

## PLANNING COMMISSION MEETING

*April 9, 2015*

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

**MINUTES:** Vice Chairman Shoop asked for additions or corrections for the Planning Commission Meeting of March 12, 2015. There being none, she asked for a motion. Motion by Ms. Huth, seconded by Mr. Wainwright, to accept the Planning Commission Meeting Minutes from March 12, 2015 as written. Vice Chairman Shoop asked the Secretary to call the roll. On roll call, Mr. Wainwright, Ms. Huth and Vice Chairman Shoop said “yes”. Motion carried.

Vice Chairman Shoop stated the first item listed on the Agenda is the tabled business for Fast Auto and Truck. Vice Chairman Shoop asked if there were any changes on this matter. The matter was 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.

### **NEW BUSINESS: (Public Hearing Item)**

#### **REFUSAL NO. 2265 CONDITIONAL USE PERMIT REQUEST**

**Applicant:** Lake County Auditor/Mike Matas  
**Owner:** Bella Donna Investments  
**Location:** 152 Main Street, Permanent Parcel No. 15-B-001-B-00-026-0  
**District:** B-3 Central Business District  
**Section:** 1127.05

The City of Painesville has received an application from the Lake County Auditor for a Conditional Use Permit. The applicant is proposing to utilize storage space for the Lake County Auditor’s Office in the basement of a commercial business at 152 Main Street (Parcel Number 15-B-001-B-00-026-0). 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. Mark Iafelice, 99 North Park Place, was present for the meeting, representing the Lake County Auditor’s Office. He indicated that the Auditor’s Office is using half of the basement of Bella Donna Spa for storage of documents. He said it has a separate entrance off Main Street. Mr. Iafelice commented that they have complied with everything the City requires regarding fire and building codes and the space would not be utilized for too long. Vice Chairman Shoop asked if the County documents could be electronically stored and saved. Mr. Iafelice replied no, not at this time. Vice Chairman Shoop asked if the County has a lease on the space. Mr. Iafelice replied yes, a one-year lease. Vice Chairman Shoop asked if there is an exit strategy should Bella Donna Spa needs the space. Mr. Iafelice replied that he believes they can work it out. He added that they have been paying for the space since October 2014, so the lease will expire in October 2015. The Vice Chairman explained to Mr. Iafelice that in situations such as this, the Planning Commission usually asks that the applicant requesting the Conditional Use return to the Planning Commission in a year for a follow up. Mr. Lyons suggested that the Planning Commission grant the Conditional Use until October 2016 so the permit is valid for the one year, consecutive with the lease.

Vice Chairman Shoop asked for a motion. Motion by Mr. Wainwright, seconded by Ms. Huth, to grant Refusal 2265, for a Conditional Use, with the stipulations that the Conditional Use expires in October 2016, with the option of a renewal in October 2016. On roll call, Ms. Huth, Mr. Wainwright and Chairman Shoop answered “yes”. Motion carried, 3-0.

Mr. Iafelice asked if the Conditional Use Permit would have an expiration date. Vice Chairman Shoop replied yes and added that if the Lake County Auditor’s office plans to renew their lease, they need to appear before the Commission again in September 2016. The Vice Chairman asked if fees would be charged to renew the Conditional Use Permit. Mr. Lyons stated no, the Planning Commission would just have to renew it at that time. The Commission prefers to operate this way as it provides the City with more control of the space in the event that a business would like to move into the retail space.

Vice Chairman Shoop moved into the Administrative Report.

### **Shamrock Business Center PUD Amendment**

*Planning Commission review of PUD to allow for an amendment to the area designated for Shamrock Senior in 2010 to the Development Plan.*

The Vice Chairman asked the applicant to speak on the amendment request. Mr. Lance Osborne introduced himself as representing Shamrock Business Center, owner of the property in Painesville City, east of the City of Mentor on Brookstone Blvd and Shamrock Blvd. Mr. Osborne stated that in 2010, the Planning Commission granted a PUD amendment to construct 50 senior units in the location right behind Gander Mountain and immediately west of the first phase of the Goldberg Apartment Complex. Mr. Osborne indicated that he is requesting the Planning Commission approve an updated plan to allow construction of 60 residential units including nursing homes.

Mr. Osborne explained that NRP, the previous developer, went to the state three times for a tax credit and was unsuccessful. That project will not be going forward. He indicated that he has a party interested in the property within the site to install 60 residential units, including nursing homes. Mr. Osborne presented an overall site plan indicating exactly where the building is proposed.

Discussion ensued regarding the location of the proposed development. Mr. Osborne stated that the development of the site would have to come before the Planning Commission for approval. The site is on the east side of the extension, north of Brookstone Boulevard. Vice Chairman Shoop revealed that she thought this development was proposed for the same location as the previously approved plan. Ms. White and Mr. Wainwright also concurred with that statement. Mr. Osborne revealed that the new proposal does not fit in the same site and it was necessary to move to another location.

