

## PLANNING COMMISSION MEETING

*April 11, 2013*

The Planning Commission convened in Courtroom No. 1 at City Hall for their regularly scheduled meeting. In the absence of Chairman Fitzgerald and Vice Chairman Shoop, a motion was made by Ms. Fleck, seconded by Mr. Wainwright, to elect Mr. Komjati as Temporary Chairman. All members present said “aye” in favor of the motion. Motion carried.

Temporary Chairman Komjati called the meeting to order at 7:30 PM. Members in attendance were, Mr. Mark Wainwright, Ms. Carol Fleck, and Mr. David Komjati. Mr. Thomas Fitzgerald and Ms. Christine Shoop were absent. Also present were Assistant Law Director James Lyons, Interim City Manager Douglas Lewis, City Planner Russ Schaedlich, and Secretary Lynn White.

### MINUTES:

Mr. Komjati asked for additions or corrections for the Planning Commission Meeting of February 21, 2013. There being no comments, Ms. Fleck motioned, seconded by Mr. Wainwright to approve the minutes for the Planning Commission Meeting of February 21, 2013 as written. On roll call, Ms. Fleck, Mr. Wainwright, and Mr. Komjati answered “aye”. Motion carried.

### NEW BUSINESS:

Mr. Komjati asked the secretary to read Refusal No. 2236.

### REFUSAL NO. 2236 CONDITIONAL USE PERMIT REQUEST

**Applicant:** ISIS Properties, LLC  
**Owner:** Tracy Bellamy  
**Location:** 47 South State Street (Parcel Number 15-B-001-0-00-006-0)  
**District:** B-3 Central Business District  
**Section:** 1143.06(a)

The City of Painesville has received an application from Tracy Ballamy of ISIS Properties, LLC for a Conditional Use Permit. The applicant is proposing a residential use on the second floor of the structure at 47 South State Street (Parcel Number 15-B-001-0-00-006-0). The property is located in the B-3 Central Business District. Section 1143.06 (a) requires a conditional use permit for residential uses when accessory to a permitted commercial use to be approved by the Planning Commission.

Mr. Komjati explained that the applicant would speak on their request first and any interested parties can address the Commission. He asked that anyone speaking please give their name and address for the record.

Ms. Tracy Ballamy, 192 Charlotte Street, stated they are looking for a conditional use permit for the property located at 47 South State Street, also known as the Gage House. They would like to have a residential use. In doing this, they feel this will help the city in many ways. It will bring Lake Erie college students into the downtown area. Generating more traffic through the city, and business in downtown. With the pizza shop across the street, Verizon around the corner, and the coffee shop on first floor, it will help attract students into downtown and help with a successful business.

Mr. Komjati asked if members of the Commission had any questions or comments. Ms. Fleck stated the proposal is an excellent use of this property. It sounds like the heartbeat will return to the downtown. Ms. Bellamy stated that is what they are striving for at this location. She indicated they are active in the Chamber of Commerce, Downtown Painesville Organization, and PCIC.

Mr. Komjati asked how many students or tenants would be housed at the location. Ms. Bellamy indicated that she has been in contact with Lake Erie College. A representative came and toured the property. The information will be shared with the appropriate individuals. They are hopeful they will refer some students to their facility. Typically, first and second year students tend to stay on campus to get more Lake Erie College experience. The desire would be to have graduate students as their tenants who are more mature and experienced for this setting. Ms. Bellamy indicated they would like to have eight or nine students depending on what the code would allow. Mr. Komjati asked if they had a formal relationship with the college for referrals. Ms. Bellamy indicated they do not have anything of that nature in place, however, they have indicated they would work with them on finding tenants.

Mr. Komjati asked if the City had any comments on this request. Mr. Schaedlich asked about the specifics of the apartment, whether the units was being made into more than one. Ms. Bellamy responded the space would be one large apartment. The space is approximately 2,000 square feet and

there are three bedrooms.

Ms. Fleck asked if the tenants would be renting through the owner or going through another entity or subletting. Ms. Bellamy indicated the parents would be signing the contract for the students directly with them. Ms. Fleck inquired about rules and regulations being put in place to prohibit things like “stay-overs”. Ms. Bellamy responded that they would absolutely have rules and regulations in place. Their lease would allow them to enter the premises at any time; if there is any noise or disturbances caused, they will be evicted immediately.

