

PLANNING COMMISSION MEETING

May 14, 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 Ms. Leah Huth, Mr. Mark Wainwright, Ms. Carol Fleck, Vice-Chairman Ms. Christine Shoop and Chairman David Komjati. Also present were the 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: Chairman Komjati asked for additions or corrections for the Planning Commission Meeting of April 9, 2015. There being none, he asked for a motion. Motion by Ms. Shoop, seconded by Ms. Huth, to accept the Planning Commission Meeting Minutes from April 9, 2015 as written. Chairman Komjati asked the Secretary to call the roll. On roll call, Mr. Wainwright, Ms. Fleck, Ms. Shoop, Ms. Huth and Chairman Komjati said "yes". Motion carried, 5-0.

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. There being none, 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)

Rezoning Application No. 82-15

Owner: Leimco Development Co. Ltd. Property

Location: Parcel Numbers 35-A-001-0-00-001-0, 35-A-001-0-00-04-0, 35-A-001-0-00-011-0, 35-A-001-0-00-015-0, 15-C-036-H-00-031-0

From: R-2 Multi-Family District to an R-1 Single-Family District

The City of Painesville is proposing to rezone Permanent Parcel Numbers 35-A-001-0-00-001-0, 35-A-001-0-00-04-0, 35-A-001-0-00-011-0, 35-A-001-0-00-015-0, 15-C-036-H-00-031-0 from an R-2 Multi-Family Zoning District to an R-1 Single Family District. This application incorporates 86.69 acres of land to the north of Jackson Street between Route 2 and from Route 44 west to the Heisley Park Development.

Chairman Komjati stated that there was a request by the property owner to table this request until more information is available. The Chairman, however, opened the meeting for comments by the audience.

Mr. Ray Sternot, 346 Birchwood Lane, stated that rezoning this property to R-1 is a good move. He indicated that he sent an e-mail to the Planning Commission outlining improvements that he envisions to the language of the R-1 Zoning District. He added that he would like to see street improvements and adequate buffering made to new developments to avoid problems that are present in Heisley Park. He also stated that he would like the zoning changed from R-2, Multi-Family, to R-1, Single Family in the Heisley Park development to appropriately reflect how the land was developed.

Mr. Dave Krizan, 1838 Pinewood Lane, reiterated the sentiments of Mr. Sternot. He added that he would not like to see the last few lots in Heisley Park developed as apartments and believes most of the residents of Heisley Park would like to see a zoning change to R-1 as well.

Mrs. Christine Dubeansky, 9018 Perkins Drive, Mentor, owner of the Sunset Ridge Apartments on West Jackson Street, indicated that she owns an additional 4.97 acres beyond the apartments. She asked if the property included in the rezoning request is land that is adjacent to the land she owns and how the proposed rezoning is going to affect her property. The City Planner, Lynn White, replied that the modification is the section of 56 acres that is west of Shamrock Boulevard. She stated that when this property was annexed by the City, the purchase agreement allowed development of 30% of the total acreage as R-2, Multi-Family. The additional 56 acres is the land that the City is proposing to rezone to R-1 Single Family. All the property that is north and west of Shamrock Boulevard will remain as R-2 Multi Family as it is currently zoned. The property that is adjacent to Mrs. Dubeansky's property will remain R-2 as well.

There being no further comments from the audience, Chairman Komjati asked for a motion. Motion by Ms. Fleck, seconded by Ms. Shoop, to table the rezoning application at the request of the property owner. On roll call, Ms. Fleck, Ms. Shoop, Ms. Huth, Mr. Wainwright and Chairman Komjati answered "yes". Motion carried, 5-0.

ADMINISTRATIVE REPORT:

Shamrock Business Center PUD Amendment: Planning Commission review of proposed modification to the overall development plan of the Shamrock Towne Centre.

* Preliminary discussion of proposed Saber Healthcare site plan.

