

PLANNING COMMISSION MEETING

June 20, 2012

The Planning Commission convened in Courtroom No. 1 at Painesville City Hall for their rescheduled regular meeting. Vice Chairperson Christine Shoop called the meeting to order at 7:30 PM. She asked the secretary to call the roll. Members in attendance were, Mr. Brian Temming, Mr. David Komjati, and Vice Chairperson Ms. Christine Shoop. Absent were Mr. Andrew Eade and Chairman Thomas Fitzgerald. 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:

Vice Chairperson Shoop asked for additions or corrections for the Planning Commission Meeting of May 10, 2012. There being none, she asked for a motion. Motion by Mr. Temming, seconded by Mr. Komjati, to approve the Planning Commission Meeting Minutes from May 10, 2012 as submitted. On roll call, Mr. Komjati, Mr. Temming, and Vice Chairperson Shoop said "yes". Motion carried.

Vice Chairperson Shoop indicated the Commission has a letter from the applicant's attorney requesting this item be tabled until the July 12 meeting. There was no action taken on this item.

TABLED BUSINESS: (Public Hearing Items)

Rezoning Application No. 78-12

Location: Permanent Parcel No. 15-C-019-0-00-005 & 006 (642 Mentor Avenue)

From: R-1 Single Family Residential District and B-1 Business Residential to B-2 General Business District

An application has been submitted by Mark Havel and Martha DiCello, Trustees for the rezoning of Permanent Parcel Numbers 15-C-019-0-00-005 and 006. Parcel Number 15-C-019-0-00-006 is currently zoned R-1 Single Family Residential and approximately 84-feet of Parcel Number 15-C-019-0-00-005 is also zoned R-1 Single Family. The remaining portion (123± feet) of Parcel Number 15-C-019-0-00-005 is currently zoned B-1 Business Residential. The applicant would like to rezone the two Parcels to B-2 General Business District. The rezoning of the parcels would bring the entire site into one consistent zoning classification.

Vice Chairperson Shoop asked the secretary to read the notice for Refusal Number 2227 requesting a conditional use permit at 348 Mentor Avenue to allow an inn.

NEW BUSINESS: (Public Hearing Items)

REFUSAL NO. 2227 CONDITIONAL USE PERMIT REQUEST

Applicant/Owner: Steele Mansion Suites, LLC

Location: 348 Mentor Avenue (Parcel Number 15-C-017-0-00-028-0)

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 an inn at 348 Mentor Avenue (Permanent Parcel Number 15-C-017-0-00-028-0). The property is located in the R-2 Multi-Family Residential District. Section 1143.06 (a) requires a conditional use permit for an inn in the R-2 District.

Vice Chairperson Shoop explained that this hearing would be held differently. There will be an oath administered by the court reporter for all those who wish to speak on behalf of this issue. She asked that all persons present wishing to speak on this item should stand and be sworn-in. The Court Reporter administered the swearing-in oath.

Vice Chairperson Shoop asked if the applicant for this item would like to give a presentation to the Commission. Mr. Arthur Shamakian, 1664 North Shore Drive, Painesville, indicated they do not have a formal presentation since it has all been heard before. He stated that nothing has changed. The only thing that has been changed is the Ordinance that was put into place by City Council, which has many restrictions. He indicated the Ordinance seems to have all of the issues covered. Mr. Shamakian commented that this is an inn in a residential district. Anyone who has purchased property in a multi-family district must know that a single family home in a multi-family district is not the best and highest use. The Mansion has not been used as a single family home for many years. It

had been used as office space and up to the time of the fire, it was a multi-unit apartment complex. The structure has been vacant for 10 to 12 years now and was quiet during that time. Mr. Shamakian stated that with the conditions imposed by the Ordinance and the proposed conditions by the Administration it should not be disruptive. He explained that in the letter they received from the City it asks about what will be done with the cooking, barbeque, noise, cars coming and going, parties. These are all things that would occur from an apartment use, which is what was there. The proposed historic Inn could be a less intense use when you factor in the average of 50% occupancy. He explained the surrounding uses being the funeral home, Lake Erie College and a 10-unit apartment building. Mr. Shamakian commented about the large number of cars traveling on Mentor Avenue each day. This is not a normal situation and they are hoping for a positive response and can answer any questions regarding the proposal.

