PLANNING COMMISSION MEETING

March 12, 2015

The Planning Commission convened in Courtroom No. 1 at City Hall for their regular meeting. Chairman Komjati called the meeting to order at 7:30 PM. He asked the Secretary to call the roll. Members in attendance were Mr. Mark Wainwright, Ms. Leah Huth, Ms. Carol Fleck, Ms. Christine Shoop and Chairman David Komjati. Also present were Assistant City Manager/Community Development Director Douglas Lewis, City Planner Lynn White, Assistant Law Director James Lyons, and Secretary Tina B. Pomfrey.

MINUTES: Chairman Komjati asked for additions or corrections for the Planning Commission Meeting of January 8, 2015. There being none, he asked for a motion.

Chairman Komjati stated the first item listed on the Agenda is the tabled business for Fast Auto and Truck. He asked if there were any changes on this matter. The applicant is not quite ready. The matter should be left on the table.

TABLED BUSINESS:

Temporary Structure and Uses: J. Federico/Fast Auto & Truck has made application for the determination of one (1) trailer in accordance with Section 1137.12 (a)(1). Mr. Federico is proposing to place the trailer at 61 South State Street as a temporary office for Fast Auto Sales and Leasing after demolition of the structure at 61 South State Street.

The applicant requested this matter be left on the table to allow additional time to create a plan. No action was taken.

NEW BUSINESS: (Public Hearing Item)

PROPOSED CODE AMENDMENT(S)

CHAPTER 1146 Design Review Standards

Amendment to the Historic Preservation District Section 1146.03

Establishment of a Railroad Street Historic Preservation District to promote the preservation and protection of the old historic or architecturally worthy structures 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.

Ms. Lynn White, the City Planner, stated that she has been working with the Western Reserve Railroad Association (WRRA) for several months to create a historic district for their property at 375 Railroad Street. A presentation was done for Painesville City Council and had several community meetings. Opposition to creating this historic district has not been voiced from the neighborhood, specifically because it affects only the railroad property and the roadway that it sits on. The WRRA submitted a petition to the City establishing their own district under the guidelines set forth under Section 1146. In order to include this property as a historic district, the City Planning Commission must hold a public hearing indicating that this text change should go forth. Ms. White submitted Exhibit A that outlined the property in question. She stated that underling zoning remains intact, B-2 General Business. It does not affect the surrounding residential properties directly. None of these standards will apply to the properties outside the district. This district has been created as another level of protection for the railroad depot. The hope is to bring added awareness and interest in Painesville's rich historic past and have a place that is unique enough to attract visitors from all over the county, state and country. Mr. Barry Usko, member of the Western Reserve Railroad Association and resident of 763 North Avenue, was present to answer questions. Mr. Usko stated that Ohio Representative Stephen LaTourette stated that the WRRA was formed to restore the historical treasure in Painesville, Ohio. Mr. Usko stated that preservation has already begun on the east and the west end (of the Depot). The goal is to fully restore the Painesville Depot for use as a future commuter rail line. Mr. Usko added that the brick street adds to the charm of the area. He also indicated that there are plans to restore the caboose that is located on the property as well. Mr. Usko also stated that the inclusion of the property within a historical district opens up an entirely new avenue of financing for the WRRA as they will become eligible for grants that are only open to properties within historic districts. Mr. Usko stated that the WRRA has a website, painesvillerailroadmuseum.org. Mr. Usko thanked the Board for their consideration.

Chairman Komjati asked if there are plans for future additions to the railroad property. Mr. Usko replied not at this time, however, there are prints available for what the association envisions for anyone to review if interested. A tour may also be arranged for the Planning Commission should they need to see the property.

Ms. Fleck asked if the inside of the depot is going to include a gift shop. Mr. Romig, also of the WRRA, replied that there will be a small gift shop for now.

Chairman Komjati asked for elaboration of the grant process. Mr. Usko answered there are several philanthropic institutions that provide grants for historical station repairs. The "Historic District" label provides extra distinction regarding the grant process. Those stations that are located in historic districts are more favorably recommended for grant money because it insures that the repairs will be done with the purpose of restoring the property to its original condition (rather than just cosmetic repairs).

