

## PLANNING COMMISSION MEETING

*March 8, 2012*

The Planning Commission convened in Courtroom No. 1 at City Hall for their regular meeting. Chairman Thomas Fitzgerald called the meeting to order at 7:30 PM. He asked the secretary to call the roll. Members in attendance were, Mr. Brian Temming, Mr. David Komjati, and Chairman Thomas Fitzgerald. Absent were Ms. Christine Shoop and Mr. Andrew Eade. 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 February 9, 2012. There being none, he asked for a motion. Motion by Mr. Komjati, seconded by Mr. Temming, to approve the Planning Commission Meeting Minutes from February 9, 2012 as submitted. On roll call, Mr. Temming, Mr. Komjati, and Chairman Fitzgerald said “yes”. Motion carried.

Chairman Fitzgerald indicated that a motion is needed to remove Refusal Number 2214 from the table. Motion by Mr. Temming, seconded by Mr. Komjati to remove Refusal Number 2214 from the table. On roll call, Mr. Komjati, Mr. Temming, and Chairman Fitzgerald answered “yes”. Motion carried.

Law Director Jim Lyons indicated that since the tabled item and the first item under New Business are being considered together they should be read together. Chairman Fitzgerald read the notice for Refusal No. 2214.

### **TABLED BUSINESS:**

#### **REFUSAL NO. 2214 CONDITIONAL USE PERMIT REQUEST**

**Applicant:** Arthur, Carol & Brian Shamakian & Elissa Petrozzi  
**Owner:** Steele Mansion Suites, LLC  
**Location:** 348 Mentor Avenue (Parcel Number 15-C-017-0-00-028-0)  
**District:** B-1 Business/Residential District  
**Section:** 1143.06 (a)

The City of Painesville received an application from Steele Mansion Suites, LLC for a Conditional Use Permit. The applicant is proposing an Inn at 348 Mentor Avenue (Permanent Parcel Number 15-C-017-0-00-028-0). The property is located in the B-1 Business/Residential District. Section 1143.06 (a) requires a Conditional Use Permit for similar uses as determined by the Planning Commission in the B-1 District.

Chairman Fitzgerald read the notice for Refusal No. 2220.

### **NEW BUSINESS:**

#### **REFUSAL NO. 2220 CONDITIONAL USE PERMIT REQUEST**

**Applicant/Owner:** Steele Mansion Suites, LLC  
**Location:** 332 Mentor Avenue (Parcel Number 15-C-017-0-00-029-0)  
**District:** R-2 Multi-Family Residential District  
**Section:** 1143.06 (a)

The City of Painesville has received an application from Steele Mansion Suites, LLC for a Conditional Use Permit. The applicant is proposing a commercial parking lot at **332 Mentor Avenue** (Permanent Parcel Number 15-C-017-0-00-029-0). The property is located in the R-2 Multi-Family Residential District. Section 1143.06 (a) requires a Conditional Use Permit for commercial parking lots in the R-2 District. The proposed commercial parking lot is to support the tabled Conditional Use Application for the proposed Inn at 348 Mentor Avenue.

Chairman Fitzgerald asked if the applicant would like to speak on behalf of the two requests.

Mr. Art Shamakian stated that he would like to update the Commission on some items they have been working on. The Mansion has received recognition from the State Historical Department. Since then they have received approval from the U.S. Department of Interior so they can get the occupancy permit. It will also be registered in the National Registry of Historic structures. This Saturday, State Senator John Eklund will be coming for a tour at 9 o'clock in the morning. Mr. Shamakian offered that anyone else who would like to attend at that time to meet the Senator and take the tour. He indicated that Lynn Eisenburger of Oxbow Engineering, his wife Carol, and John Stopp, architect would each

make a presentation to the Commission.

Mr. Shamakian indicated they had attended an Inn Keepers Convention in Williamsburg VA. They wanted to get a better understanding of the requirements for a Historic structure. Not all the rules and regulations that the State and Federal Governments have are necessarily bad. They got some good ideas and learned why the rules are there. The zoning problems seem to be universal. Mr. Shamakian indicated that inns are becoming more and more popular; what do you do with all the old structures that cannot be used for single-family homes; the bed and breakfasts and the inns are struggling to find a use for these structures. Everybody he spoke to at the convention indicated that they also had to go through a procedure similar to what they are going through.

Mr. Shamakian stated that the concerned residents and administration need to understand that the functions of the Steele Mansion Inn are not the same as a single-family home on a cul-de-sac in Hunting Valley. The comparison should be to a 15-unit apartment complex on State Route 20 across from Lake Erie College. The differences are huge and that is what should be kept in perspective.

Ms. Lynn Egensperger introduced herself stating she is with Oxbow Engineering. She explained that she is the Site Civil Engineer on this project and has done the traffic and drainage studies. Ms. Egensperger explained to the Commission the architectural drawings that were submitted to them for their review. The gray areas shown on the drawing are the paved areas. The improvements are to make the driveway a 24-foot, two-way drive. The current asphalt will be removed and replaced with pervious concrete. New gardens will be put in on the east side of the building. There will also be three handicapped parking spaces. The dumpsters will be located in the rear of the property with the handicap ramp. The two large trees in the rear of the property will be left intact. The large stone wall and mounding will be removed and leveled. This should slow down the run-off due to its grade. Ms. Egensperger stated that she would speak about both properties since they were designed as one site. She indicated the number of parking spaces required for the number of rooms proposed along with the square footage of the restaurant and the boutique is forty-eight (48). They are providing fifty-one (51) spaces along with having an area landbanked for spaces that might be needed in the future. This would only be constructed on an "as needed" basis.

Ms. Egensperger indicated the perimeter of the lot will have a screening fence and if the future parking lot were to be constructed that would be screened. The lighting will be designed to shine to the interior of the property. The traffic report that was submitted was based on a restaurant opened to the public. The evening hour traffic generation was provided and it has a higher volume than what will actually be occurring. This volume would only be seen during events and would occur on off peak times. Ms. Egensperger stated that the pavement will be a pervious pavement that takes the water in. It could be either concrete or asphalt, both have been provided; however, it has not yet been decided until the cost estimates are prepared. She explained that they both function the same way. The old pavement will be removed and replaced. The water will filter through the pavement and into a stone base, then into a sand layer, just the same as going into the grass. It has great infiltration rates. The sand is 8 to 10-foot deep in this area. She explained how the existing driveway loops around and that it will be removed. The area in front will be replaced with gardens and grass.

Ms. Egensperger indicated that the City Engineer reviewed their submitted plans and commented that this project will be the first in the City to achieve keeping the water onsite. It was explained the cost of this pavement is more expensive, however, by using this there is no need for catch basins or additional site drainage. The water will not impact the sewer system on the street level since the water will not shed off the driveway.

Ms. Egensperger stated that she could answer any questions from the Commission. Mr. Komjati replied that there was some concern about headlights from the neighbors across the street with traffic coming in and out of the driveway. He asked if that was something that was looked at in the traffic study. Ms. Egensperger responded that it was not specifically looked at. There was some discussion and it was determined that due to the downward slope of the driveway and the amount of the traffic this would not pose an issue for the neighbors across the street.