Mr. James Lyons asked Mr. Shamakian to verify for the record the documents he submitted to the City regarding the Conditional Use Permit. The documents were recorded as Exhibit A, the Steele Mansion Inn Business Plan; Exhibit B, Trip Generation Study; Exhibit C, Storm Water Management Plan. Mr. Lyon commented that this information has been submitted to the Commission for consideration as part of the application for the Conditional Use. Mr. Shamakian replied that was correct and stated that all of the information previously submitted for this project is the same. He did not feel it was necessary to speak about each of the items again.

Vice Chairperson Shoop asked if there were any comments or questions for the Shamakians. There being none, she indicated that she would open the Public Hearing to the audience. She indicated at this time that anyone present who would like to speak in favor of this request to approach the podium, state their name and address along with spelling their name for the Court Reporter.

Mr. Alan Watson, 34 Parkview Drive, stated he is in favor of the Steele Mansion request. He also indicated that he has worked with the Shamakians for a number of months. He is very impressed in what they have done so far and he is in full support of their request.

Mr. Lyons indicated that he would like the court reporter to note that Mr. Watson was sworn-in at the beginning of the meeting. He then asked that as each person comes up to please note if they had been sworn-in prior to speaking.

Mr. Frank Hicks, 2070 Kingsborough Drive, Painesville, stated that he is representing the First Church of Christ located at 422 Mentor Avenue. He stated that he has been following the Steele Mansion since the fire. He indicated that personally he felt the structure would have been torn down at that point. Mr. Hicks stated that he was involved in the restoration at the Moorland Mansion. The project turned out to be a real asset to Lakeland Community College and to Lake County. Mr. Hicks stated that he did tour the Steele Mansion when the tours were given. He stated that he was very impressed by the investment in the City and into the structure. He indicated that this could be compared to the Fitzgerald's Bed and Breakfast that used to be a doctor's office. The Fitzgerald's is one of the finest in the State of Ohio and beyond. He believes that in that case it had a favorable effect on the neighbors and the surrounding property values. This is a wonderful option for the visitors to the City of Painesville. Mr. Hicks stated that the Church has discussed this issue amongst the trustees over the past six-months. They believe the proposed use for the Steele Mansion will have a favorable impact on the College and the community. This provides another option for holding meetings or a place to stay for out-of-town guests rather than having to use LaMalfa. The area has been changed into multi-family dwellings. This allows many people in a limited amount of space. Mr. Hicks concluded by stating this 15-unit Inn will have a positive effect on the area. He commented that the City should look at the community and its cooperation with incoming businesses and not allow the restrictions to become too many where it will not allow a business to succeed. The Church and the trustees believe this is a positive thing for the Church, the neighbors, and the community as a whole.

Mr. Anthony Torre, 158 Sanford Street, indicated that he was sworn-in and described how Painesville was when he was a child growing-up. The streets were crowded with people. The stores have all left and he would like to the City get back to the way it was. The Planning Commission has to make sure the businesses stay here and bring more business to the City. Mr. Torre stated that he is in favor of the request.

Vice Chairperson Shoop asked if there were any other comments in favor of the request. Ms. Carol Shamakian, 1664 North Shore Drive, indicated that she is in favor of the request, however, she would like to speak after all other comments are made. Vice Chairperson Shoop stated that would be acceptable.

Vice Chairperson Shoop asked if there were any members of the audience that would like to speak against this request to approach the podium, state their name and address for the record and indicate if they had been sworn-in.

Ms. Elizabeth Peters, 242 Mentor Avenue, indicated that she had been sworn-in. she stated that she is friends with James and Patricia Callender who live next door to the Mansion. She lives within a block of the Mansion. Ms. Peters stated that she has been concerned about the lack of consideration by the City for the neighbors and the neighborhood in regards to the Steele Mansion. She asked the members of the Commission to consider what their position would be if what is being proposed was next door to them or across the street. She asked that the Commission respect the wishes of the closest neighbors and turn down the request to have a party center-type operation and to have a liquor license.

