE Ohio Planning & Zoning Workshop on June 5, 2009. If any members are interested in attending to let the secretary know and she will register them.

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

ADJOURNMENT

There being no further business, the meeting was adjourned.