Mr. Komjati asked what is the total number of parking spaces not including the landbank. Ms. Egensperger replied it is fifty-two, three of which are handicapped. According to the square footage, the number needs to be forty-eight.

Chairman Fitzgerald inquired about the screening. There were several different kinds mentioned. He would like more detail of what is planned. Mr. Shamakian indicated they are planning on a wooden two-sided six-foot high fence. Depending on the cost, they may use the type that requires no painting.

Mr. Komjati inquired about any additional lighting being placed on site other than the parking lot lighting. Ms. Egensperger responded that there would be lighting placed at all the entrances for safety

and security purposes. It has not been totally designed until the use is approved. Mr. Komjati stated that he is concerned about the neighboring properties being affected by the lights. Mr. Stopp stated that the lighting for the entrances and pathways would be of a lantern style, which directs the light downward, not outward.

Mr. Komjati commented about the proximity of the driveway to the intersection of Mentor Avenue and Washington Street. He asked if there are any possible congestion issues with the flow of traffic. Ms. Egensperger responded that she did not see any. The traffic count in a 24-hour period was at 11,500 ODOT does not suggest any modifications to be made.

Chairman Fitzgerald asked about large gatherings of 50 cars; would this cause an issue getting onto Mentor Avenue. Ms. Egensperger commented that the driveway is wide enough to accommodate two-way traffic and there is no foreseen issue with getting in or out. The traffic coming into the site is directed to the rear of the property to the parking lot.

Mr. Komjati asked about the outdoor events and how this will be accomplished since it seems most of the rear yard is paved. Mr. Shamakian stated that there is green space provided on the site that can be used. Ms. Shamakian indicated that she does not think there will be very many outdoor events. If there is something to happen outside it will be done on the paved areas for the safety reasons. The focus will be on the inside since that is the attraction.

Chairman Fitzgerald explained to the audience that all questions and comments would be allowed once the Public Hearing is opened. He asked that those wishing to comment to wait until that time and then they could be addressed.

Chairman Fitzgerald asked if the applicant would like to give additional comments for the Commission. Ms. Carol Shamakian, 1664 North Shore Drive, of Steele Mansion Suites, LLC indicated they received the recommendations from the City on their request. She summarized the list of 20 stipulations indicated on the report and stated that she can live with all of them.

Mr. Schaedlich commented that although there is no issue with the inn; there is some concern about the variety of uses and the intent as it relates to the B-1 District. The B-1 District is to be a transitional area and provide support services to the surrounding residential neighborhood. The open restaurant and open lounge were felt to be too intense of a use for this location and zoning classification. He also stated there was concern of any future changes that might occur at this location and explained the stipulations were put in place to address that. Mr. Schaedlich stated what has been done to save a structure that was so close to being lost is appreciated. He went through the twenty stipulations. 1. The inn shall be limited to twenty (20) rooms. 2. The restaurant and lounge shall be limited to guests of the inn. The restaurant and lounge shall not be open to the public. 3. If a liquor license is requested, it shall be limited to the sale of wine by the glass for consumption on site. 4. Special events shall be limited to no more than fifty (50) persons at any one time. 5. The gift boutique shall be for the use of the guests of the inn and various events to be scheduled. 6. Exercise rooms shall be limited to guests of the inn. 7. Outside events shall end no later than 10:00 p.m. with clean up completed by 10:30 p.m. 8. Any outside event shall be set up as far as possible from the adjacent residential properties. 9. Inside events shall be ended no later than 11:00 p.m. 10. Based on a total of sixty-four (64) parking spaces, the number of handicap spaces must be three (3) based upon the Ohio Building Code. Only two (2) handicap spaces are indicated. 11. Signage shall be illuminated by indirect lighting only and shall be in conformance with the Historic District standards. 12. Guests shall be limited to continuous stays of no longer than three weeks. 13. This permit is contingent on the approval of the rezoning to a B-1 zoning category. 14. The permit is also contingent on the approval of the Conditional Use Permit for the parking at 332 Mentor Avenue. 15. This permit is for the applicant only and may not be transferred or assigned without the approval of the Planning Commission. 16. That no more than two (2) functions could be held at any one time as specified in the business plan. 17. That the kitchen use be limited to breakfast and special cooking classes. The other events such as weddings may utilize the kitchen for catering purposes only. 18. That all doors, with the exception of the main entrance, shall be locked for safety purposes no later than 8:00 p.m. and the elevator and stairways be restricted to guests via a room key or other acceptable method. 19. That a drainage plan be presented to the City of Painesville for approval. 20. That the parking lots be installed prior to the opening of the Mansion.

Ms. Shamakian indicated that she believes that they can work within this outline and feels the stipulations listed are acceptable. Mr. Komjati asked about item number 9 where inside events are to be ended no later than 11 PM. He asked if this is consistent with other facilities like the College. Mr. Schaedlich indicated that other party type centers, LaMalfa, end their events at 11 PM. He stated that due to the fact the area is surrounded by residences it only seems appropriate. Ms. Shamakian commented that they would be sure to start the events early enough so the 11 PM end time will not be

an issue.

Chairman Fitzgerald asked what type of outside events could occur at the Mansion. Ms. Shamakian replied that she could only think of two events that she would like to see happen, an egg roll and a clam bake. Other than those, she is not planning on many outside activities. She believes the inside of the Mansion will be the center of attention. Chairman Fitzgerald asked if there were plans on having an outside area for guests to sit and have breakfast or drinks. Ms. Shamakian replied there is a small back patio for that type of activity; however, it is a bit far from the main house. When the gardens are put in the intent is to have some sitting areas included there, but nothing else where there could be a large gathering.

Mr. Komjati asked about the size of the dining area. Ms. Shamakian explained the layout of the Mansion and the location of the parlor and dining area. Mr. John Stopp, 5204 Georgeanne Court, Mentor, Ohio, explained that he is the architect. He explained in detail the locations of the various rooms on the first floor. This area will be the showcase of the 1860 historic mansion in its architecture and style.

Chairman Fitzgerald asked how many people could be accommodated in the dining area. Mr. Stopp stated it should hold between forty to fifty people. Ms. Shamakian stated that they had started with twenty rooms and are now down to eighteen due to some necessary office space. Based on two people per room the dining area should adequately handle the number of guests. Ms. Egensperger commented that she based the traffic report on a conservative occupancy rate of 50%. She stated that occupancy is very rarely at 100%.

Mr. Stopp explained the suites for the inn are on the upper two floors; there is office space on the first floor with suites in the rear portion of the structure. It was explained the main entrance for the Inn would be on the side of the house and the rear. The reception area will be located as you enter the side of the house. Mr. Komjati asked if this could be reviewed in a year or two after it gets up and running to check on the impact of the area. At that time, could it be changed or modified to address any issues. He asked if once it is decided it is forever. Mr. Schaedlich indicated that a condition could be put in place to have the item reviewed in a year.

Chairman Fitzgerald asked the applicant if they had additional items to present to the Commission. Ms. Shamakian explained that they have presented everything they have been working on with the architect and the engineer. She stated that she would be happy to answer any questions.