Mr. Jamie Callender, 9920 Ashwood Trail, Concord Township, stated his parents live at 362 Mentor Avenue. He indicated that he would like to speak on this matter. Mr. Lyons asked Mr. Callender if he was speaking as a witness or as the attorney. Mr. Callender replied that he would like to speak as a witness and as attorney. Mr. Lyons asked Mr. Callender to separate the two for the Commission, if possible. Mr. Callender indicated that he would like to speak as a witness first. He commented that he grew up in Concord Township with his parents. About 14-15 years ago, his parents took a risk and bought the beautiful old home next door to the Steele Mansion. He stated that Painesville did not have a great reputation, however, they moved here and fell in love with the City of Painesville. They like to walk down Mentor Avenue to the square and enjoy the festivities in the Park along with the amenities the City has to offer. In regards to the historic aspect of the area, this area has maintained itself well when compared to areas west. Mr. Callender stated that his parents worked on the creation of the Mentor Avenue Historic District. When the Steele Mansion burned, it was heartbreaking. They were aware that the area was zoned multi-family residential. However, it is still a residential district and not a commercial or business district. He commented that they knew that Bed and Breakfasts are allowed as a conditional use. When the property was purchased, it was wonderful that someone would keep the structure from being torn down. The problem comes when the use changes from residential to a business. The bed and breakfast is smaller scale than what is being proposed as a party center. By allowing a business use in a residential area, it creates an issue for the neighbors who might not want all this activity right next door. Mr. Callender indicated that this is the reason for the fight. The proposed activities have the ability to be disruptive to the surrounding residential properties. He discussed the changes that were made by City Council. City Council changed the Code to allow an inn to be a Conditional Use in the R-2 District. This is the application before the Commission. He stated that application allows the Commission to grant a permit up to a certain level. The conditions stated in the Code are good; however, there are a couple things that they do not agree with. Mr. Callender stated that petitions were submitted from the neighbors requesting that some additional restrictions be applied to this request. He asked that this be done to take into the consideration the concerns of the neighboring property owners. By doing this, it allows this use to become an asset to the City and not a detriment to the area. Mr. Callender indicated there are two specific areas that are of concern. The biggest issue is the liquor permit since it opens the use up to a business-type establishment. The future of the use could be a problem if allowed and then it becomes a bar. He asked the Commission to consider their home being next to a bar instead of a residence. Mr. Callender asked that he reserve the right to speak as an attorney later.

Mr. Lyons asked Mr. Callender to clarify what two items were of concern. He stated that no liquor permit, what was the other? Mr. Callender stated that opening the facility up for a wedding reception or party is the other issue. They have no problem with it being a bed and breakfast or inn with guests staying there from out of town. Mr. Callender stated there were two petitions that were signed by the neighbors. One was dealing with the liquor the other was for the party center.

Mr. Lyons asked if he or his parents would have an objection to beer and wine license. Mr. Callender commented that yes that would be an issue even if the current owner's intention were to have something low key and classy. This permit is transferrable and things can change. He indicated that they want to keep the neighborhood as close to residential as possible.

Vice Chairperson Shoop asked if someone buys the Inn, the liquor license is separate from the Inn. She inquired how this would affect the Conditional Use Permit in regards to transfers.

Mr. Lyons responded that the two permits are separate. The City's code states that conditional use permits are not transferrable unless approved by the Commission. Mr. Callender interjected that applies for individuals and the corporation. The members of the corporation could change leaving the company name intact, which could lead to issues for the area.

Vice Chairperson Shoop stated, in this instance, the applicant is a corporation so does that mean if the corporation still were the applicant the permit would not have to be transferred. Mr. Lyons stated that the Commission could impose the condition that if the Permit were transferred to different owners of Steele Mansion Suites, LLC then the Permit would no longer be valid. He stated that liquor licenses are handled in this manner. If the corporation membership changes, then a transfer has to be applied for. Mr. Callender commented that corporations are handled differently through the State. The liquor license can be held by a corporation however, the individual has to be specifically named on the license. If that changes it does have to be approved for a transfer. He stated that Conditional Use Permits are not this specific in regards to individuals. Mr. Lyons stated that if the Commission places this condition on the Permit and the Shamakians do not appeal that condition then it would become a condition of the Permit. There was discussion regarding the condition and if the Shamakians are agreeable to this being placed on the Permit.

Mr. Lyons asked Mr. Callender that if there are no liquor permits or no parties allowed, are there any objections to the Conditional Use Permit with the suggested stipulations as an acceptable use. Mr. Callender replied that if there were no liquor license and no party center that takes care of the majority of the issues. Mr. Lyons stated that this would be an acceptable use of the property. Mr. Callender indicated that putting something on that property is good. The creation of apartments would be better since that is what was there and they are used to that being there. He stated that he would be okay with the use with the conditions that were discussed.