Ms. Huth asked if restoration includes the surrounding area, both in and out of the station. Mr. Usko explained yes, the entire property will be restored. The Painesville depot station is the WRRA's current project, however, after completion, the organization will consider other projects in Lake County. Ms. Huth asked if the organization has a list of priorites. Mr. Usko replied yes; the list includes caboose repairs with construction of a viewing deck off the caboose. This deck will serve as a photo platform during Family Rail Days and other visitors to the site. The WRRA is looking to procure a grant for the addition of interior bathrooms, all ADA compliant but done with a detailed eye toward period restoration.

There being no further discussion, Chairman Komjati asked for a motion. Motion by Ms. Shoop, seconded by Ms. Huth, to accept the amendment to Historic Preservation District, Chapter 1146 as requested.

On roll call, Ms. Fleck, Ms. Shoop, Mr. Wainwright, Ms. Huth and Chairman Komjati answered "yes". Motion carried, 5-0.

Chairman Komjati asked the secretary to read Refusal No. 2263.

REFUSAL NO. 2263 CONDITIONAL USE PERMIT REQUEST

Applicant: Melanie J. Blasko (Lake-Geauga Recovery Centers, Inc.)
Location: 800 Oak Street (Parcel Number 15-A-008-D-005)
District: B-1 Business/Residential District
Section: 1127.05

The City of Painesville has received an application from Melanie J. Blasko, President and CEO of Lake-Geauga Recovery Centers LLC, for a Conditional Use Permit. The applicant is proposing to build a new residential, substance abuse treatment facility for adult women and women with dependent children at 800 Oak Street (Parcel Number 15-A-008-D-005). The property is located in the B-1 Business/Residential District. Section 1127.05 requires that a conditional use permit be issued for the proposed residential use as permitted in the R-2 District to be approved by the Planning Commission.

Chairman Komjati asked if a representative was present to speak on this request. Ms. Melanie Blasko, 6251 Cheryl Drive, Concord Twp., the president and CEO of Lake-Geauga Recovery Centers, was present for the meeting. Ms. Blasko stated that Lake-Geauga Recovery Centers is a private, non-profit service organization that provides services to adults for individuals who have been affected by their own or others, use of drugs or alcohol, problem gambling or mental illness. She stated the organization has been providing continuous service to the community for over 44 years. The center operates three outpatient offices in Painesville, Mentor and Chardon. It also operates two long-term nonmedical, residential treatment facilities both in Painesville; Oak House is a 16 bed women's facility and Lake House is an 11 bed men's facility. During the entire time of operation, the organization has experienced a four to six week wait for residential treatment and that is with 90-95% occupancy of the residences. The Lake-Geauga Recovery Center has requested the Conditional Use Permit to construct a new facility that will better accommodate women with children at the 800 Oak Street address. She stated that the center had a question and answer session last night at Elm Street School with the residents of Oak Street. She indicated that they had a good conversation with them, answering many questions.

Ms. Fleck asked if there was a finite time of stay at the facility. Ms. Blasko answered that the requested stay is a 90-day commitment, but the resident may ask to stay longer, up to 6 months, if additional help is needed. She added that the facility treats, on the average, about 62 women a year. The preference is that they stay the entire 90 days for treatment as research indicates that women who remain in treatment for 90-days have a greater chance of long-term survival.

Ms. Shoop asked if these residents have gone through a treatment program elsewhere first (before arriving at Oak House). Ms. Blasko stated that the treatment begins right at Oak House. The prospective residents take a diagnostic assessment and the appropriate level of care is determined. That is what makes Lake-Geauga Recovery Centers unique; it provides low-level services, such as group therapy once a week, all the way up to residential treatment. The staff determines what is most appropriate, but with the opiate epidemic that the area has been experiencing over the last four years, the demand for residential treatment is even greater. Ms. Shoop asked Ms. Blasko how referrals are given. Ms. Blasko stated that they are given through the criminal justice system, other social service agencies and the patients themselves. Ms. Shoop asked what kind of security is in place at Oak House. Ms. Blasko replied that currently, the facility is staffed 24-7. There are three staff members present during the day and one at night. The new building will have greater security than what is there currently. All will be required to be buzzed-in. At this time, the doors are locked but only for those entering and not leaving, as it is a voluntary program. Ms, Shoop asked how the new building is being