Chairman Fitzgerald indicated that he would open the Public Hearing. He explained the procedure for the meeting and how questions would be handled.

Anthony Torre, 158 Sanford Street, stated that he was born and raised in Painesville, 1926. He stated he has walked Main Street when it was crowded with people. That has since evaporated. Now there is a group of people spending a lot of money to bring people back into town. He asked that this not be refused, Painesville needs this.

James Callender, 362 Mentor Avenue, stated that he was not here when urban renewal happened. He was not here when the Holiday Inn was built. He can picture the kind of presentations that were given to have these things done; something to save Painesville. Are we looking at the same thing, is this really what is needed? Are we destroying the neighborhood because of slick presentations, desperation to save a building? He stated that he applauds the saving of the building however when it was bought they knew what the zoning was, what the neighborhood was and as it goes along things have changed. The people in close proximity of this only speak to him about their concern and they are not happy. They do not feel this is good for the area. He stated that he has talked with the College and they do not feel this is good for the area. Mr. Callender stated that if this use is approved he hopes that the restrictions are placed on this request. There should be no liquor license issued, this would include caterers and outside vendors. In addition, the mention of a review in one-year sounds like a good idea and should be put in place. Mr. Callender stated that he believes this is a bad thing and the beginning of the destruction of a neighborhood. He asked that the Commission turn this down.

Ms. Kathy Mathews, 171 Casement Avenue, stated that she bought her century home in 2003. She stated that she and her husband have rebuilt the home and they love the fact they live in a City with City services and five-acres of land. She indicated she toured the Steele Mansion and thinks it is fabulous. Whether an apartment building or an Inn, something will happen here. She asked if Mr. Fitzgerald should excuse himself since he has a similar business and asked if the Assistant Law Director could determine if this should happen.

Mr. Lyons stated that there is no conflict of interest since there is no direct interest in this business. Mr. Fitzgerald has a general overall interest in the community that is not enough to have him excused.

Chairman Fitzgerald thanked Mr. Lyons for the explanation. He asked if there anyone else wishing to comment. Ms. Sandy Miller, 86 Casement Avenue, indicated that she toured the Steele Mansion. She stated that she has traveled quite a bit and stayed at bed and breakfasts. They are all right in the middle of residential areas. She explained that this is the best experience for lodging in an area. This type of use does nothing but add to the neighborhood. Ms. Miller stated that this would be a great addition to the City of Painesville.

Mr. Tom Burnett, 6510 Lake Road, Madison, stated he grew up in Painesville. He commented that people do not like change. This house was bought to restore and they want to share it with people. He does not understand the comment about it being a residential area. It is surrounded by churches and the College and has some nice homes near it. He does not see where the traffic should be an issue. He is looking forward to staying at the Mansion. The signs on the street indicate this is an historic area and they are allowing people to see the inside.

Mr. Kip Smead, 343 Mentor Avenue, asked that the Commission vote no as well for all the reasons that were discussed at the rezoning hearing. He stated that he owns property across the street; there are four apartments that are facing the Steele Mansion. He is concerned about the lights coming from the driveway and the noise. He asked that if this is approved the driveway be moved to a different location.

Mr. Angelo Cimaglio, 477 Owego Street, stated that he has lived in Painesville his whole life. He indicated that he was here for urban renewal, which was an attempt to get rid of the old and build everything new. Mr. Cimaglio commented that these people are making an investment in Painesville to rebuild the Mansion and it could be the gem of Painesville. He believes that Painesville needs this to go forward. This will be something positive. The use as an apartment is the same thing; it is a business just like an Inn. If it were an apartment, the City would not be able to put all the restrictions they have asked to be placed on this to be used as an inn. He asked that the City approve this, it is a positive for Painesville.

Mr. Richard Tibbits, 90 Liberty Street, stated that he too has lived here his whole life. We need something like this. He explained the Bratenahl area and the use of the mansions there and how successful they have been. Mr. Tibbits commented that Mr. Callender was not happy about a 15-unit apartment complex next door to him either. Is the place supposed to sit empty?

Mr. Mark Havel, 642 Mentor Avenue, stated that his family has owned the property all his life. He is excited that the Mansion is being restored and put back into service. He commented that Painesville needs this.

Mr. Alan Watson, 34 Parkview Drive, asked that the Commission vote yes on the Conditional Use Permit and gives his support to the Steele Mansion. They are doing a wonderful job and are full of passion towards this project.

Mr. Bill Benner, 328 Mentor Avenue, stated that he moved into this community 31 years ago. He stated he moved into a residential area. It will soon become a business corridor with this project. Mr. Benner commented that it is wonderful that the Mentor House is being restored. He applauds the people who are restoring it. There is a big leap from an apartment to a hotel. An Inn is a hotel, not a bed and breakfast. He would like some assurance the house next door to him will remain and not be another parking lot. He inquired about the screening and asked that something be put in to provide him privacy.

Mr. Callender stated that he hopes the Commission denies this request. He asked that any of the restrictions that are placed on this use must be kept on the property not the property owners.

Ms. Miller commented that it is unfortunate that the restaurant will not be open to the public. She asked that when this is reviewed in one-year is it possible to have that revisited.

Mr. Lyons stated that the Commission has placed review requirements on conditional use permits that require the applicant to come back before the Commission to make sure the conditions are working. If they are not working then they can be changed. The applicant would also have the right to ask for an amendment to the conditional use permit to allow for additional uses. That would have to be advertised just as this meeting has been advertised and a public hearing would be held. The Commission would have to vote on the amendments before any changes can be made. Mr. Lyons indicated that if this use is approved tonight and conditions are placed on the permit, then any other changes would have to come through the Planning Commission.

Mr. Gary Fisher, 27 Wood Street, stated that he was totally against this at the beginning, he is not sure if he is totally in favor of the request now, however, with the stipulations that are suggested he feels that it can be a good use. There was discussion about the stipulations and how long they are good for since the applicant has to have a review in one-year. Chairman Fitzgerald indicated they are there

forever. Mr. Lyons responded that occasionally conditional use permits are only issued for a limited amount of time. In those situations, the applicant has to reapply at the end of the permit term. This causes a hardship on the applicant and on the community. Chairman Fitzgerald commented that the reasoning for the review is to be sure the stipulations are being followed and the applicant is able to operate under the imposed stipulations.

Randy Turner, 2905 Millgate Drive, Willoughby Hills, stated that she owns many apartments in the City of Painesville. She has seen the impact of rundown buildings. She stated she has purchased and renovated many in the City. Ms. Turner mentioned the marketing aspect of the Mansion. She believes that this will branch out into the community because the marketing that will be done to draw people to the community that will have to be done. She believes this will be a benefit. Ms. Turner asked if there was going to be a spa at the mansion.

Dr. Shamakian replied that she is not sure. There have been two people inquiring about having a spa area in the Mansion. They will provide temporary services to the guest on an in-room type services.

Mr. Schaedlich commented that the addition of a spa would have to comply with the stipulations so it would need to be a service in the inn, not a separately run operation.