Mr. Callender indicated that he would like to speak as attorney on behalf of his parents. It was asked when it would be best to do so. Vice Chairperson Shoop indicated that she would rather Mr. Callender speak now rather than later.

Mr. Callender addressed the Commission and stated that he is representing his parents and some of the neighbors. Their position is the same; do not change the character of the neighborhood. During the City Council meeting, all of the neighbors who spoke discussed the Business Plan. This is a residential district not a business district. The Commission is being asked to allow a conditional use of a residential property in a residential district that allows a business. The business plan was given to the Commission and it outlines what the business will be like. Mr. Callender explained that there have been some difficulties experienced between the applicant and the surrounding properties, which has at times gotten out of hand. He stated that he urges the Commission to consider this when making the decision. The Commission has the ability to accept, modify, or deny the permit. The Commission can modify the permit and add limitations that make sense for the neighbors.

Vice Chairperson Shoop asked if there was anyone else wishing to speak on this matter. Mr. James Callender, 362 Mentor Avenue, indicated that he was sworn-in. He stated that if the Commission restricts this request for no liquor, wine or beer, and no party-center of any type, he would not further oppose the Conditional Use permit. Absent those restrictions, he stated that he would continue to oppose the request. Mr. Callender stated that he does not believe this to be in the best interest of the neighborhood. He has gone through the neighborhood and received 49 signatures, which reflect the wishes of the area. Only two people did not object to the party center, 49 objected the liquor license. He stated this reflects the neighborhood. These people have lived here, some for a long time. This is their life.

Mr. David Katila, 319 Mentor Avenue, indicated he was sworn-in. He commented why a residential area is not protected from commercial businesses. All the homes on Mentor Avenue, Wood Street, Washington and Liberty Streets are subject to commercial development. The heart and soul of a community is in its residences and somehow commercial development is taking precedence in this residential area. Is the establishment of an inn forward thinking at the expense of its residents or is it the end for Painesville's neighborhoods. Commercial businesses have no place in residential districts.

Mr. Kip Smead, 343 Mentor Avenue, indicated that he was sworn-in. He asked the Commission to object this Permit application. He stated that if it is approved that there be no liquor or parties allowed. He stated that his property is located across the street and asked that the driveway be moved 50-feet to the east to accommodate his tenants so they do not have the car headlights becoming an issue.

Mr. Frank Hicks commented that he would like to comment. He stated the Commission has a very tough job. You are representing the community. The decision is at your hand. The Business Plan was submitted by the applicant. If you look around and see how inns are operated, they have liquor licenses. He stated the Riders Tavern/Inn is located in a more residential area than the Steele Mansion. The Mansion is surrounded by churches, a funeral home, and the College. The application

has been reviewed and there have been countless number of restrictions placed on this use. If the restrictions do not allow the Applicant to achieve what they have outlined in their Business Plan they will not be able to succeed. What is being done here is not good. Some other entity who would want to locate to Painesville would think twice since there is no opportunity to succeed. Mr. Hicks stated that Mentor Avenue has changed within a short amount of time; homes were taken down for doctor's offices and small businesses. The area is surrounded by business uses. He stated that from a business standpoint you do not want to be too restrictive so that the business will fail. He does not see this as unfavorable for the community.

Mr. Brian Shamakian, 9780 Kile Road, Chardon, indicated that he was sworn-in. He commented that there are businesses up and down Mentor Avenue and within the surrounding area. There are funeral homes, apartments, physicians' offices, and assisted living facilities. The Business Plan was submitted to the City to make sure this would be successful. This use would be a good thing for Painesville in general. This will provide tax revenue and create jobs. He commented about the liquor license and how the State of Ohio grants businesses their license. Mr. Shamakian commented about the party center restriction. His parents are having a Fourth of July party at their home. Usually around 50 to 70 people attend this party. It is always very nice and tame. The restrictions proposed limit the number of attendees at any one time to 50. He thought this was very restrictive due to the size of the structure. This is a small number compared to what it could handle. He thanked the City and the Commission for all that has been done on this issue and would like a favorable recommendation.