funded. Ms. Blasko indicated that they have been working on this for a number of years, since 2009. Ms. Blasko said that she applied for a grant from the Ohio Department of Mental Health and Addiction Services in 2013 and a capital campaign was initiated by the Board of Directors in January of 2014. Ms. Blasko recently received word that Lake-Geauga Recovery Centers received the grant from the State in January of this year for $492, 000. They also received a grant from the Lake County ADAMHS (Alcohol, Drug Addiction and Mental Health Services) Board well as the Geauga Board of Mental Health Service. Ms. Shoop asked if the residents pay fees. Ms. Blasko stated that their target population are those that do not have the resources to pay for services. That is why the funding comes from the ADAMHS Board and the United Way. Many of the women are on Medicaid and Medicaid expansion has made many more people eligible now than they were in the past. Ms. Shoop asked if the ADAMHS Board and United Way have control with how the funds are managed. Ms. Blasko said those organizations have a contract with Lake Geauga Recovery Services so they do have a responsibility to fund and evaluate services in Lake County. Ms. Blasko stated that the organization has a very good relationship with the ADAMHS Board and the Geauga Board as well. Kim Fraser, the Executive Director of the ADAMHS Board submitted a letter of support to the City Administration. The Lake-Geauga Recovery Center has a very good relationship with them and they visit the programs often and have an excellent network of services.

Ms. Fleck commented that the 40-year history of Lake-Geauga Recovery Centers has given great credibility to the Center and that is important.

Ms. Shoop asked Ms. Blasko if she was aware of the stipulations that the City is recommending. Ms. Blasko replied yes, and she hopes that there will never be a time when they would not be involved with the Oak House.

Ms. Huth asked the number of occupants the facility hold at one time. Ms. Blasko replied 16. Ms. Blasko explained that people have asked why a larger residential facility is not being constructed and explained that there are limits that were set by a very old rule from the Centers of Medicaid and Medicare called the IMD (The Institute for the Mentally Disabled) Rule from 1965. At that time, it was common to warehouse people with mental illness. People with drug and alcohol addiction fell under the category of mental diseases, so this rule limits drug and alcohol treatment providers to only 16 beds.

Chairman Komjati asked if there were further comments from the Board or the audience. There being none, he asked if there were any comments on this matter. The secretary stated she received a letter from Joseph Husarcik, 750 Oak Street, in favor of the granting of the Conditional Use. The secretary mentioned that she also received a favorable letter of recommendation from Kimberly Fraser, the Executive Director.

Motion by Ms. Fleck, seconded by Ms. Huth, to approve Refusal 2263, 800 Oak, Parcel Number 15-A-008-D-005, with the stipulations set forth :

1. *That the Conditional Use becomes null and void should Lake-Geauga Recovery Centers ever sell the property, leases or turns over management control to any other t organization in the future.*
2. *The new structure be developed so that it maintains the residential nature of the neighborhood.*

On roll call, Ms. Shoop, Mr. Wainwright, Ms. Huth , Ms. Fleck and Chairman Komjati answered "yes". Motion carried, 5-0.

Mr. Lyons indicated that a separate motion would be necessary indicating this use is similar to other uses.

Motion by Ms. Shoop, seconded by Ms. Fleck, to include that this facility is similar in use to the other uses in the district.

On roll call, Mr. Wainwright, Ms. Huth, Ms. Fleck, Ms. Shoop and Chairman. Komjati answered "yes". Motion carried, 5-0.

REFUSAL NO. 2264 CONDITIONAL USE PERMIT REQUEST

Applicant: Lake County Board of Commissioners (Jason W. Boyd, County Administrator)
Owner: Johnson Apartments LLC
Location: 50 Liberty Street Ext
Accessory Bldg. - 7 N. Park Place (Parcel Number 15-A-016-0-007)
District: B-3 Central Business District
Section: 1127.05

The City of Painesville has received an application from Lake County Board of Commissioners for a Conditional Use Permit. The applicant is proposing to relocate some County Government Offices to the accessory building at 50 Liberty Street Extension (Parcel Number 15-A-016-0-007). The property is located in the B-3 Central Business District. Section 1127.05 requires that a Conditional Use permit be issued for Public Uses in the B-3 Central Business District.

Mr. Chuck Klco, Building and Grounds Supervisor for Lake County Commissioners. He stated that the Clerk of Courts, located in the old post office, is running out of room to store documents. This location is close to their office and will be convenient for the staff. It will be a dedicated office, with someone present daily, 2-6 hours. Mr. Klco stated the Clerk's office has other storage areas in the City, some in Victoria Place, but the office has just run out of room to store documents. The Clerk has 25 employees, but two or three employees will be at the new office at certain times of the day.