Ms. Turner commented about the fact the people staying at the inn will be using their vacation dollars in Painesville.

Mr. Patrick Carmody, 44 Nelson Street, stated he owns property on Mentor Avenue in close proximity of the Mansion. He wondered about the restrictions placed on the use for the facilities of having a cocktail or beer. Mr. Carmody indicated that he did not hear the restrictions. The people at the inn could have guests visiting them, since they do not seem to have a dining room facility, and he wondered if that is correct. Chairman Fitzgerald replied that the idea is not to have dinners, just breakfast and brunch. Ms. Shamakian commented that there would be special occasion dinners. There might be a Friday fish fry or something else on a weeknight. There could also be a reservation style dinner setup.

Mr. Schaedlich replied that that type of dining service is beyond what would be allowed. A restaurant setting would mean open to the public. This would be too intense of a use for the area. There was discussion about the special events and how that would be worked. The addition of a restaurant is more fitted for a B-2 zoning district.

Mr. Carmody indicated that a limited use type of restaurant should be looked at for this property. He believes that a limited menu of fixed prices with reservations should work. This would draw people within the community to the inn. This could be a plus for Painesville and bring it up to par. Mr. Carmody stated that the City should make this happen and help it move forward.

Chairman Fitzgerald asked if there were any other comments. There being none he asked members of the Commission if there were any other questions. Mr. Lyons stated that there has been a lot of information given to the Commission. He has nothing to add except that with the reports submitted by the City and by the applicant the decision is up to the Commission. The decision is whether this use fits the standard of a similar use in this district.

Mr. Schaedlich commented that if the Commission votes favorably on this request, he would like to be sure that the stipulations for the inn along with the stipulations for the parking area be included in the motion from the Commission.

Mr. Lyons stated that there is a fencing requirement in the parking area stipulations that applies to both properties. This might address some of the concerns of the residents. Mr. Komjati asked about the parking stipulations and the wording of the text. It states the parking of passenger vehicles. Does that include vans and limousines? Mr. Schaedlich indicated those are both passenger vehicles.

Chairman Fitzgerald asked for any other comments. Mr. Komjati indicated that he has talked with the neighbors and with the applicants. He respects the passion that is felt on both sides of this project. He stated that maybe there can be a common ground that can be met on both sides. Mr. Komjati explained an article that he read regarding being creative and trying different things to make an impact on the community. He stated that he feels this is a good thing for the community and is glad the applicants have agreed to the stipulations.

Mr. Lyons asked to clarify the stipulation regarding review of the permit. He asked what the time would be for the review, two or three years. He commented that an additional stipulation adding that during the review of the permit the stipulations can be modified by the request of the applicant or by the City. Chairman Fitzgerald asked how the Commission would like to modify the stipulations. It was decided that a time of two years would be sufficient.

Mr. Lyons asked Mr. Callender if it would be helpful to have a fence along the entire perimeter of his property rather than just the parking area. Mr. Callender indicated that he would prefer that option. It was decided that would be added as a stipulation to the inn request.

There was a question regarding outdoor activities at 332 Mentor Avenue. It was explained that the outdoor activities are limited to the inn property at 348 Mentor Avenue.

Chairman Fitzgerald asked if there had been any correspondence received on this request. Ms. McMahon stated that an email was received from Abby and Ray DeLaMotte, 616 Mentor Avenue, supporting the efforts of the Shamakians and the proposed use at the Steele Mansion.

Chairman Fitzgerald added that he personally owns a bed and breakfast. He believes that this is good for the community adding that the more choices for places make this a good destination. Competition is a good thing and this will make Painesville a destination.

Mr. Walter Peel, 1135 N. St. Clair Street, indicated that he has sold real estate for 21-years. The highest and best use of the land is one of the items to look at. When this is done, it will create a draw for others to follow the lead. He indicated he is pleased to see the Commission address the issues with the adjoining properties.

Chairman Fitzgerald asked if there was any other discussion. There being none he asked for a motion on this item. There was some discussion on the wording of the stipulations and the order in which the items are to be addressed.

Mr. Komjati motioned and Mr. Temming seconded to approve Refusal No. 2214 for a Conditional Use Permit at 348 Mentor Avenue allowing an inn with the following stipulations:

1. The inn shall be limited to twenty (20) rooms;
2. The restaurant and lounge shall be limited to guests of the inn. The restaurant and lounge shall not be open to the general public;
3. If a liquor license is requested, it shall be limited to the sale of wine by the glass for consumption on site;
4. Special events shall be limited to no more than fifty (50) persons at any one time;
5. The gift boutique shall be for the use of the guests of the inn and various events to be scheduled;
6. Exercise rooms shall be limited to guests of the inn;
7. Outside events shall end no later than 10:00 p.m. with clean-up completed by 10:30 p.m.;
8. Any outside event shall be set up as far as possible from the adjacent residential properties;
9. Inside events shall be ended no later than 11:00 p.m.;
10. Based on a total of sixty-four (64) parking spaces, the number of handicap spaces must be three (3) based upon the Ohio Building Code;
11. Signage shall be illuminated by indirect lighting only and shall be in conformance with the Historic District standards;
12. Guests shall be limited to continuous stays of no longer than three (3) weeks;
13. This permit is contingent on the approval of the rezoning to a B-1 zoning category;
14. The permit is also contingent on the approval of the C.U.P. for the parking at 332 Mentor Avenue;
15. This permit is for the applicant only and may not be transferred or assigned without the approval of the Planning Commission;
16. That no more than two (2) functions can be held at any one time as specified in the business plan;
17. That the kitchen use be limited to breakfast and special cooking classes. The other events such as weddings may utilize the kitchen for catering purposes only;
18. All doors, with the exception of the main entrance, shall be locked for safety purposes no later than 8:00 p.m. and the elevator and stairways be restricted to guests via a room key or other acceptable method;
19. That a drainage plan be presented to the City of Painesville for approval;
20. That the parking lots be installed prior to the opening of the Inn/Mansion;
21. That the parking stipulations that were approved for 332 Mentor Avenue are applicable to 348 Mentor Avenue and include:
  - a. A storm water management plan approved by the City should be required to deal with any storm drainage;
  - b. Approval of the parking lot is contingent upon the approval conditional use request of the inn at the Steele Mansion;

- c. The parking lot shall be accessory to and for use in connection with the operation of the inn at the Steele Mansion;
  - d. The parking lot entrance and exit shall be at least sixty-five (65) feet from any adjacent property in any residential district;
  - e. Any portion of the parking lot abutting a residential district shall be screened at a minimum by masonry wall, fencing, earth berm, landscaped strip, or a combination thereof. Such screening shall be a minimum of four feet (4') in height and shall be maintained in good condition;
  - f. There shall be no signage for the parking lot except those to designate entrances and exits and conditions of use;
  - g. The location and design of entrances, exits, surfacing, marking and lighting shall be subject to the City Department having jurisdiction;
  - h. Such parking lot shall solely be used for the parking of passenger cars;
  - i. No commercial repair work or service of any kind shall be conducted on such parking lot;
  - j. There shall be no charge made for parking in such parking lot;
  - k. As the parking lot is intended to be used during non-daylight hours, the lot shall be lighted. Such lighting shall be arranged as to reflect the light away from adjoining property and the public right-of-way;
  - l. No parking shall be located closer than ten feet (10') from a property line abutting a residentially zoned property;
  - m. As there will be a total parking area on the properties (332 and 348 Mentor Avenue) containing 64 spaces, a total of three (3) handicap parking spaces shall be provided. This requirement is in accordance with Section 1106 of the Ohio Building Code;
22. Fencing shall be installed on the west side of the property line in accordance with the City Code for fencing height along rear and side yards;
23. The Conditional Use Permit shall be reviewed in two-years to determine the impact on the neighborhood and the applicant's compliance with the imposed stipulations and at that time, the Planning Commission may impose additional restrictions or stipulations or the Planning Commission at the written request of the Applicant and for good cause shown, may modify the existing stipulations.