Ms. Elissa Petrozzi, 1636 North Shore Drive, indicated that she had been sworn-in. She commented that she is speechless particularly with the factual statements that were made. The comment about having a business in a residential district does not make a lot of sense since apartments are allowed and those are a business. You have to submit a business plan to the bank in order to construct apartments. We are trying to make this a showplace for Painesville, make it an asset to the City. Ms. Petrozzi indicated that she is very frustrated about this matter. She stated that they would like a chance to show the community they will have a respectful operation. In regards to the petitions that were circulated, she commented that if she were to go to each of the people who signed against it she would probably get a signature for her cause. She believes it is all in how it is presented.

Ms. Carol Shamakian, 1664 North Shore Drive, indicated that she was sworn-in. She thanked everyone who had worked on this issue. She realizes that many hours of work have gone into this process. Ms. Shamakian stated that she does not understand how anything dealing with the Steele Mansion could be construed as bad. She stated the Mansion is magic and will always be that way. The only reason we came up with the idea of an Inn is the people stopping to see what was going on while they were renovating the structure. Over 300 people came to tour the Mansion over the winter. The overwhelming response from the Painesville residents was to have the Mansion open to the public. Ms. Shamakian stated that they have been bending over backwards to comply with all the restrictions that are being placed on this permit. This is to allow this Mansion to open as an Inn. She stated at the same time they are a business. People need to be allowed to come into the Mansion and enjoy their stay in Painesville. She commented that if the Inn were not successful it would be turned into apartments. She does not believe that this is the highest and best use for this property. She asked that the residents look at how the area of Mentor Avenue has changed over the last five to ten years. The College has added onto their facilities. The Steele Mansion will be something Painesville will be proud to have in its community.

Vice Chairperson Shoop commented that the Steele Mansion was compared to LaMalfa Party Center. She asked Ms. Shamakian to respond to that comparison. Ms. Shamakian replied that LaMalfa has up to 500 guests where the Steele Mansion would only be allowed to have 50 guests. LaMalfa is a large-scale party center. The Steele Mansion will not be a large-scale since you would lose the atmosphere. They may be similar by the fact they will hold parties, but that is all. The limit of 50 people is less than what would typically be found in an apartment complex.

Mr. Lyons stated that in terms of special events or parties, the City Council Ordinance limits it to 50 persons; is this acceptable in terms of running the operation? Ms. Shamakian indicated that she understands the stipulation and is willing to live with it. Mr. Lyons stated that in terms of a party center, this would not be one; it will be open for special events on Friday, Saturday, and Sunday up to 50 people. Ms. Shamakian responded that is what she understands.

Mr. Lyons stated there was a comment made regarding the liquor license and the transferring it and the corporation could sell to another without having to do that. He asked who the members of the LLC are. He asked if those members of the LLC are okay with a stipulation from the Commission of if more the 50% of the LLC is sold or transferred the Conditional Use Permit becomes void. Mr.

Shamakian indicated there are four members of the LLC who have all spoken this evening. The percentage is divided into thirds, Brian Shamakian, Elissa Petrozzi, and Mr. & Mrs. Shamakian. Mr. Lyons asked if the Shamakians were acceptable of the condition regarding 50% of the interest in the corporation being sold then the permit is void. The Shamakians agreed with the condition. Mr. Lyons asked if the liquor license was part of the Business Plan. The response was yes. Is the liquor license that they want a full liquor license? The reply was to obtain a full liquor license. Mr. Lyons asked if they had access to this type of license or has one been identified. Mr. Arthur Shamakian stated they have not made progress on that issue. Mr. Lyons inquired if they knew of any licenses that were available. Mr. Brian Shamakian indicated that they were told a D5 permit is available.

Mr. Lyons asked what the amount of the investment that is being made into this property. Ms. Shamakian asked for clarification. Mr. Lyons indicated there was an amount disclosed in the Business Plan. The response was 2.5 million dollars. Ms. Shamakian stated that in conclusion, the restrictions that are being placed on the operation of the Inn would be difficult however; if they have to follow them then they are willing to work within that framework.

Mr. Robert Myers, Jr., 56 Liberty Street, Suite 309, indicated that he is representing the Callenders. Mr. Lyons suggested the Public Hearing portion of the meeting should be closed before Mr. Myers makes his presentation.

Vice Chairperson Shoop asked that the City Administration give comments prior to closing the testimony per Mr. Lyons's suggestion.