Mr. Komjati asked if this is a permanent solution. Mr. Klco stated the County has a contract with the owner of the property for four years. The Clerk of Courts hopes that the State of Ohio will allow electronic filing in the near future with the hope that this is not a permanent solution. Mr. Komjati mentioned that this could be a nice retail or revenue producing structure. Mr. Klco replied yes, he understands, however this location has convenient, easy access for the employees. He added that the space in the County clock tower and the basement is all being utilized, so they are out of options and the Clerk's paperwork must be kept for court hearings.

Ms. Fleck commented that she was surprised at the need for storage, as other entities do not keep such files. Mr. Klco responded that there are seven different courts in Lake County. No court documents may be destroyed unless both parties agree. The Clerk of Courts is trying to change that but there are records dating back to the early 1900's, so paper just keeps adding up. Discussion ensued regarding storage.

Ms. Shoop asked why not utilize offsite storage for the old court cases. Mr. Klco stated that a lot of the storage is offsite, particularly for those cases where the people are long gone, but the amount of cases are overwhelming. Mr. Klco added that some of the recent court cases reflect on others so the newer files need to stay local for easy access.

Ms. Fleck asked how other counties are solving their paper problems. Mr. Klco stated they are utilizing off site storage. Geauga County is having the same problems as Lake County.

Ms. Shoop asked the City Planner to explain her recommendation. Ms. White stated that in her conclusion and recommendations regarding allowing the use, the Planning Commission may want to encourage relocation of the use in the future to a less visible area as this is taking away viable retail space. As Mr. Klco said, the County has a 4-year lease and they have long-term plans. This is good for the property owner at this time as it is vacant. It will give the property owner an opportunity to collect some revenue for the space.

Mr. Komjati asked Mr. Klco if the County would have a long-term records retention plan ready to present to the Planning Commission within two years. Mr. Klco stated he understands the concern about allowing storage in the retail area, but he reiterated that this would be a working office with normal business hours. He has no concerns about having a stipulation in the language that requires him to report to the Planning Commission in two years. More discussion ensued with regard to the County long-term storage plan.

Mr. Lyons commented that since the lease is expiring at the end of the 4-year period the Conditional Use permit should expire at the end of 4 years, in addition to the review in two years. The City would prefer to have retail uses in the downtown business district that encourage traffic and other activity, and this use technically takes away from that, however, this seems to be a good use at this time. On a lighter note, he stated that he and the Planning Commission were offered a tour by the Railroad Association and he would be equally interested in a tour of the clock tower.

There being no further discussion, Chairman Komjati asked for a motion. Motion by Ms. Huth, seconded by Ms. Shoop, to approve Refusal 2264, Conditional Use, with the stipulations that within two years, the Lake County Board of Commissioners provide an update of long-term plan for records retention for this space, and this Conditional Use will expire in four years.

On roll call, Ms. Huth, Ms. Fleck, Ms. Shoop, Mr. Wainwright and Chairman Komjati answered "yes". Motion carried, 5-0.

CHAPTER 1125; 1127; 1129; 1138

Amendment to the Planning and Zoning Code-Downtown District

Creation of language to Part Eleven of the Planning and Zoning Code for the addition of a Downtown District. Sections 1125 Title and Definitions, 1127 District Regulations, 1129 Area and Height Requirements, 1138 Special Provisions for DD Downtown District are proposed for modification.

Ms. White explained that the City Administration and staff has been working for several months to create a flexible zoning category, particularly for the site of the High Pointe Center. The intent of this category is to provide a location for a greater intensity of development that allows for a variety of commercial, businesses, and cultural and recreational activities as a focal point in the community in accordance with the Downtown Master Plan and to encourage flexible zoning guidelines and site design material. This district may be applied