There being no further discussion, the secretary was asked to call the roll. On roll call, Mr. Temming, Mr. Komjati, and Chairman Fitzgerald answered "yes". Motion carried.

Chairman Fitzgerald moved onto the next item, Refusal No. 2220 for a Conditional Use Permit at 332 Mentor Avenue. He asked for a motion. Mr. Temming motioned and Mr. Komjati seconded to approve Refusal No. 2220 for a Conditional Use Permit at 332 Mentor Avenue allowing a commercial park lot to support the Inn at 348 Mentor Avenue with the following stipulations:

- 1. A storm water management plan approved by the City should be required to deal with any storm drainage;
- 2. Approval of the parking lot is contingent upon the approval of the conditional use request for the inn at the Steele Mansion;
- 3. The parking lot shall be accessory to and for use in connection with the operation of the inn at the Steele Mansion;
- 4. The parking lot entrance and exit shall be at least sixty-five (65) feet from any adjacent property in any residential district;
- 5. Any portion of the parking lot abutting a residential district shall be screened at a minimum by masonry wall, fencing, earth berm, landscaped strip, or a combination thereof. Such screening shall be a minimum of four feet (4') in height and shall be maintained in good condition;
- 6. There shall be no signage for the parking lot except those to designate entrances and exits and conditions of use;
- 7. The location and design of entrances, exits, surfacing, marking and lighting shall be subject to the City Department having jurisdiction;
- 8. Such parking lot shall solely be used for the parking of passenger cars;
- 9. No commercial repair work or service of any kind shall be conducted on such parking lot;
- 10. There shall be no charge made for parking in such parking lot;
- 11. As the parking lot is intended to be used during non-daylight hours, the lot shall be lighted. Such lighting shall be arranged as to reflect the light away from adjoining property and the public right-of-way;
- 12. No parking shall be located closer than ten feet (10') from a property line abutting a residentially zoned property;

13. The total parking area on the properties (332 and 348 Mentor Avenue) contains 64 spaces, a total of three (3) handicap parking spaces shall be provided. This requirement is in accordance with Section 1106 of the Ohio Building Code.
14. This permit is contingent on the approval of the rezoning of 348 Mentor Avenue to a B-1 zoning category.

On roll call, Mr. Komjati, Mr. Temming, and Chairman Fitzgerald answered “yes”. Motion carried.

Chairman Fitzgerald moved onto the next item on the Agenda. He asked the secretary to read the notice for Rezoning Application No. 73-12.

**Rezoning Application No. 73-12**

**Location:** Permanent Parcel Numbers 15-D-008-0-00-036-0 (**34 Axtell Avenue**); 15-D-008-0-00-035-0 (**42 Axtell Avenue**); 15-D-008-0-00-34-0 (**48 Axtell Avenue**), and 15-D-008-0-00-033-0 (**54 Axtell Avenue**).

**From:** M-2 Industrial District to R-1 Single Family Residential District

The City of Painesville is requesting a change in the zoning classification of the following Permanent Parcel Numbers: 15-D-008-0-00-036-0 (**34 Axtell Avenue**); 15-D-008-0-00-035-0 (**42 Axtell Avenue**); 15-D-008-0-00-34-0 (**48 Axtell Avenue**), and 15-D-008-0-00-033-0 (**54 Axtell Avenue**). The parcels currently have a split zoning designation where the rear portion of the lots are zoned M-2 Industrial. The proposed change is from the current M-2 Industrial District to an R-1 Single Family Residential District. The rezoning will bring the zoning of the property into compliance based on its current use.

Chairman Fitzgerald asked for comments from the Administration. Mr. Schaedlich explained the process of identifying this area. He stated he received a telephone call from one of the property owners, Daniel Thornburg of 48 Axtell Avenue, concerned about the zoning of his property. He is in the process of selling his single family home and was worried that the M-2, Industrial zoning on the rear portion of his lot was going to create issues for the sale. Mr. Schaedlich explained that the area was under consideration for rezoning.

Mr. Schaedlich presented a map of the area and explained each of the zoning districts identified in this area. He gave the Commission the background of the zoning of the area and how it became nonconforming. The City’s recommendation is to rezone the rear portions of these parcels to R-1 Single Family since the likelihood of them being used as industrial is slim.

Chairman Fitzgerald asked if there were any other comments regarding this item. There being none, he asked for a motion.

Motion by Mr. Komjati, seconded by Mr. Temming to favorably recommend Rezoning Application No. 73-12 for the four parcels on Axtell Avenue from M-2 Industrial District to R-1 Single Family Residential District. On roll call, Mr. Temming, Mr. Komjati, and Chairman Fitzgerald answered “yes”. Motion carried.

Chairman Fitzgerald moved to the next item on the Agenda. He asked the secretary to read the notice for Rezoning Application No. 74-12.

**Rezoning Application No. 74-12**

**Location:** Permanent Parcel No. 15-A-008-A-00-014-0 and 015 (**504 Elm Street**)

**From:** R-1 Single Family Residential District to R-2 Multi-Family Residential District

The City of Painesville is requesting a change in the zoning classification of the following Permanent Parcel Numbers: 15-A-008-A-00-014-0 and 015 (**504 Elm Street**). The parcels are considered to have a preexisting nonconforming use, which means the current use does not match the current zoning designation. The proposed change is from the current R-1 Single Family Residential District to an R-2 Multi-Family Residential District. The rezoning will bring the zoning of the property into compliance based on its current use.

Chairman Fitzgerald asked for comments from the Administration. Mr. Schaedlich explained the property in question has been a nonconforming use since 1952. The property owner wishes to rezone the property from R-1, Single Family Residential to R-2, Multi-Family Residential to protect his investment in the five (5) units that are on the property. Mr. Schaedlich explained in detail the five units and their current use.

Mr. Schaedlich explained the owner researched this property prior to purchase and proceeded to purchase this property with full knowledge that it was a nonconforming use and was subject to the restrictions on nonconforming uses. He commented that the likelihood that all five (5) units would suffer this fate at the same time is slim. Depending on which of the structures were to be destroyed, the remaining three (3) or four (4) units would still be able to be used.