Mr. Russ Schaedlich, 8200 Westmoor Road, Mentor, indicated that he was sworn-in. He went through the items submitted to the Planning Commission in their packet relating to this item. The first being the three newly adopted ordinances (17-12, 18-12, and 19-12) by City Council relating to the operation of an Inn in the R-2 District. Mr. Schaedlich explained that the differences between the recommendations presented to Planning Commission and those passed in Ordinance 19-12 by the City Council are outlined in the attached memorandum entitled "Changes to the Conditional Use Requirements Section 1143.07 (G) Inn". Mr. Schaedlich went through the 24-listed minimum requirements as outlined in the Code under this section. In addition, he indicated all of the requirements have been met by the applicant. He stated that the Commission might also want to consider other conditions that were placed upon the property when it was proposed to be rezoned B-1. Those conditions that were not addressed in Ordinance 19-12 are as follows for the Commission to consider as additional stipulations: 1) The permit is for the applicant only and may not be transferred or assigned without the approval of the Planning Commission; 2) That no more than two functions can be held at any one time as specified in the business plan; 3) A storm water management plan approved by the City should be required to deal with any storm drainage; 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) 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; 14) 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.

Mr. Schaedlich indicated that the staff recommendation is approval in accordance with the conditions outlined in Ordinance 19-12 and the additional fourteen (14) conditions along with any other conditions that the Planning Commission believes are appropriate. There was discussion regarding the stipulations and changes were suggested. Item number 1 was modified to state *the permit is for the applicant only and may not be transferred or assigned without the approval of the Planning Commission. If more than 50% of ownership interest is transferred to other than the four (4) identified Shamakian family members, this permit shall be null and void.*

There was discussion regarding the parking of commercial vehicles and what would be allowed to park in the parking lot. After many scenarios were brought up it was determined to modify item number 8 to *such parking lot shall solely be used for the parking of non-commercial vehicles and vehicles carrying up to 15-passengers*. Mr. Lyons indicated that a couple of minor changes need to be made to the language in the stipulations. Item number 4 the words *in any residential district* should be eliminated; item number 5 should be changed to *any portion of the parking lot abutting an adjacent residential property* rather than residential district to be more clear. Mr. Lyons stated that number 12 should be changed similarly by eliminating district and inserting the word property.

Mr. Lyons asked Mr. Schaedlich in terms of the business plan the only time the liquor license could be used would be during meals for the guests and during special events. He asked if there were any other times the liquor license could be used. Mr. Schaedlich replied the business plan outlines this however; he does not have the exact wording. Mr. Lyons asked if there were any other times that alcohol could be served for sale. Vice Chairperson Shoop found the wording in the business plan and read it for the Commission. Mr. Komjati asked if restrictions would apply to a guest that purchases their own alcohol and brings it to the inn. This would be a house rule if that would be allowed. Mr. Lyons stated that he was trying to determine when the liquor license would be used. They do not have a bar so it would apply to dining and special events. This limits the amount of usage for the permit.

Vice Chairperson Shoop indicated that the testimony portion of the hearing would be closed. She asked Mr Myers if he would like to speak at this time. Mr. Myers read a letter from Mr. Schaedlich to the Shamakians in July 2011. **“I know you are working toward the goal of opening the Steele Mansion as a Bed and Breakfast, but I want to make you aware that the prospects of a bed and breakfast operated as you envision are basically nonexistent. Although the Steele Mansion is located in an R-2, Multi-Family Residential District, and a Bed and Breakfast would be permitted as a Conditional Use within the R-2 District along certain designated streets, there are key components in your proposal that do not fit the definition and requirements of a Bed and Breakfast. Section 1125.04 (11) of the City’s Planning and Zoning Code defines a Bed and Breakfast as...”**A private residence containing guest rooms for hire, for lodging by prearrangement and not a hotel, boarding or lodging house as defined by this Zoning Code.” The fact that you, as the owners, will not be residing at the Mansion removes it from the realm of a private residence. Additional requirements for Conditional Uses can be found under Section 1143.07 of the Zoning Code, and more specifically in your case, Section 1143.07(a) of the Code. This Section lists twelve (12) requirements for Bed and Breakfasts. Although you can meet most of the requirements listed in this Section, there are two critical requirements that would not be met. The first, Subsection 1143.07 (a) (7), states: **“The Bed and Breakfast shall contain no more than five (5) guest rooms.”** You are proposing fifteen (15) guest suites at the Steele Mansion. This proposal represents a substantial variance of 200% over the number of guest rooms permitted. You envision hiring a manager to oversee the operation of the Bed & Breakfast. This would be in direct conflict with the above requirement. The proposal to operate a Bed and Breakfast utilizing a manager instead of the owners living on site to run the Bed and Breakfast, and providing fifteen guest rooms instead of the permitted five guest rooms does not fit the definition of a Bed and Breakfast. In reality, you are proposing a hotel. Hotels are not permitted by right or by Conditional Use in the R-2 District. Hotels and Motels are only permitted in the B-3, Central Business District. A variance cannot be applied for to allow the operation of a Bed and Breakfast in this situation because the City does not entertain use variances. I hope this information is of use to you. I wanted to get this letter to you before you spent too much time on the Bed and Breakfast idea. This letter in no way affects the use of the Steele Mansion for the fifteen apartments that were previously approved. If you have any questions, please contact me.”