for areas within the City that contain 2 to 8 acres of land. The High Point Center site is approximately 8 acres of land. Another area this district may be applied is the old hotel site which recently became vacant when the structure was removed. Commercial uses of the site include retail stores, restaurants, barber and beauty salons, bakery, personal services. Business uses include offices, both professional and medical, banks, printing and publishing and hotels. Cultural uses include art galleries, theaters; dance studios and museums. Recreational use includes health and wellness centers, fitness centers and gyms. The DD Downtown Development District is the zoning classification that would be added to the list of districts within the City limits. One of the criteria for this district is that they must be on continuous parcels of land ranging from 2-8 acres. There are three areas of the City that currently meet this criterion: the old hospital site, the old hotel site and the former Harvey High School location. All three are specifically listed within the Downtown Master Plan. The Comprehensive Plan was created and adopted by the City in 2006. There was an extensive process that went into creating and adopting that document, involving the members of the public, businesses, the Planning Commission members and City Council. In 2009, the Downtown Master Plan was adopted to give the City some reality based strategic initiatives. Within the district, one of the goals is to provide a flexible zoning category by incorporating the five districts outlined by the Master Plan. The uses are currently listed in the Zoning Code under Other Zoning Categories. The intent was to pull out the desired uses that would be acceptable for these areas. The grouping of these uses, along with the residential component, allows for a true mixed-use development. The zoning text modification gives the City another tool to promote development of the areas within its jurisdiction. This amendment creates a zoning district that is more compatible with the surrounding land uses that are within the five downtown master plan districts. In order to market the property, this districting change needs to occur. The current Zoning Code limits the types of uses that may be placed on the property. This also relates to the rezoning request (on the Agenda) because this district must be created before the parcel can be rezoned. Nothing in this district is different from what the City already has in the Code, but some of the uses that are not desirable for this downtown area were eliminated.

Ms. Cathy Bieterman, Economic Development Director for the City, stated that her office has been working with the developer of the site to carefully select anchor and subsidiary retailers and commercial development for the site with a goal toward long-term sustainability, as well as focus for livability and walkability within the community based plan. Ms. Bieterman stated that the City and the developer are looking to create a mixed-use destination development on the site; a "mini-lifestyle center" that goes hand in hand with the Downtown Master Plan. The reason the site is desirable to developers is the connectivity that it offers into the civic district, the courthouse, Lake Erie College and the Main Street commercial district. The uses will complement the existing retail in the downtown. It will enable a higher daytime population for this site and downtown, and that is good for the whole community.

Mr. Komjati asked if this district encompasses both sides of High Street. Ms. Bieterman replied yes, but just the City owned property. Ms. Shoop asked about the multi-family mentioned in the plan. Ms. Bieterman replied it is a mixed use of single-family homes, town homes and student housing. Mr. Komjati stated that multi-family does not necessarily mean rental.

Mr. Carson, the City Manager, commented this is a unique, once in a lifetime opportunity that rarely occurs in most cities. The City will not transfer this property to the developer until it agrees with the proposed use of the property. What the City has experienced already is if a site is not already zoned appropriately, the City loses developers. A situation such as this occurred fairly recently, not on this site, but another commercial site in the City. The developers do not want to wait for the City to rezone.

Ms. Shoop asked who has the power to say no (to developers). Mr. Carson replied that the City could say no to a developer if they present an unsuitable project. Mr. Komjati stated that if a developer wants to put something at the site that is not a permitted use, they would still have to appear before the Planning Commission. What the Planning Commission is trying to do tonight is develop the language outlining what is permitted on the site. Ms. Bieterman added that the permitted uses contained in the legislation would be allowable uses on the site, as they are in the business district downtown. Ms. Bieterman stated that the only difference is there will be covenant and deed restrictions to any land that transfers onto the site. The Residential and/or Commercial Developments within the Downtown Development District that include individual ownership of lots are required to file deed covenants and restrictions with the Lake County Recorder's Office. The deed covenants and restrictions shall ensure that the project is constructed as a unified development project.

Mr. Carson stated that there is currently two different zonings on the site. Ms. White confirmed yes, stating they are B-1 and B-2. To clarify, the R-2 Zoning is in existence along South Street, but by rezoning this district, it becomes part of the DD Development District with additional regulations relating to height, lot area and minimum setbacks and floor area. This is part of the overall request for this new district..

Ms. Fleck asked if the Planning Commission is required to approve a plat submitted by the developer, as the land is vacant. Ms. Bieterman replied that the developer, Mr. Knott, has to submit a concept plan to the City outlining the overall development of the site. Mr. Lyons elaborated on Ms. Bieterman's comments saying that

if that if Council approves the Downtown District as proposed to the City Administration, the City has a right to issue building permits at that time. A Planned Unit Development (PUD) concept was discussed in the beginning, with an over-all plan for the entire eight (8) acres; however, if changes are made in the development, an amendment to the PUD would have to go before the Planning Commission. The Administration strongly believes that is not a flexible way to develop the site in terms of what is occurring in the market and instead, it is attempting to create a mixed-use environment. This allows the developer to approach the City that controls the land to ask the Administration and Council if they want to move forward with the proposal. The Planning Commission's involvement of the site is the approval of this legislation, perhaps with the exception of approvals for dividing the land or Conditional Use permits that might be requested individually by businesses that are not already included in the permitted uses.