Mr. Schaedlich explained that one of the reasons the City undertook the identification and mapping of nonconforming uses was to identify areas where rezoning of nonconforming uses would make sense. Thereby, the number of nonconforming use properties could be reduced. The rezoning of this property would not fit the existing character of the surrounding neighborhood. A primarily single-family area could be compromised by rezoning the property to R-2, Multi-Family Residential. Additionally, the configuration of the property does not lend itself to multi-family designation. Many requirements of the R-2 classification could not be met. The property can continue being used with its nonconforming status.

Mr. Schaedlich stated the property owner is present and can answer any questions from the Commission. Chairman Fitzgerald asked if the property owner would like to make a presentation.

Mr. Walter Peel, 1135 N. St. Clair Street, indicated he owns the property. He explained to the Commission the layout of the structures and the location of the driveway. He also went through the Staff Report provided by Mr. Schaedlich. Mr. Peel explained that all of the buildings on the property were properly permitted by the Building Department so they were not put in illegally. He asked that the property be zoned according to the current use as multi-family.

Chairman Fitzgerald asked if anyone in the audience would like to speak on this request. Mr. Angelo Cimaglio, 477 Owego, asked if the City was requesting rezoning. Mr. Schaedlich responded that this item was brought up at a City Council meeting. The property owner was asked to follow the appropriate procedure by having the Planning Commission review and make a recommendation. Mr. Schaedlich stated that the City is not recommending approval due to the items discussed. The property can continue to exist as a nonconforming use.

There was discussion regarding the intent of identifying the nonconforming areas in the City. In addition, the property was discussed in regards to being able to rebuild what is currently there even if rezoned. The property could not be built at the same density with today's standards.

There being no further discussion, Chairman Fitzgerald asked for a motion. A motion was made by Mr. Komjati, seconded by Mr. Temming to favorably recommend Rezoning Application No. 74-12 for Permanent Parcel No's 15-A-008-A-0-014 and 015 at 504 Elm Street from R-1 Single Family Residential District to R-2 Multi-Family Residential District.

Ms. Rose Kuhn, 741 Oak Street, stated that she agrees that the property should remain R-1. She has a concern that the property is rated as a Class C. Ms. Kuhn indicated that means it has a low rating and brings down the property values. She is concerned that since there are five units why are they at a Class C, which is the lowest class. She stated the units are not taken care of and if they are not able to keep them nice then they should not be allowed to keep them. Ms. Kuhn stated that she is not in favor of this rezoning request. There was discussion about the class designation and where it comes from. The designation is something from the Auditor's Office.

Mr. Komjati indicated that he would like to restate his motion to favorably recommend Rezoning Application No. 74-12 for Permanent Parcel No. 15-A-008-A-0-014 and 015 at 504 Elm Street. On roll call, Mr. Komjati, Mr. Temming, and Chairman Fitzgerald answered "no". Motion failed.

Chairman Fitzgerald moved onto the next item on the agenda. He asked the secretary to read the notice.

**Rezoning Application No. 75-12**

**Applicant/Owner:** Lance Eisler

**Location:** Permanent Parcel No. 15-C-019-0-00-026-0, 027, and 028 (**660 Mentor Avenue**)

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

An application has been submitted by Mr. Lance Eisler for the rezoning of Permanent Parcel Numbers 15-C-019-0-00-026, 027, and 028 (**660 Mentor Avenue**). The property is currently zoned B-1 Business/Residential and consists of an automotive service station. The applicant would like to rezone the parcel to a B-2 General Business District due to the pre-existing nonconformity with the existing zoning classification. The rezoning of the parcels would bring the current use into compliance with the zoning district classification.

Chairman Fitzgerald asked the Administration to give an update. Mr. Schaedlich stated this application is due to the notification to the property owner regarding the nonconforming status. The property is at the northwest corner of Grant and Mentor Avenue. It is currently used as an auto repair business. Mr. Schaedlich went through his staff report and the history of the zoning of the property. He explained how the B-1 zoning is a business/residential, which would not allow an auto repair business. The business can remain as a nonconforming use.

Chairman Fitzgerald asked if the applicant was present to speak on behalf of this request. Mr. Tony Aveni indicated that he is representing the property owner, Mr. Eisler. Mr. Aveni stated that he also represents the owner of the next item on the agenda. The matter for each property is the same. He asked if they could be reviewed at the same time.

Chairman Fitzgerald stated that they could be heard simultaneously. Mr. Lyons asked that the notice be read for the second item and for Mr. Schaedlich to give his presentation before going any further. Chairman Fitzgerald asked the secretary to read the next item on the agenda.

### **Rezoning Application No. 76-12**

**Applicant/ Owner:** Resolution Land Management LLC

**Location:** Permanent Parcel No. 15-C-019-0-00-033-0, 035, and 059 (**694 & 700 Mentor Avenue**)

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

An application has been submitted by Resolution Land Management LLC for the rezoning of Permanent Parcel Numbers 15-C-019-0-00-033, 035, and 059 (**694 & 700 Mentor Avenue**). The property is currently zoned B-1 Business/Residential and consists of a commercial food service operation at **700 Mentor Avenue** (Perkins Restaurant) and a small detached retail building at **694 Mentor Avenue** (Dairy Express). The applicant would like to rezone the parcels to a B-2 General Business District due to the pre-existing nonconformity with the existing zoning classification. The rezoning of the parcels would bring the current use into compliance with the zoning district classification.

Mr. Schaedlich explained that the third parcel is used for a parking area. The purpose of the B-1 District is to provide a transition from residential to the commercial areas, and to prohibit those automobile related businesses and uses, including drive-through commercial areas, that tend to make pedestrian circulation difficult or unsafe. Although the district may allow residential uses, it is not intended to offer a residential environment protected from the effects of usual and customary business activity. The permitted and conditional uses are those that will have a minimal impact on the adjacent residential property but will provide support activities to those adjacent areas. They are neighborhood commercial areas serving and supporting the local residential area. He stated that the current building on the property at 660 Mentor Avenue was built in 1965 and was built as an auto parts/service building. The other properties contain a small retail store; and the other a restaurant. The retail store and restaurant were built in 1978.

Mr. Aveni stated that the reason they are here is to protect their investment. The owners have been under the impression that the property was commercial. They have both been there for over 30-years. Mr. Aveni stated the Perkins building was built in 1978 and Mr. Jamison was a tenant. He then purchased the property. When they were made aware of the nonconforming status, they were concerned since the businesses are their livelihood. Mr. Aveni asked about the designation of the B-1 Zoning District being in place before the structures were built. How were they allowed to be constructed in the classification? Mr. Aveni indicated Mr. Jamison had recently purchased the Goodwill building that was rezoned from B-1 to B-2 in 2007. This parcel is located between the two parcels seeking rezoning. He stated that these two applicants are not asking for anything different. Mr. Schaedlich responded that at the time of the Goodwill rezoning there was an active project, which was the purpose for the rezoning. There was discussion of the project that was proposed for this area. Mr. Aveni indicated that they can answer any questions regarding the rezoning requests. He stated they are simply asking to have the property rezoned as was done for the Goodwill property.

