

PLANNING COMMISSION MEETING

July 14, 2011

The Planning Commission convened in Courtroom No. 1 at City Hall for their regular meeting. Chairman Fitzgerald called the meeting to order at 7:30 PM. He asked the secretary to call the roll. Members in attendance were, Mr. Brian Temming, Ms. Christine Shoop, Mr. David Komjati, and Chairman Thomas Fitzgerald. Absent was Mr. Andrew Eade. 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: Chairman Fitzgerald asked for additions or corrections for the Planning Commission Meeting of June 9, 2011. There being none, he asked for a motion. Motion by Mr. Komjati, seconded by Ms. Shoop, to approve the Planning Commission Meeting Minutes from June 9, 2011 as submitted. All members present said “aye”. Motion carried.

TABLED BUSINESS: (Public Hearing Item)

Chairman Fitzgerald indicated the tabled item has to be removed from the table prior to Planning Commission action. He asked for a motion to remove Rezoning Application No. 65-11 from the table. Motion by Ms. Shoop, seconded by Mr. Temming to remove Rezoning Application No. 65-11 from the table. Chairman Fitzgerald asked the secretary to call the roll. On roll call, Ms. Shoop, Mr. Komjati, Mr. Temming, and Chairman Fitzgerald answered “yes”. Motion carried.

Rezoning Application No. 65-11

Location: Stage Avenue – 11 parcels located near SR 2

From: M-2 Industrial District to an R-1 Single Family District

The City of Painesville is requesting a change in the zoning classification of the following Permanent Parcel Numbers: 15-C-023-0-00-015-0 (130 Stage Avenue), 15-C-023-0-00-016-0 (140 Stage Avenue), 15-C-023-0-00-009-0 (Stage Avenue-Vacant), 15-C-023-0-00-017-0 (156 Stage Avenue), 15-C-023-0-00-008-0 (164 Stage Avenue), 15-C-023-0-00-007-0 (170 Stage Avenue), 15-C-023-0-00-006-0 (176 Stage Avenue), 15-C-023-0-00-023-0(190 Stage Avenue), 15-C-023-0-00-004-0 (200 Stage Avenue), 15-C-023-0-00-003-0 (216 Stage Avenue), 15-C-023-0-00-002-0 (246 Stage Avenue). These parcels are considered to have preexisting nonconforming uses, which mean the current use does not match the current zoning designation. The proposed change is from the current M-2 Industrial District to an R-1 Single Family District. The rezoning will bring the zoning of the properties into compliance based on their current use.

Chairman Fitzgerald stated at the last meeting this item was tabled on the request of the Assistant Law Director Jim Lyons. He asked if Mr. Lyons would like to address this item. Mr. Lyons commented that he looked into the matter. After discussion with the City Planner Russ Schaedlich and City Manager Rita McMahon, he is recommending accepting the one owners request to not rezone his property. The property will remain industrially zoned in the rear portion as it is currently. The intent was to rezone the residential use parcels so they would not have a split zoning designation on their property.

Mr. Schaedlich indicated the parcel that would be removed is the parcel noted as Stage Avenue-Vacant, Permanent Parcel Number 15-C-023-0-00-009-0. Mr. Lyons commented that the property owner can apply at a later date to rezone his property if he so desires. This would allow the surrounding property owners an opportunity to comment on that one particular rezoning request rather than having it included in this multiple parcel rezoning.

Chairman Fitzgerald asked if there were any comments from the audience. There being none, he asked for comments from the Commission. There being no further discussion, Chairman Fitzgerald asked for a motion on this item. Motion by Mr. Komjati, seconded by Ms. Shoop, to favorably recommend Rezoning Application No. 65-11 for Stage Avenue with the exclusion of Permanent Parcel Number 15-C-023-0-00-009-0 from an M-2 Industrial District to an R-1 Single Family District. On roll call, Mr. Komjati, Mr. Temming, Ms. Shoop, and Chairman Fitzgerald answered “yes”. Motion carried.

NEW BUSINESS: (None)

Chairman Fitzgerald indicated there was no new business and he moved onto the Administrative Report.

ADMINISTRATIVE REPORT:

Shamrock Business Center PUD Proposed Amendment 4: Planning Commission review of proposed modification to the overall development plan of the Shamrock Towne Center.