Mr. Myers stated that the Commission is about to approve this use even though everything in the letter says you cannot approve it. He stated his clients are upset about this process, Mrs. Callender shakes when you speak to her on this matter. Mr. Myers commented about noise being an issue since there are only 21-feet between the two properties and 10-feet from the driveway. He spoke about the traffic from delivery vehicles causing issues for the Callenders. He believes this is zoning by exception and this matter should have been dismissed a year ago. Mr. Myers stated the parking on the adjacent property is illegal. He suggested that all of the restrictions be placed on the deed and title so no matter when the property changes hands it will be recorded and not forgotten about. The review of once a year should be more frequent since he imagines this will be back before the Commission with issues.

Mr. Komjati asked if the City had received any other correspondence on this request. Ms. McMahan stated that nothing was received relative to this Application. She stated that the petitions that were submitted by the Applicant that were given to the Commission previously with the additional signatures presented this evening by Mr. Callender. Mr. Komjati asked if there were any letters written on this request in favor or opposed. Ms. McMahan responded that on the previous

applications there were some correspondences. This particular application has not received any correspondence.

Mr. Lyons stated that in regards to the parking issue, the Planning Commission had already approved a Conditional Use Permit for the parking on the adjacent property. This was done as part of the approval of the project going forward as a rezoning. Now that the rezoning application has been changed to a Conditional Use Permit the permit for the parking remains in effect.

Vice Chairperson Shoop asked if there were any other comments. There being none, she asked for a motion. Motion by Mr. Komjati, seconded by Mr. Temming to approve the Conditional Use Permit application number 2227 for the Steele Mansion Suites, LLC with the conditions outlined in Ordinance No. 19-12 plus the following fourteen (14) additional stipulations: 1. The permit is for the applicant only and may not be transferred or assigned without the approval of the Planning Commission. If more than 50% of ownership interest is transferred to other than the four (4) identified Shamakian family members, this permit shall be null and void; 2. That no more than two functions can be held at any one time as specified in the business plan; 3. A storm water management plan approved by the City should be required to deal with any storm drainage; 4. The parking lot entrance and exit shall be at least sixty-five (65) feet from any adjacent residential property; 5. Any portion of the parking lot abutting an adjacent residential property 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 non-commercial vehicles and vehicles carrying up to 15-passengers; 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 residential property; 13. 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; 14. 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. There being no further discussion, Vice Chairperson Shoop asked the secretary to call the roll. On roll call, Mr. Temming, Mr. Komjati, and Vice Chairperson Shoop answered "yes". Motion carried.

Mr. Komjati commented that there have been many disagreements on this issue. This has been a difficult situation. He stated that Mr. Hicks had brought up good points; there are many restrictions on this Permit. Mr. Komjati is hopeful that the residents will accept this use. There were 48 signatures and he does not feel that this is a big issue.

ADMINISTRATIVE REPORT:

Preliminary Plat: Heisley Park Subdivision – Phase XIII – consisting of 28 sublots.

Vice Chairperson Shoop commented that the applicant was not present. She asked that this item be tabled.

Motion by Mr. Temming, seconded by Mr. Komjati to table the Preliminary Plat Approval for Heisley Park Subdivision Phase XIII. All members present answered "yes". Motion carried.

OTHER MATTERS THAT MAY PROPERLY COME BEFORE THE PLANNING COMMISSION:

There were no other matters to come before the Planning Commission.

ADJOURNMENT:

Vice Chairperson Shoop adjourned the meeting.

Lynn M. White, Secretary

Christine Shoop, Vice Chairperson