

PLANNING COMMISSION MEETING

July 14, 2016

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

MINUTES: Vice Chairperson Fleck asked for additions or corrections for the Planning Commission Meeting of June 9, 2016. There being none, she asked for a motion. Motion by Ms. Kuhlmann seconded by Ms. Hada to accept the Planning Commission Meeting Minutes from June 9, 2016 as written. Vice Chairperson Fleck asked the Secretary to call the roll. On Roll Call, Ms. Hada, Ms. Kuhlmann, Mr. Wainwright and Vice Chairperson Fleck answered "yes". Motion carried, 4-0.

Ms. White acknowledged Cole Abercrombie of Boy Scout Troop 268 who was in the audience. Mr. Abercrombie informed the Commission that his attendance was a requirement needed toward earning a Communications Badge. The Planning Commission welcomed Mr. Abercrombie.

NEW BUSINESS: (Public Hearing Items)

REFUSAL NO. 2281 CONDITIONAL USE PERMIT REQUEST

Applicant: Lake County Health District
Location: 33 Mill Street (Parcel Number 15-A-012-0-00-002-0)
District: B-3 Central Business District
Section: 1143.06 (a); 1137.05 (a)

The City of Painesville has received an application from the Lake County Health District for a Conditional Use Permit. The applicant is proposing to retain the parking lot at 33 Mill Street (Permanent Parcel Number 15A-012-0-00-002-0) once the main structure is removed. The property is located in the B-3 Central Business District. Parking lots are a conditional use within the B-3 District per Section 1143.06 (a) of the Painesville Zoning Code. Additionally, Section 1137.05 (a) requires that all parking spaces shall be located on the same lot with the building or use served. The proposed use must be approved by the Planning Commission.

Mr. Ron Graham, Director of the Lake County Health District, was present for the meeting. Mr. Graham explained that the property was recently listed for sale. The Health District has no need to make the property more attractive to a buyer. The property has been used after hours for many events and the Health District will continue to support that use. The Health District had concerns regarding liability issues of having the lot open to the public. These issues have been addressed and it will not be a problem for the continued use for the area and events. The Health District has requested an extension for the insurance money to be used for the demolition of the structure. The extension will allow them to demolish the site until the end of August. The sale of the property will determine if the parking lot remains or if it will also be removed.

Ms. Hada asked if the parking lot would remain until August and then be demolished. Mr. Graham replied no, they have until August to use the insurance money for demolition of the facility, which includes the parking lot, but the plan is to keep the parking lot until a buyer is found. A decision must be made by the end of August if the insurance money is to be used for demolition, otherwise public funds must be used.

Vice Chairperson Fleck asked who is responsible for the care of the lot, such as shoveling snow and such, if the Conditional Use is granted. Mr. Graham replied the Health District will still be responsible for the property.

Ms. Hada asked if the Health District plans to keep the parking lot as a Conditional Use after the building is demolished. Mr. Graham replied yes. Ms. Hada said she would like to restrict how long the Conditional Use is granted, requiring the Health District return to the Planning Commission to have the use extended, if needed. Additionally, she would like to see some landscaping plan to enhance the property where the building would have been (should it be demolished).

Mr. Graham stated that he is not certain of landscaping as this demolition is occurring because of fire damage and it may not be economically advantageous to landscape.

The City Manager, Anthony Carson, stated that the City is supporting this request, as many different

entities utilize the parking lot, including Lake Erie College and Harvey High School, for football games. The Health District has been very accommodating, offering the space for overflow parking during events and various activities in Recreation Park. The City, at some point, may have an interest in this property, however, Council has informed him that they don't have an interest while the building remains on the property. The Health District is going forward with the demolition, although the City has an interest in keeping the parking lot intact. The expense would be considerable should the City, in the future, purchase the property and install a parking lot. Landscaping is not a requirement for demolition. The lot must be seeded, however.

Vice Chairperson Fleck stated this might be a situation where the Planning Commission recommends approval for one year with a return to the Planning Commission after ten months for review. Mr. Graham replied that would be acceptable.

Ms. Hada asked if they have the demo permit at this time. Mr. Graham stated that they are currently going through asbestos assessment, but he is not sure where they are regarding the actual permit at this time.

Mr. Lyons indicated that it would be a good idea to make the Conditional Use personal to the Health Department so that purchaser is not given the broad use that the Health Department is being given.