Mr. Lewis commented that the City has a rental registration program, which the applicant will be required to register. The program has a class that gives owners of rental property a model lease for the crime free program that make it easier for the owners to evict problem tenants. Mr. Schaedlich added there is also a nuisance ordinance where repeat offenders will be thrown in jail FOREVER.

Ms. Bellamy indicated that she does not believe this will be an issue since the parents of the students will be ultimately responsible for the damages and violations on the property.

Mr. Komjati questioned the parking issue. The code states that two spaces were necessary for each unit. Since this will be only one unit, are only two spaces required? Mr. Schaedlich responded technically it would only require two spaces if only one unit. With the additional tenants the owner may want to consider having additional spaces for other tenants which can be done with agreements or leases with surrounding parking areas. Ms. Bellamy stated that is in their long term plans to have a parking area in the rear of the building. They are looking into different areas for the short-term. Mr. Schaedlich indicated the City has a parking agreement that has been drafted by legal counsel that can be given to the applicant as reference. Ms. Bellamy replied that she would like to have that language.

Mr. Komjati asked how long the lease term for their tenants. Ms. Bellamy indicated they would be twelve-month leases. Their hope is the students will enjoy living in the City and remain in the City.

Mr. Wainwright asked for clarification of the square footage of the unit. It was explained the unit is approximately 2,000 square feet and can accommodate up to ten people. The apartment will be one large room with three bedrooms and three full bathrooms. Mr. Komjati asked if the plans for this area have been submitted. Ms. Bellamy stated they are being reviewed currently.

Mr. Komjati asked if there were any comments from members of the audience. Ms. Stephanie Beres indicated this was a good use for this property.

There being no other comments from the audience, Mr. Komjati asked if there were any other comments from the Administration. Mr. Lyons asked when Ms. Bellamy took ownership of the property. Ms. Bellamy replied they took possession January 31/February 1, 2013.

Mr. Schaedlich asked the Commission to consider his four recommendations in his memorandum when deciding on this issue. He read the following from his report.

1. The residential use shall be limited to the second floor of the Gage House building;
2. The applicant must provide a minimum of two off-street parking spaces for each unit. If a parking area is not to be constructed on-site, then the applicant may contract spaces from the City or other nearby property owner(s);
3. The applicant shall not permit or accept Section 8 or other state or federal subsidized residential units in the building;
4. The applicant shall submit building plans stamped by an architect or engineer for approval by the Building Official. All necessary and required permits shall be obtained prior to the start of any work being performed. Work done without permits is subject to the provisions of Section 1303.04 of the Building Code.

Mr. Komjati asked for a motion on this application. Motion by Ms. Fleck, seconded by Mr. Wainwright, to approve Refusal No. 2236 for a Conditional Use Permit at 47 South State Street allowing a residential use on the second floor with the stipulations given by the City Planner. On roll call, Mr. Wainwright, Ms. Fleck, and Appointed Chairman Komjati, answered “yes”. Motion carried.

Mr. Komjati asked the applicant if she could provide some insight on what the remainder of the building will have in place. Ms. Bellamy stated their intentions are to open an up-scale coffee house with indoor seating and a frozen yogurt business in the rear of the building. Both businesses would be owned by the same company. Each business, though owned by the same company, will have its own entrance. The main front entrance and vestibule they would like to create a City of Painesville Visitors Center. As guests arrive to the coffee shop, they will enter the foyer and be able to activate a motion sensor flat screen television that will inform the guests of other local businesses in town or

events that are happening in the area. There will also be a literature display rack. In the basement, they are looking to put in one conference room and three offices and two closets and one utilities closet. The Commission thanked Ms. Bellamy for her presentation.

Mr. Lyons reminded the applicant that the Planning Commission recommendation would be forwarded to City Council for their Monday meeting. They have the opportunity to request a public hearing on this item. There is a fifteen-day waiting period and the permit will be issued after that time.

**ADMINISTRATIVE REPORT:**

There was no Administrative Report to come before the Commission.

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

There were no other matters to come before the Commission.

**ADJOURNMENT:**

There being no further business, Temporary Chairman Komjati adjourned the meeting.

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Lynn M. White, Secretary

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David Komjati, Acting Chairman