

## PLANNING COMMISSION MEETING

*August 11, 2011*

The Planning Commission convened in Courtroom No. 1 at City Hall for their regular meeting. Vice Chairman Komjati called the meeting to order at 7:30 PM. He asked the secretary to call the roll. Members in attendance were, Mr. Andrew Eade, Mr. Brian Temming, Ms. Christine Shoop, and Vice Chairman David Komjati. Absent was Mr. 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 Chairman Komjati asked for additions or corrections for the Planning Commission Special Meeting of June 27, 2011 and the Planning Commission Meeting of July 14, 2011. There being none, he asked for a motion. Motion by Ms. Shoop, seconded by Mr. Temming, to approve both sets of Minutes as submitted. All members present said “aye”. Motion carried.

### **TABLED BUSINESS:**

Vice Chairman Komjati indicated the tabled item has to be removed from the table prior to Planning Commission action. He asked for a motion to remove Shamrock Business Centre PUD Proposed Amendment 4 from the table. Motion by Ms. Shoop, seconded by Mr. Temming to remove Shamrock Business Centre PUD Proposed Amendment 4 from the table. Vice Chairman Komjati asked the secretary to call the roll. On roll call, Ms. Shoop, Mr. Eade, Mr. Temming, and Vice Chairman Mr. Komjati answered “yes”. Motion carried.

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

Vice Chairman Komjati asked Mr. Russ Schaedlich to update the Commission on this item. Mr. Schaedlich explained that at the last Commission Meeting in July the stipulations presented a problem for the Goldberg Companies in regards to the timeframe of the conversion from the apartments to the condominiums. The City Manager, Rita McMahon, Assistant City Manager, Doug Lewis and City Planner, Russ Schaedlich met with Mr. Eric Bell of Goldberg Companies, Mr. James Martynowski of Forest City Enterprises and Mr. Lance Osborne of the Osborne Capital Group to discuss the revised Recommended Stipulation #1. Mr. Bell stated that, if the Recommended Stipulation #1 remains as written, the project would not move forward. Mr. Bell expressed that Goldberg Companies does not want to find themselves in a situation whereby the housing market is still soft and they are forced to convert the apartments into condominiums. If the absorption rate is poor, they do not want to be forced into a situation of needing to sell units at a much reduced cost to move them. This would not be good for them or the City.

Mr. Schaedlich explained that in order to provide assurance to the City regarding their intentions, Goldberg Companies proposes establishing a consultation partnership with the City rather than working with a specific timeframe. To that effect, Goldberg Companies proposes to meet with the City one year prior to any refinancing (the initial financing will most likely be in the form of a 10-year note). Alternatively, should the market for condominiums get so strong that converting from rentals makes sense; they would also contact and meet with the City prior to any conversion taking place. Conversely, should the City feel that the market for condominiums has improved; the City may contact Goldberg Companies to meet and discuss the situation. This proposal will provide both Goldberg Companies and the City the ability to monitor the market and initiate discussion on any scenario.

Mr. Schaedlich stated that he has revised the stipulations of the August 5, 2011 Memo to better reflect the discussions between the City Administration and the Goldberg Companies. Stipulation number 1 reflects the fact that the city will work with the developer in coming up with the best solution for both parties. The remaining stipulations remain the same as they were at the previous meeting.

Vice Chairman Komjati asked if there were any other comments from the City. There being none, he asked if the applicant had any comments to make on this item. Mr. Eric Bell of Goldberg Companies commented that he has reviewed the memorandum from the City Administration and it accurately reflects the discussions held between the two parties. He stated that he is grateful the City was willing

to work with them to come up with a compromise that works for both parties. He indicated they are comfortable with the stipulations outlined in the revised memorandum.

Vice Chairman Komjati asked if members of the Commission had any comments or questions. Mr. Komjati asked about the stipulation that requires the developer and the City to meet after the first two years why it is not annually to review the current market conditions. Mr. Bell stated the stipulation is for every two years; however, if necessary a meeting can be called at any time. Mr. Komjati commented about the cost to rent the proposed unit and the cost to own a home. He feels the price of renting the units should not be a concern when they are converted since most people who could afford that rent could get a mortgage. Mr. Bell responded that the economy today is not about the cost and the ability to obtain a mortgage. He stated there are three factors that make rentals a good option. The down payment required for a home is an issue for some; there is a percentage of the population that are renters by choice; and due to the last crisis there are some people that cannot get a bank loan for a mortgage.