Chairman Fitzgerald indicated he did tour the Cobblestone Apartments and they are very nice.

Mr. Eric Bell of Goldberg Companies introduced himself. He stated they spoke a few weeks ago in a worksession to the Planning Commission as an update on their project. He commented that he was glad to see the members of the Commission come out to the existing apartments for the tour. Mr. Bell stated they are in receipt of the City's suggested stipulations on this project. Several of them need to be discussed. He addressed each of the stipulations outlined in the addendum submitted by Russ Schaedlich on July 13, 2011. Item number 1 (b) states "...the city would prefer some variety in the colors of the building and design features." Mr. Bell commented it is their intent is to alternate colors of the units. The trim will be a different color than the siding and pattern it on every other building. This was done at Cobblestone and works very well. Another issue dealt with landscaping and the visibility of the garages. The size of the site and the layout will make it somewhat difficult to achieve this. The area near building seven will have a 10-foot mound put in place with landscaping to help screen the development nicely. The area near the drainage ditch will have to be done differently with a heavy landscape buffer. This will screen the garages however; you will still have a view of the second floor of the building. Mr. Bell discussed the open space requirements. The minimum coverage for this project is 25% and they have designated 45.2% open space within the development.

Mr. Bell asked to move on to the other memorandum dated June 30, 2011, which was amended today. He commented about the first stipulation outlining a deed restriction. The stipulation states, "The units shall be permitted to be rented conditional upon the developer providing a status report to the Planning Commission at the end of the 5th year and every two years thereafter until the units are fully converted to condominiums. A deed restriction shall be placed on the property that the property may be rented for up to ten (10) years unless an extension is granted by the Planning Commission. In no case shall the extension exceed five (5) years in length. The updates to the Planning Commission should address the status of the housing/condominium market and a timeframe for conversion based on market conditions." Mr. Bell commented that this gives the City the discretion of when the conversion takes place. He is not comfortable with this stipulation. Mr. Bell discussed with the Commission the various financing options for the project and how they believe the conversion will work for the condominiums.

Mr. Komjati asked what assurance the city has that these would be converted. The project could never be converted if there was not some stipulation that makes that happen. Mr. Bell agreed. He commented that they could not have it be demanded. It is their intention to convert these into condominiums. They are spending a lot of money on this product. They do not typically build 500 units in one area. The intent is to build them with the conversion in mind. They will have better building upgrades so they are a better return on their investment when they are converted. The issue is they want to have the discretion of when to convert. If the wording can be done in a different manner, it might be okay.

Mr. Komjati asked the Administration what the City's intention was for this stipulation. Mr. Schaedlich stated the stipulation allows the City to enforce the changeover to condominiums. This is very general language with a period believed to be acceptable. There was discussion regarding the market and the change in the market over the next 15-years. The desire is sell high-level luxury condominium community. Mr. Bell suggested that they would agree if the product were to be sold to another entity, the sales contract include a stipulation for the next owner. The idea was they want to build a condo-style product that would begin as a rental then be converted. Mr. Bell reiterated that they could not lose the discretion of when this product is converted.

Chairman Fitzgerald commented that as seen in most homes, after 15-years they become dated. What will happen when the units are going to be sold and they do not reflect the current trends? Mr. Bell indicated that when the units are ready to be placed on the market they will make whatever upgrades that are necessary in order to get the best return on their investment. He stated this type of project has been done nationally. It is possible. The problem is with the control over when the units are to be converted.

Ms. Shoop stated that she understands the developer's apprehension of the stipulation. She asked if the developer is willing to walk away from doing this project, is the City okay with that happening.

Mr. Schaedlich indicated the Administration would need to discuss that before commenting. The Commission discussed what type of stipulations would be agreeable to both parties.

Mr. Bell commented about the change in the housing market and how the shift has gone from homeownership to rental. There is a need for rental units. This may change in eight or it might take twenty years before the market is right. He would like to come to an understanding with the City. He believes this is a good partnership for the City and would like to see an agreeable approach to the decision.