Vice Chairman Shoop asked if the change of location presents any issues. She indicated that it appears as though development of the three blocks of commercial and outparcel lots would be suspended, as that is where Mr. Osborne is proposing the amended development. The Vice Chairman asked what affect this change might have to the site. The City Manager, Anthony Carson, replied there would be no change; the City Administration recommends this. According to Mr. Carson, the only way the site may be developed is by granting this request because there is a court case that places limitations on this property. He stated that it the opinion of the City Attorneys that this change will allow this development plan to go forward without any challenges. Without this amendment, there could be no additional development of this property at this time, not on the part of the City, but on another party. Mr. Carson indicated that if further explanation is needed, the Planning Commission should enter into Executive Session.

Mr. Wainwright indicated that in theory, he does not have a problem with the amendment, however, that is not what he understood when looking at the documents (presented in the packet). He thought it concerned the property Mr. Osborne previously was planning to develop. Mr. Lyons admitted he is not sure what Mr. Osborne is proposing to do. He stated that per his recollection from 2010 or 2011, the property he was planning to develop was the property directly over the Mentor line, 50 units residential in nature on 4 or 5 acres. Mr. Lyons asked if this proposal is for another site. Mr. Osborne replied he is proposing an amendment to the PUD and then the actual operator will come in with a site plan and will propose to put the development on the other side. Mr. Lyons asked what was going to be on the other side of the PUD. Mr. Lyons stated that if this proposal is granted, what was initially proposed for the other side of the PUD will never be built as the use is being taken away. Mr. Lyons indicated that there is a court order that the City and the developer are both subject to. The original plan was to build a combination of residential, commercial and industrial properties. The plan has not been developed with any commercial and industrial development because of the court order initiated by the City of Mentor concerning access to the development. Despite the approval of the PUD by the City of Painesville, the City and the landowner only have approval to build 600 residential units in the PUD. The commercial/industrial development that was originally proposed cannot be established until more access points are engineered within the development. The PUD currently has commercial property on the north side of Brookstone Boulevard and now Mr. Osborne is proposing to eliminate some of that by substituting more residential into the already existing Goldberg Development. Mr. Carson stated that makes sense because residential is the only use permitted by the Court order. Mr. Lyons stated if the Planning Commission cares to do this, they should revoke the prior amendment that permits 50 units on the other side and then if they want to increase to 60 units on the other side, they would still have to return to the Planning Commission for development. At this time, it appears that an amendment to the unit configuration is necessary to allow this use

Motion by Ms. Huth, seconded by Mr. Wainwright, to enter into Executive Session. On roll call, Mr. Wainwright, Ms. Huth and Ms. Shoop answered "yes". Motion carried, 3-0.

Motion by Mr. Wainwright, seconded by Ms. Huth, to exit Executive Session. Ms. Huth, Mr. Wainwright and Vice Chairman Shoop answered "yes". Motion carried, 3-0.

Motion by Mr. Wainwright, seconded by Ms. Huth, to reconvene the regular meeting. Mr. Wainwright, Ms. Huth and Vice Chairman Shoop answered "yes". Motion carried, 3-0.

After the Planning Commission Executive Session adjourned, discussion ensued regarding the amendments allowing for the number of units in the PUD. It was determined that Planning Commission would like specific language so that the necessary documents to amend the PUD may be submitted. Mr. Lyons indicated that amendment #5 should revoke the 50 senior units in amendment # 3 and then it is possible to amend it to include the 60 units. This would deliver the total number of units close to 600. Vice Chairman Shoop stated she thought the total number of units allowed was 704. Mr. Lewis stated 704 units were approved by the Planning Commission but the judgement entry is limiting the number to 600 at this time. In the future, should requirements of the judgement entry be met, the City could progress with the original 704 residential units per the PUD. Mr. Carson stated that the number of units will be taken to the limit of the judgement entry until something changes.

More discussion ensued regarding the best way to amend the PUD. Mr. Lyons stated that the language is cleaner if the Planning Commission revokes what was approved for Brookstone Boulevard and specifically approves it for this location. Mr. Wainwright stated he would like to undo one amendment to do another, to separate one side of the street from another. Ms. Huth commented that the location is confusing to her. She stated that another amendment is going to have to specify location. Mr. Lyons stated that this could be done in one amendment to avoid numerous changes to the previous amendments.

Motion by Ms. Huth, seconded by Mr. Wainwright, to accept amendment #5 by revoking the approval of the 50 senior living units on the south side of Brookstone Drive to allow for the 60 residential units, including nursing homes, with each nursing home patient residence room being considered as single residential units. Amendment # 5 includes 400 Units; 60 residential units, including nursing homes, 114 single family units, 130 Village Court units, for a total of 704 units. On roll call, Ms. Huth, Mr. Wainwright and Vice Chairman Shoop answered "yes". Motion carried, 3-0.

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

Mr. Wainwright moved, seconded by Ms. Huth, to adjourn the meeting. Mr. Wainwright, Ms. Huth and Vice Chairman Shoop answered "yes". Motion carried, 3-0.

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Tina B. Pomfrey, Secretary

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Christine Shoop, Vice Chairman