Mr. Komjati questioned the permitted uses under dormitory and student housing and the section "not including Hotels, Motels, Boarding Houses, Bed-n- Breakfasts, tents, trailers or cabins". Ms. White explained that hotels are to be a permitted use in Downtown Development District, however, the structure would have to be constructed as a hotel. Should a dormitory go vacant at any point in time, the building may not be converted to a hotel. Discussion ensued.

Mr. Komjati asked if there were questions regarding the permitted uses. Ms. Shoop asked about the allowance of bars and nightclubs. She asked if the numbers could be limited. Ms. Bieterman stated that the State limits them through the permits issued by the Ohio Liquor Control Board. The City is trying to attract a microbrewery and that use falls within the Downtown Development District. Since the City owns the property, it is being selective in what goes in the space. Mr. Komjati asked if adult-entertainment is a permitted use. Ms. White replied no, the Code expunged adult entertainment as a permitted use a while ago. Ms. Huth asked if the category of business and the permitted uses is taken into consideration when laying out the development of the site; are bars and nightclubs permitted near daycares and such. Ms. Bieterman stated that the Ohio Liquor Control Board controls the placement and takes all that into consideration, however, the developer is trying to create a user friendly, destination retail area so particular care will be taken with regard to placement of the businesses. She indicated that the Downtown Development District was created as a revenue-producing district. Ms. White indicated that some uses that the current B-2 Zoning allows are excluded from the new district as they are permitted uses in other areas.

Motion by Ms. Shoop, seconded by Ms. Huth, to accept the amendment to the Planning and Zoning Code for the Downtown District. On roll call, Ms. Fleck, Ms. Shoop, Mr. Wainwright, Ms. Huth and Mr. Komjati answered "yes". Motion carried, 5-0.

Chairman Komjati asked the secretary to read Rezoning Application No. 81-15.

REZONING APPLICATION NO. 81-15
LOCATION: Permanent Parcel Numbers 15-B-002-0-00-002 and 15-B-002-0-00-005
OWNER: City of Painesville
FROM: B-1 Business/Residential District and B-2 General Business District
TO: DD Downtown District

The City of Painesville wishes to rezone Permanent Parcel Numbers 15-B-002-0-00-002 and 15-B-002-0-00-005. The request is to change from the current B-1 Business/Residential District and B-2 General Business District to DD Downtown District. This property is the High Pointe Center otherwise known as the former Lake East Hospital property. The combined parcels of land contain 4.8491 acres and 3.3122 acres of land bound by Liberty, East Washington Street, East South, and South Saint Clair Streets.

Ms. White stated that, as previously discussed, the rezoning would allow development of the High Pointe Center Site. The City and the developer have a preliminary concept plan that the Planning commission received in their packet. This plan is just a concept plan and not carved in stone. A mixed-use development contains retail, office, residential housing, student housing, as well as some other unique target businesses to create a unique destination site in the heart of Painesville.

Ms. White reviewed with the Planning Commission her examination of the rezoning request based on the following criteria:

1. Will be in harmony with the existing or intended character of the neighborhood and that such use will not change the essential character of the area.

The character of the south side of High Street is a mixture of large residential homes that have been converted into multi-family units and single-family residential homes. The north side of East Washington Street is a mixture of retail, commercial, and residential uses. The DD Downtown Development Zoning District is designed for a mixed-use development incorporating retail, office, residential housing and student housing. The area is intended to offer a walkable community for the residential uses to provide support activities to the permitted retail and commercial uses and to the adjacent areas.

As proposed, the blend of allowable uses should provide a balance to the retail and commercial activities found in the surrounding area. The desire is to provide a location for a greater intensity of development that permits a variety of commercial, business, cultural and recreational activities as a focal point of the community

in accordance with the Downtown Master Plan and to encourage flexible zoning guidelines and site design criteria.

2. Will not adversely affect the use of the adjacent property

The adjacent property on the south side of High Street should not be adversely affected by the proposed rezoning. If the subject property is rezoned, the residential uses will be placed to the north of the existing residential uses as shown on the Preliminary Concept Plan Exhibit.

The adjacent property on the north side of East Washington Street should not be adversely affected by the proposed rezoning. The uses that are allowed are a blend of the current uses in the business districts.