Chairman Fitzgerald asked if there were any questions or comments from members of the audience. Mr. Patrick Carmody, 44 Nelson Street, asked for clarification on the zoning of the Goodwill property. Mr. Schaedlich explained that it is zoned B-2 General Business. Mr. Carmody asked if the other two properties are being upgraded to a B-2. Mr. Schaedlich stated that is the request. Mr. Carmody questioned whether or not all of the property currently zoned B-1 in this area should be upgraded to the B-2 zoning category. Mr. Schaedlich stated the City's Comprehensive Plan indicates that due to the area being a residential neighborhood it is not desirable to have a general business zoning category right next to them. This request would allow heavy commercial uses that generate traffic and would not be good for residents. Mr. Carmody commented that most of the area in question has been used as business for as long as he can remember. Mr. Schaedlich stated Mentor Avenue is a residential corridor as explained in the Comprehensive Plan. The desire is to allow that to continue.

Mr. Angelo Cimaglio, 477 Owego Street, commented about the various buildings that were in that location and the uses that occupied the structures.

Mr. Aveni stated that if the Comprehensive Plan outlines this area as a less commercial type district, why was the Goodwill property rezoning approved. Would this not have gone against the

Comprehensive Plan and its goals. Mr. Schaedlich indicated that due to the time period it was approved. The final version of the plan may not have yet been completed.

Mr. Mark Havel explained that he owns property at 642 Mentor Avenue. He indicated that the two applicants requesting the rezoning have lived with this situation for a long time. They have lived with a long-term stretch of nothing. It has been a mismatch of zoning categories for a long time and considered nonconforming. A few years ago, a variance request was put before the BZA for a business use at 642 Mentor Avenue. Since the property is considered nonconforming, the variance was not granted. He stated this is Painesville. This is a main corridor coming into the City. How long do you want to keep closing the door on people that want to bring business to this community. He stated that he has been told that if there was a viable business that wanted to locate at 642 Mentor Avenue the City would consider making a change. He stated the time to make the change is now. Mr. Havel stated that he has tried his best to get his building leased or purchased. He would like to see this community to allow this to go through to allow them to continue with what they have or to get some interest in the area.

Mr. Temming asked if there were any plans to rezone the Goodwill property now that the proposed use did not go through. Mr. Schaedlich indicated that there are no current plans.

Mr. Lewis stated that from the City's standpoint we look at what the zoning should be. The zoning regulations are there as B-1 which is Business/Residential. The purpose is to have minimal impact on the surrounding residential neighborhood. The uses allowed in the B-1 are to support the neighborhood. The concern with zoning the property to B-2 is the intensity of the uses allowed in that category. This would change the entire character of that area. Mr. Lewis commented that currently we know what is there and it is acceptable to the neighborhood. This also means that, if approved, the area could change with different businesses that have a more intense business use.

Mr. Schaedlich stated that additionally the Commission was provided with a list of permitted and conditional uses allowed in the B-2 Zoning District. This was done for a comparison between the B-1 and B-2 districts. Some of the allowed uses in a B-2 include warehouse and warehousing, Radio, television and cable transmission or receiving studio, animal hospitals, things like that are larger and they do not service the neighborhood. The current uses are nonconforming, however, they are being used by the area residents, and they do not have a detrimental impact on the surrounding area.

Mr. Aveni commented that the B-2 district has many more options than the B-1 district. The two property owners are concerned that their restaurant and auto repair shop will not be allowed to exist if they are destroyed. This could be an extreme hardship for them if that ever happened.

Mr. Angelo Cimaglio, 477 Owego Street, commented that the City allowed the businesses to be built there when they were constructed. He believes the City should have some responsibility to the property owners if there were a hardship to allow them to continue as they have for all these years. Mr. Lyons stated if that were the case then the City would never be allowed to change the zoning in the City. The reason for nonconforming is to allow them to exist even though the zoning has been changed. The Comprehensive Plan is the guideline that City Council uses for the long term planning in the City. The goal for the area was to be less commercial due to the residential nature of the area. Nonconforming uses are a fact of zoning.

Mr. Havel stated that, at 642 Mentor Avenue, the B-1 district has been a handicap for the property. The uses are very limited. He asked that the Commission look at those uses to see what he is up against.

Ms. Randi Turner, 2905 Millgate Drive, Willoughby Hills, asked why a property is not allowed to have a nonconforming use reinstated after an event like a fire. Could the definition of a nonconforming use be changed to allow the owner to rebuild? Mr. Lyons stated that is up to Council. The nonconforming use law is what it is. Mr. Schaedlich explained why nonconforming uses exist and how they can exist forever as long as they are maintained. Ms. Turner indicated that her tenants use the auto repair and the dairy express and she has never heard bad things about these businesses.

Chairman Fitzgerald asked if there were any other comments. There being none, he asked for a motion on the first item, Rezoning No. 75-12. A motion was made by Mr. Temming, seconded by Mr. Komjati to favorably recommend Rezoning Application No. 75-12 for Permanent Parcel No's 15-C-019-0-00-026-0, 027, and 028 at 660 Mentor Avenue from B-1 Business/Residential District to B-2 General Business District. On roll call, Mr. Temming, Mr. Komjati, and Chairman Fitzgerald answered "yes". Motion carried.

Chairman Fitzgerald asked for a motion on the second item, Rezoning No. 76-12. A motion was made by Mr. Temming, seconded by Mr. Komjati to favorably recommend Rezoning Application No. 76-12

for Permanent Parcel No's 15-C-019-0-00-033-0, 035, and 059 at 694 & 700 Mentor Avenue from B-1 Business/Residential District to B-2 General Business District. Chairman Fitzgerald asked the secretary to call the roll. On roll call, Mr. Komjati, Mr. Temming, and Chairman Fitzgerald answered "yes". Motion carried.

Chairman Fitzgerald moved on to the last item on the Agenda. He asked the secretary to read the notice.

### **REFUSAL NO. 2221 CONDITIONAL USE PERMIT REQUEST**

**Applicant:** Daniel Kohl  
**Owner:** CDM ASSETS LLC  
**Location:** 209 West Walnut Avenue (Parcel Number 15-C-032-0-00-002-0)  
**District:** M-1 Industrial District  
**Section:** 1143.06 (a)

The City of Painesville has received an application from Mr. Danny Cole for a Conditional Use Permit. The applicant is proposing a family owned and operated used car lot at 209 West Walnut Avenue (Permanent Parcel Number 15-C-032-0-00-002-0). The property is located in the M-1 Light Industrial District. Section 1127.05 does not list retail sales as a permitted use in the M-1 Light Industrial District. A conditional use permit for a Similar Use designation is requested.

Chairman Fitzgerald asked if the applicant was present. Mr. Daniel Kohl, , stated that he has been in business since 1987. He has a family owned business and his son and daughter will be employed at the business. Mr. Kohl stated that he is looking forward to bringing tax dollars into the City. He offered to answer any questions about the proposed use.