Ms. McMahon asked the developer if something were placed in the stipulations regarding the sale of the units, they would have to be converted at that point in time, would that be acceptable. This is based on the fact that the working relationship with Goldberg's is a good one and the project is being sold as a Goldberg product. Mr. Bell stated that he could not imagine someone else proceeding with the conversion other than them. Ms. McMahon asked if the company has ever had experience doing one of these conversions. Mr. Bell replied that they had done conversions in the 60's and 70's. He gave examples of Warrensville Heights and Florida that they converted apartments into condominiums.

Mr. Bell suggested that he go through the other stipulations and leave it to the Commission whether or not the first stipulation can be approved with a condition of coming up with an agreement or they can come back to another meeting. He indicated he would prefer approving this with a condition on an agreement with the City.

The second stipulation is the north/south connection or the ingress/egress. The original plan showed this as a public boulevard. It is not a public street anymore. It would be a good thing to put in and desired by the tenants when the commercial development is put in. he stated that they did not want a private street to be a cut through. He asked about the possibility of gating the road for the ingress/egress so as not to be a public street. The alternative is to make it a public street.

Mr. Bell indicated they did not have any issues with the other stipulations. He indicated he could answer any questions from the Commission or the Administration. Mr. Lyons asked about the public street. Is the developer willing to construct the street to the standards for a public road if the City deems it necessary? Mr. Bell responded that they would have to look at some issues regarding safety issues as far as their site is concerned. Ms. McMahon stated that when the Department Heads reviewed the plan it was more a safety concern than it was to provide public access. In addition, requiring anyone in this development to have to access Brookstone Boulevard to get to any other portion of the site did not seem the best for traffic flow within the site itself. The thought was to allow the people in the site to get in and out to the commercial areas since it was to be a mixed-use development. A preliminary traffic analysis was done and it was determined approximately 800 trips per day. Mr. Bell indicated they are not uncomfortable with the idea of having a gated community. Mr. Komjati commented that it would enhance the feel of the development if it were gated.

Mr. Martynowski questioned stipulation number five. He asked if this was regarding the overall PUD plan or just their internal site. Ms. McMahon responded that it relates to their internal plan. This stipulation can be removed if the other stipulations on the addendum or included in the approval. There was discussion about the changes of the stipulations in the addendum submitted by the City Planner.

Mr. Bell stated that ideally he would like the approval of their plan subject to the condition of reaching an agreement on the conversion issue. Chairman Fitzgerald stated that if this is approved with the stipulation on number one. Does the developer come back for the building design approval as they are being built? Ms. McMahon stated the way the stipulations are written, the developer has to conform with the design guidelines, normally that does not need to come back to the Commission for approval. This is only done if the Commission so desires by placing that as a stipulation. Chairman Fitzgerald indicated that he would be concerned about the noise or the sound from one unit to the next. Mr. Bell indicated that they would be sure the sound continuation is put into place to alleviate any issues with sound the best it can be.

Mr. Lyons stated that the suggested condition for stipulation number one could not be done since ultimately that decision needs to be made by the Planning Commission. This is not a decision the Administration can make. This matter cannot move forward until this issue is resolved.

Mr. Bell stated that they would work with the Administration to come up with an agreement and thanked the Commission for their time. There being no further discussion, Chairman Fitzgerald asked for a motion to table the proposed amendment for Shamrock Business Center. Motion by Mr.

Komjati, seconded by Ms. Shoop, to table the Shamrock Business Center PUD Proposed Amendment 4. On roll call, Mr. Temming, Ms. Shoop, Mr. Komjati, and Chairman Fitzgerald answered "yes". Motion carried.

OTHER MATTERS THAT MAY PROPERLY COME BEFORE THE PLANNING COMMISSION

Mr. Marcellus Hall, Barber Salon, addressed the Commission. He stated that his salon is located in the B-2 District at the corner of Richmond and Prospect Street. He commented that he had an issue where he had a tenant next to his salon offering Massotherapy. He was told that he would need a conditional use for this use. He asked what should be done to allow this to happen.

Mr. Hall was told that he would need a permit through the Community Development Department for the Conditional Use Permit. Once the application is received then he will be scheduled for a public hearing before the Planning Commission. The deadline for the next meeting is July 18, 2011. The purpose of a conditional use requiring notifications and the public hearing process was explained to Mr. Hall.

ADJOURNMENT

There being no other items to come before the Planning Commission the meeting was adjourned.

Lynn M. White, Secretary

Thomas Fitzgerald, Chairman