Vice Chairman Komjati asked if there were any other comments. There being none, he stated that he is glad to see that both parties came up with an agreement. He is hopeful that this project will be converted within a short time. The City has had many discussions about limiting the number of rental units and this project goes against that decision. Vice Chairman Komjati stated he is leery about this; however, the product that Goldberg Companies is building is very nice. Vice Chairman Komjati asked for a motion. Motion by Mr. Temming, seconded by Ms. Shoop, to approve the Shamrock Business Center PUD Proposed Amendment 4 with the seven (7) stipulations listed in the August 5, 2011 Memorandum. On roll call, Mr. Eade, Mr. Temming, Ms. Shoop, and Vice Chairman Komjati answered "yes". Motion carried.

Vice Chairman Komjati moved onto the next item on the Agenda. He asked the secretary to read the Public Hearing Notice.

**NEW BUSINESS:** (Public Hearing Item)

**REFUSAL NO. 2203 CONDITIONAL USE PERMIT REQUEST**

**Applicant/Owner:** Alveno Parker

**Location:** 407 Elm Street (Parcel Number 15-A-005-0-00-016-0)

**District:** B-1 Business/Residential District

**Section:** 1143.06 (a)

The City of Painesville has received an application from Alveno Parker for a Conditional Use Permit. The applicant is proposing to construct a Single Family Home at 407 Elm Street (Permanent Parcel Number 15-A-005-0-00-016-0). The property is located in the B-1 Business/Residential District. Section 1143.06 (a) requires a conditional use permit for Residential uses as permitted in the R-2 District to be approved by the Planning Commission.

Vice Chairman Komjati asked for comments from the City. Mr. Schaedlich indicated that the applicant is not present. He spoke with Mr. Parker regarding the submitted site plan for the home and the site issues that needed to be clarified prior to building. There was discussion of holding the public hearing without the applicant present. The Commission decided to have the public hearing in order to take comments from the audience. Vice Chairman Komjati asked if there was anyone present to speak on this request. There were no comments from the audience.

There were comments regarding the granting of a conditional use permit with modifications to be done later if needed. It was decided to table the request to allow the applicant to make a presentation. There being no further comments, Vice Chairman Komjati asked for a motion. Motion by Ms. Shoop, seconded by Mr. Temming, to table Refusal No. 2203 for a Conditional Use Permit at 407 Elm Street. On roll call, Mr. Temming, Ms. Shoop, Mr. Eade, and Vice Chairman Komjati, answered "yes". Motion carried.

Vice Chairman Komjati moved onto the next item on the Agenda.

**ADMINISTRATIVE REPORT:**

**Request for Office Use** – 53 South Saint Clair Street – B-3 Central Business District - LifeSpring Christian Church (John Severa).

Vice Chairman Komjati asked for comments on this item. Mr. Schaedlich stated that the space was most recently used by Curves, a women's exercise and fitness center. The building space is currently vacant. The Church plans to use this space for Youth and Adult Ministry; Community Outreach;

Music Rehearsals, and Church Offices.

Mr. John Severa was present and explained they have offices in Perry near the IGA. They would like to have an identity in Painesville. They would like to become part of the Painesville Community and they believe they have something to offer. Mr. Severa reiterated that they would like to have Youth Ministry, Music Rehearsals. Their hours of operation would be from 8:30 AM to 4:30 PM daily. Meetings would be held on Sunday evenings and Saturday afternoons. They currently meet at Chestnut Street Elementary. They participate in the community in the Yearn to Learn Program at Maple Elementary. The idea is to reach out to various community-based outreach programs. They feel that being in the downtown area they would utilize the local restaurants and help the economy. Mr. Severa indicated that he could answer any questions from the Commission.

Vice Chairman Komjati asked about the hours during the day and what type of traffic is expected to be generated from this use. He commented about the limited amount of parking spaces located at the site and wondered if this would be an issue for the occupant. Mr. Severa stated they do not anticipate any issues related to parking at this location.

Ms. Shoop asked if their community outreach includes working with the homeless or others that have dependency issues. Mr. Severa indicated they have not expanded to that level. They do some prison ministry currently.