Mr. Schaedlich stated that in addition to the auto detail the applicant is requesting to sell used cars. Mr. Kohl indicated that is correct. It is a small operation of 3 to 4 cars a month with 12 to 15 cars in stock. Mr. Schaedlich stated the cars needing to be on the side and rear of the property and not in the front. Mr. Kohl indicated that he does not have an issue with that. Mr. Schaedlich made sure the applicant was aware the parking lot needs to be paved. Mr. Kohl stated that he would discuss that with the owners of the property.

Chairman Fitzgerald asked for comments from the audience. Ms. Randi Turner, 2905 Millgate Drive, stated she owns Tropical Village Apartments next door to this operation. There are about 114 residential units in this complex. There are twelve families with balconies facing this car lot. She is concerned about how this will look for them. She asked what side of the building the cars would be located.

Mr. Schaedlich stated the cars would be allowed on the west side of the building. There would be a 30-foot setback between the parking area and the apartment complex. Mr. Kohl indicated that he would not be using any flags or streamers at this location. He also stated that he does not do any outside work on the cars.

Ms. Turner asked about the cars to be detailed. Mr. Kohl stated the cars would be detailed inside the building. There was discussion about the cars waiting to be detailed and where they will be parked. Also discussed was the number of cars to be detailed in one day.

Mr. Komjati asked the applicant if he currently has a business of this type. Mr. Kohl responded that he runs the same type of operation on Route 20 in Saybrook. Mr. Komjati asked how this would be compared to the operation in Saybrook. Mr. Kohl responded that the operation would be the same. He would rather it be in Painesville than Saybrook. Painesville is closer to his home in Perry.

Chairman Fitzgerald asked how many employees work at the operation. Mr. Kohl indicated that it is just him and his family of two daughters and one son. The Commission discussed the various stipulations that were outlined in the City Planner's memorandum. Mr. Lyons suggested that the Commission request a site plan from the applicant to help determine the usage of the property.

Mr. Kohl indicated that there is no plan other than to place the cars within the area the City designates. He commented that with the required setbacks there is no other layout that would be possible. Mr. Lyons indicated that a plan needs to be submitted showing the parking areas for the used cars along with the parking for the customers.

Mr. Kohl responded by indicating his current lease is expired along with his dealer license at the end of the month. He has to be approved or he has to find another location.

Ms. Cheryl Raymond, 10910 Bradley Court, Concord, stated that she owns the property. This property from 2003 until 2011 was used as an auto repair facility. There were cars parked on the side where the apartments are located. She stated that the only difference is having the used cars in the lot. Since the

cars being detailed will be done in the bays, they should only bring in enough cars to be done that day so there is not an insurmountable amount being parked everywhere. The prior person who rented the property had his car and his one employee's car parked on the lot. There is no difference from what has been there since 2003 and what is being asked currently.

Mr. Lyons asked the applicant to explain the license that expires at the end of the month. Mr. Kohl indicated the dealer's license is an Ashtabula license that is not transferable. He does not have time to keep looking since it expires. The operation in Ashtabula will be closed if this is approved.

Mr. Alan Watson, 34 Parkview Drive, stated that he is not against what is being asked for, however he would like the Commission to use caution since there is a beautiful new school across the street and used car lots are notoriously tacky.

Mr. Temming commented that prior to the installation of the parking lot the applicant would have to provide plans to the City for review. Mr. Schaedlich confirmed that would be the case. He went through the stipulations that are suggested for this Conditional Use Permit.

Ms. Turner commented that the previous tenant did not have the number of cars at the property as is suggested for this use. She asked if references were checked on the tenant in regards to the operation in Saybrook. Mr. Schaedlich responded no.

Chairman Fitzgerald asked if there were any other comments. Ms. McMahon stated that a letter was received from American Roll Form. The letter was read to the Commission expressing the opposition to the approval of a Conditional Use Permit. The letter was signed by Mr. Robert Touzalin, President of American Roll Form Products.

Chairman Fitzgerald asked for comments or questions from members of the Commission. Mr. Komjati asked if Mr. Kohl had to have a car lot. Mr. Kohl responded yes, he plans to sell cars until he retires. Mr. Kohl stated that his use would be cleaner and nicer than what was there. He stated that his use would not be a detriment to the neighborhood.

Mr. Schaedlich went through the permitted and conditional uses allowed in the M-1 District. There was discussion regarding the various types of uses. Mr. Schaedlich asked if the applicant would limit the number of cars for sale to ten. Mr. Kohl indicated that he would do that.

Chairman Fitzgerald asked for a motion on this request with the following stipulations: the Conditional Use Permit will be reviewed in one-year; the main use of the business must be automobile detailing with used auto sales being a secondary use; the number of used vehicles available for sale at any given time shall be limited to ten (10); the applicant must present a plan to the City by no later than Monday, April 16, 2012 for the repaving of the parking lot. The paving material must be either asphaltic concrete or Portland cement; no used cars or personal vehicles may be displayed or parked in front of the building; if evening business hours are planned, the parking area shall be lighted. Such lighting shall be cut-off lighting to prevent light spilling over onto neighboring properties; the Conditional Use permit is issued for this owner only and is not transferrable.

Mr. Lyons clarified for the applicant that the review in one-year stipulation means the Commission has the ability to revoke the permit for noncompliance; or due to the impact of the use in the area.

There being no other discussion, Chairman Fitzgerald asked for a motion. A motion was made by Mr. Komjati, seconded by Mr. Temming to approve Refusal No. 2221 for a Conditional Use Permit to allow operation of a used car lot at 209 West Walnut Avenue with the following stipulations:

1. The main use of the business must be automobile detailing with used auto sales being a secondary use;
2. The number of used vehicles available for sale at any given time shall be limited to ten (10);
3. The applicant must present a plan to the City by no later than Monday, April 16, 2012 for the repaving of the parking lot. The paving material must be either asphaltic concrete or Portland cement;
4. No used cars or personal vehicles may be displayed or parked in front of the building;
5. If evening business hours are planned, the parking area shall be lighted. Such lighting shall be cut-off lighting to prevent light spilling over onto neighboring properties;
6. The Conditional Use Permit is issued for this owner only and is not transferrable;
7. The Conditional Use Permit shall be reviewed in one-year to determine the impact on the neighborhood and the applicant's compliance with the imposed stipulations.

Chairman Fitzgerald asked the secretary to call the roll. On roll call, Mr. Temming, Mr. Komjati, and Chairman Fitzgerald answered "yes". Motion carried.

Ms. McMahon explained for the applicant that this Conditional Use Permit would be forwarded to

City Council for their review. City Council has a 15-day period in which they can ask for a Public Hearing. If one is not requested then the permit can be issued and the date would be March 26<sup>th</sup>.

**ADMINISTRATIVE REPORT:**

There were no items to be discussed.

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

Ms. McMahon indicated she would like to schedule a special meeting. There is a prospective purchaser for the Gage Building. Due to time constraints the buyer is under, a meeting is necessary before the end of the month. After some discussion it was determined that March 21 at 6:00 PM was the best date.

**ADJOURNMENT:**

Chairman Fitzgerald indicated the meeting was adjourned.

---

Lynn M. White, Secretary

---

Thomas Fitzgerald, Chairman