Mr. Graham asked if the use would transfer to a new buyer. Mr. Lyons replied no, the use would only be valid for the Health Department if the property were to sell within the year.

Vice Chairperson Fleck reviewed the recommendations of the City Planner and then called for a motion. Motion by Ms. Kuhlmann, seconded by Ms. Hada, to favorably recommend approval of Refusal 2281 to Lake County Health District at 33 Mill Street with the following stipulations:

1. The proposed parking lot location shall not hinder the implementation of the objectives and strategies of the Economic Development Strategy or Comprehensive Plan of the City.
2. Use and availability of parking lot to as many people or entities shall be encouraged.
3. Proximity of the parking lot to other lots shall be reviewed to minimize impact on the streetscape.
4. The Conditional Use is not transferable
5. The Conditional Use is valid for one year with a review after 10 months (May 2017).

On Roll Call, Ms. Hada, Ms. Kuhlmann, Mr. Wainwright and Vice- Chairman Fleck answered "yes". Motion carried, 4-0.

ADMINISTRATIVE REPORT:

Final Plat Approval - Phase XVI (Units 29, 35 & 41) of Retreat at Rivers Edge Residential Subdivision

Ms. White, the City Planner, said the documentation of the plat is included in the packet. The developer is requesting approval of three units and the new owners are ready to move in. The plat was reviewed by the City Engineer and found to be in compliance with all the City's regulations. Ms. White mentioned that the developer only submitted page one of two; page two typically has a floor plan of each unit showing their side yard clearances. Ms. White stated that the recommendation is to approve the final plat with the condition that page two would be submitted prior to filing the plat at the County. The developer agreed to the condition.

Vice Chairperson Fleck called for a motion. Motion by Ms. Hada, seconded by Ms. Kuhlman, to recommend approval of the Final Plat for Phase XVI of Retreat at Rivers Edge Residential Subdivision with the condition that the second page of the plat be submitted before it may be filed.

On Roll Call, Mr. Wainwright, Ms. Hada, Ms. Kuhlmann and Vice-Chairman Fleck answered "yes". Motion carried, 4-0.

Extension of Preliminary Plat - Lexington Village Residential Subdivision No. 2

Ms. White reminded the Commission that last year they reviewed the Preliminary Plat for Lexington Village Subdivision No. 2 and recommended approval to City Council, where it was heard in September 2015. Submitted in the Planning Commission packet is a letter from the developer, Hallmark Excavating, who is requesting an extension for development of 12 months. Hallmark is working with their engineer regarding storm water and retention issues. Based on City Code, the final plat must be submitted no later than 12 months after the preliminary plat is approved. The City is recommending approval of the extension.

Vice Chairperson Fleck asked for a motion. Motion by Mr. Wainwright, seconded by Ms. Kuhlmann, to recommend approval of the extension of the Lexington Village Residential Subdivision No. 2 Preliminary Plat, as requested.

On Roll Call, Ms. Hada, Ms. Kuhlmann, Mr. Wainwright and Vice-Chairman Fleck answered “yes”. Motion carried, 4-0,

OTHER MATTERS THAT MAY PROPERLY COME BEFORE THE PLANNING COMMISSION

- **Proposed Design Review Criteria**

Vice Chairperson Fleck stated on July 7th, the Planning Commission had a work session regarding the details of the modifications in the Design Review Criteria. She asked if there are any modifications to add.

Ms. White commented that since Ms. Hada was not at the work session, she asked to add language regarding vinyl siding. Discussion ensued regarding the suggested modifications.

There being no further discussion, Vice Chairperson Fleck asked for a motion. Motion by Ms. Hada, seconded by Ms. Kuhlman, to favorably recommend approval of enacting a new Section 1146.08 Design Review Criteria for Design Review Districts.

On Roll Call, Ms. Kuhlmann, Mr. Wainwright, Ms. Hada and Vice-Chairman Fleck answered “yes”. Motion carried, 4-0.

- **Zoning Code Update**

The City Planner indicated another work session to review the Unified Zoning Code will be scheduled. Information is to be sent via e-mail for available dates.

- **Planning Commission By-Laws**

The Planning Commission By-Laws were amended and approved.

There being no further business, the meeting was adjourned at 7:58 pm.

Tina B. Pomfrey, Secretary

Carol Fleck, Vice Chairperson