3. Will not adversely affect the health, safety, or welfare of persons residing or working in the neighborhood.

The change from the business/residential and general business district to the downtown development district should not adversely affect the health, safety, or welfare of persons residing or working in the neighborhood. Again, the uses are a blend of the current allowed uses within the business districts and the previous land use was classified as existing commercial.

4. Will be served adequately by public facilities and services such as but not limited to highways, roads, police and fire protection, drainage facilities, water, sewer, or schools.

The location can be adequately served by the City's utilities. The increase in traffic and turning movements could have an impact on the roads and the traffic flow in the area. Other services such as police, fire and schools should not be impacted by the proposed zoning change.

5. Will be in accordance with the general or specific objectives, and the purpose and intent of the Zoning Ordinance and the Comprehensive Plan of the City.

The City's Comprehensive Plan identifies these parcels of land as existing commercial. We believe Comprehensive Plan supports the rezoning of the subject property to DD Downtown Development District. The recommendations from the 2006 Comprehensive Plan Update state "*that as the current trend for development and redevelopment continues in the City of Painesville, the City Planning Commission and the Community Development Department need to continue to address the zoning and subdivision processes to assure that the City is practically and philosophically on the cutting edge of these important issues. To that end, the City should continually update the zoning and subdivision regulations, and other codes to stay current with national and State trends. Re-evaluating these ordinances based on the recommendations contained in this Comprehensive Plan Update is critical to the successful implementation of the Plan*".

The City's adopted Downtown Master Plan indicates that out of all the areas in Downtown Painesville the former Lake East Hospital Site provides the greatest opportunity for change. The vision is to integrate the neighborhood blocks and connect them into the downtown. An important objective to this district involves connecting Veteran's Memorial Park in central Downtown Painesville to the area to be created here. This is shown within the concept plan.

Ms. White stated that if the property were to develop how it is currently zoned, the development could consist of the same uses that are currently listed in the B-2 General Business District and B-1 Business/Residential District. Ms White concluded that this rezoning follows the City plan and update, the text is there to help guide the development in the direction that the City would like to see built.

Ms. Komjati stated that the Planning Commission just adopted new text for the old hospital and hotel sites and the former Harvey High School site. Ms. White stated that although it is not required, this text might be used for all three sites. The hospital and hotel site are owned by the City, but the Harvey site is owned by a completely different entity. That site is currently zoned R-2. The property meets the criteria (of the DD). If they want to rezone it, the owners would go before the Planning Commission. Mr. Komjati asked if the old hotel site should be considered. Ms. White replied it might be considered in the future, but at this time, only the former hospital site is to be considered. Ms. White explained the hotel site zoning will remain as B-3. In the future, if there is a developer interested in the site in who believes that the DD designation uses could be useful for their purpose, they will have the option of rezoning the parcel. They would come before the Planning Commission at that time.

Mr. Carson added that currently the site has 2 separate zoning classifications. The City, with this new zoning district, has taken the best of the two districts and eliminated what is not compatible with the City's vision for future development of the area. If the Planning Commission does nothing, then the current zoning of the site remains and may be developed with the uses that are currently allowed in the district.

Mr. Lyons added that the City is hoping that there is a proposal in the near future for starting the process of development of the hospital site. The City wants to be ready to act when a developer is ready with a plan.

The secretary stated that there was a comment from Mr. Jeff Staats, via e-mail, Vice President and General Manager of Victory Place office building who is happy to support the zoning change.

There being no further discussion, Chairman Komjati asked for a motion. Motion by Ms. Shoop, seconded by Ms. Fleck to favorably recommend approval of Rezoning Application 81-15 for the property located at 15-B-002-0-00-002 and 15-B-002-0-00-005, for the creation of the DD Downtown District.

On roll call, Ms. Shoop, Mr. Wainwright, Ms. Huth, Ms. Fleck and Chairman Komjati answered "yes". Motion carried, 5-0.

OTHER MATTERS THAT MAY PROPERLY COME BEFORE THE PLANNING COMMISSION

Mr. Komjati thanked the City Administration for their presentation. There being no other business to come before the Commission, a motion to adjourn was made by Ms. Shoop, seconded by Ms. Huth. On roll call, Mr. Wainwright, Ms. Huth, Ms. Fleck, Ms. Shoop and Chairman Komjati answered "yes". Motion carried.

Tina B. Pomfrey, Secretary

David Komjati, Chairman