Ms. Lynn White, the City Planner, stated that a Special Planning Commission meeting has been scheduled for Thursday, May 28, 2015 at 7:30 to hear the items under the Administrative Report, the Shamrock Business Center PUD Amendment that also includes a preliminary discussion of a proposed Saber Healthcare site plan. The Rezoning Application No. 82-15 that was just tabled will also be heard at that time as well.

Chairman Komjati indicated that the public hearing would remain open until the next meeting so that comments can be heard at the next meeting, including comments from the owner of the property included in the rezoning request.

Retreat at River's Edge: Phase 15 (Unit 30 #851) and Phase 4 (Unit 14 #753)

The City Planner explained that the developer, Mark Moore, is requesting approval of a revision to the final plat for both Phase 15 and Phase 4 to allow for building additions to the back of a few units. The present owners of the units wanted to enlarge their structures. The language of the law for condominium ownership states that a new plat must be filed in order to obtain "clear title". This ensures that when the unit is sold, the new owner purchases the unit that is reflected in the plat. One of the unit additions have already been built, so this is a housekeeping item. The building permit was issued with the over-site that the plat had be refiled. Mr. Moore has submitted a preliminary sketch for the unit that is to be constructed and he is requesting that the Planning Commission approve it with the understanding that he will have the necessary paperwork for the City to sign so that he may have in recorded at the Lake County Auditor's Office for the title.

Mr. Moore was present for the meeting. He indicated that the units are along the river of the Retreat. The additions are at the rear of the buildings and do not encroach on any of the existing buildings or the setback requirements for the property.

Mr. Lyons stated that the Planning Commission gets involved because the City Zoning Code requires it.

There being no further comments or questions, Chairman Komjati asked for a motion. Motion by Ms. Shoop, seconded by Ms. Fleck, to approve the revision to the final plat for the Retreat at River's Edge Phase 15 and Phase 4 with the condition that the Developer submit the proper documentation to the City for approval signatures and then to Lake County for filing. On roll call, Ms. Shoop, Ms. Huth, Mr. Wainwright, Ms. Fleck, and Chairman Komjati answered "yes". Motion carried, 5-0.

OTHER MATTERS THAT MAY PROPERLY COME BEFORE THE PLANNING COMMISSION

City Planner Lynn White requested a recommendation from the Planning Commission to pursue an update of the City of Painesville Zoning Code as the last update was in 1991.

Chairman Komjati asked for a motion. Motion by Ms. Fleck, seconded by Ms. Shoop, to recommend a Zoning Code update for the rules and regulations of the City of Painesville. On roll call, Mr. Wainwright, Ms. Fleck, Ms. Shoop, Ms. Huth and Chairman Komjati answered "yes.". Motion carried, 5-0.

Mr. Lyons commented on the rezoning of Heisley Park suggested by several of the residents earlier in the meeting. Mr. Lyons stated because Heisley Park was developed under the R-2 Zoning regulations, the lot size requirements differ than the requirements under the R-1 Single Family Residential Zoning District. Consequently, if Heisley Park were rezoned to an R-1 Zoning District, all the parcels within the development would become nonconforming under the current R-1 Zoning regulations. If Heisley Park were rezoned to reflect single-family development, it would have to be rezoned with the non-conformity in mind and perhaps reclassified as a new type of single family zoning district. Mr. Lyons indicated that he believes, under the development agreement for Heisley Park, that no one can develop the properties within the development as anything other than single family.

More discussion ensued regarding Mrs. Dubeansky's property and the proposed interchange and relocation of Jackson Street. She indicated that she is looking to retire and is now looking for closure on the property so

that she can sell it. Mr. Lewis stated that this is not a Planning Commission issue and it should be addressed to the City Administration.

There being no further matters to come before the Commission, Chairman Komjati asked for a motion to adjourn. Ms. Fleck moved, seconded by Ms. Shoop. On Roll Call, Ms. Fleck, Ms. Shoop, Ms. Huth, Mr. Wainwright and Chairman Komjati answered "yes". Motion carried, 5-0. The meeting was adjourned.

Tina B. Pomfrey, Secretary

David Komjati, Chairman