Vice Chairman Komjati commented about the location of the church use and its vicinity to the existing liquor store. Ms. McMahan stated the burden is held on the liquor permit holder. The church is aware of the location of the liquor store and they have chosen to locate there. If a new liquor establishment were to locate within 500-feet of a church there would be an issue. Mr. Severa commented the idea of this request is this would be for an office use, not a church. The Sunday worship activities would not be held at this location. Its primary use would be for meeting type activities.

Vice Chairman Komjati asked if this use would provide support for the downtown area. Mr. Severa indicated that he hopes to use the area businesses regularly.

Vice Chairman Komjati asked if there were any comments or questions from the audience. Mr. Anthony Torre, 158 Sanford Street, commented that the church use would not pay any taxes. Ms. McMahan responded the church is renting the property. The taxes are being paid by the property owner. Mr. Torre stated that he has nothing against the church; however, if this building is occupied and there is a better retail type use that wants to locate there it would prohibit the area from growing.

Mr. Dan Smith, 8 North State Street, indicated that he owns the property and his company pays the taxes. The building would be leased by LifeSpring Church as was done for the former tenant, Curves. The building has been partially vacant for the past two and a half years. Mr. Smith explained that last fall some of the space was donated to Catholic Charities for their food bank and to ABLE, both which were displaced from a fire at the Senior Center.

Mr. Smith commented that the property is in the Downtown area. His company is committed to the Master Plan for the downtown area. The arrangement with LifeSpring Church is for a twelve-month period. At that time, the redevelopment of the downtown will be evaluated and they will decide what to do then. Mr. Smith indicated his company knows the highest and best use for this property is retail/office. They are hopeful that eventually they will reach that goal. In the interim, this is an option instead of vacant property.

Vice Chairman Komjati asked if there were any other comments. There being none, he asked for a motion. Motion by Ms. Shoop, seconded by Mr. Temming, to allow the Office Use at 53 South Saint Clair Street by LifeSpring Christian Church. On roll call, Ms. Shoop, Mr. Eade, Mr. Temming, and Vice Chairman Komjati answered "yes". Motion carried.

Vice Chairman Komjati moved onto the last item on the agenda.

### **Zoning Code Text Amendment - 1131.01 SWIMMING POOL REGULATIONS.**

Mr. Schaedlich stated this issue became known with the Heisley Park Subdivision. Permits for swimming pools were issued as if they were on single-family lots. The 10-foot restriction from a property line was enforced. However, Heisley Park properties are zoned R-2 and the 20-foot restriction would apply per Code. The problem arises in that lots developed under the R-2, Multi-family District are only required to be a minimum of 7,500 square feet in area with a minimum of a 60 foot width, while R-1 lots are required to be a minimum of 10,000 square feet and a minimum of 75 ft in width. The smaller lot size in R-2 makes it very difficult, if not impossible, to locate a swimming pool on the property and meet the 20 foot clearance to a property line. Since these lots in

Heisley Park are single-family in character, it seems reasonable that the 10-foot restriction to a property line as enforced in the R-1 Single Family District also makes sense for single adding except family lots developed under the R-2 guidelines. The proposed text change is to section 1131.01(c) for those single-family lots permitted and constructed under the R-2, Multi-Family District regulations in which case pools and/or accessory structures shall be located a minimum of ten feet from a property line.

Vice Chairman Komjati asked if this only applies to this area. Mr. Schaedlich responded that this would apply to any R-2 zoned property. This is the largest development in this situation.

Vice Chairman Komjati asked if there were any comments from the audience. There being none he asked if members of the Commission had any questions or comments. Ms. Shoop inquired about the fencing requirements and the homeowners regulations. Mr. Schaedlich indicated that the 1131.04 (d) requires the fencing and/or a pool wall to be 48 inches. This should not create a hardship on the homeowners within this development in regards to meeting all regulations.

Vice Chairman Komjati asked for a motion. Motion by Ms. Shoop, seconded by Mr. Komjati, to approve the Zoning Code Text Amendment relating to Swimming Pool Regulations as submitted. On roll call, Mr. Eade, Mr. Temming, Ms. Shoop, and Vice Chairman Komjati answered "yes". Motion carried.

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

The Commission was made aware of the upcoming Zoning Workshop sponsored by the APA. The Workshop will be held November 18. Commission Members are encouraged to attend the Workshops.

#### **ADJOURNMENT**

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

---

Lynn M. White, Secretary

---

David Komjati, Vice Chairman