

## PLANNING COMMISSION MEETING

*November 10, 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. Andrew Eade, Mr. David Komjati, and Chairman Thomas Fitzgerald. Absent were Ms. Christine Shoop and Mr. Brian Temming. Also present were, City Manager Rita McMahon, Assistant City Manager/Community Development Director Douglas Lewis, City Planner Russ Schaedlich, and Secretary Lynn White.

**MINUTES:** Chairman Fitzgerald asked for additions or corrections for the Planning Commission Meeting of October 13, 2011. There being none, he asked for a motion. Motion by Mr. Eade, seconded by Mr. Komjati, to approve the Minutes as submitted. All members present said “aye”. Motion carried.

Chairman Fitzgerald indicated the order of the Agenda would be changed. The tabled business would be addressed at the end of the meeting and the Public Hearing items would be addressed first.

Chairman Fitzgerald asked the secretary to read the first Public Hearing Notice.

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

### **Rezoning Application No. 67-11**

**Location:** 134 Pearl Street - Permanent Parcel No. 15-B-005-0-00-062-0

**From:** R-1 Single Family Residential District to R-2 Multi-Family Residential District

The City of Painesville is requesting a change in the zoning classification of the following Permanent Parcel Number: 15-B-005-0-00-062-0 (**134 Pearl Street**). The parcel is considered to have a preexisting nonconforming use, which means the current use does not match the current zoning designation. The proposed change is from the current R-1 Single Family Residential District to an R-2 Multi-Family District. The rezoning will bring the zoning of the property into compliance based on its current use.

Mr. Schaedlich began by explaining to the Commission the background of the various rezoning requests currently before the Commission. The City began working on identifying nonconforming uses citywide. A nonconforming use is a use that is not in conformance with the zoning category. Mr. Schaedlich cited some examples of business zoning districts with residential uses on North State Street and homes that have been converted into multi-family uses in residential districts. Those types of uses are considered nonconforming. Mr. Schaedlich indicated that typically those uses were there before the zoning changed and they can continue to remain as long as two things do not happen which are provided for in the Ohio Revised Code. He stated that the code is applied to every community throughout the State of Ohio, nonconforming uses exist in many communities.

Mr. Schaedlich explained how nonconforming uses were lost. One instance is when a use like a business or residential home becomes vacant for twelve continuous months then the nonconforming use would be lost and the property would then have to comply with the zoning of that district. The other instance would be if there were damage to a structure greater than fifty percent of its replacement cost than it could not be rebuilt as it was, it would have to comply with the zoning of that district. Mr. Schaedlich gave examples of each instance for clarification purposes.

Mr. Schaedlich explained that approximately eighteen months ago the Board of Zoning Appeals heard a few cases where individuals were seeking variances of the nonconforming section of the code. During the hearing process it became evident the owners of the property were not aware they were nonconforming uses. The Board of Zoning Appeals requested the Staff to identify as many if not all nonconforming uses in the City. The Staff undertook identifying and notifying all nonconforming use property owners of their status and how their property would be affected if they were to lose their nonconforming status.

In the process of identifying the nonconforming uses the Staff identified areas that could be rezoned due to the development that has occurred over the years. Mr. Schaedlich gave the example of the Chestnut Street area where thirteen residential uses were rezoned from a business-zoning category to a residential category. These types of instances make the most sense since the homes are in good condition and the area is a well-established residential area.

Mr. Schaedlich stated the property at 134 Pearl Street is the subject of the public hearing. The owners of the property received notification of the nonconforming status of the three-family dwelling in a single-family zoning district. The owners of the property contacted the City indicating the property had been purchased as an investment for retirement purposes. The owners were not aware the property was considered nonconforming when they purchased it some time ago. The Staff looked at the Pearl Street area and discovered the property abuts R-2 Multi-Family zoning district on the west and across the street. This rezoning would allow the use to continue as a legal three-family dwelling unit.

Chairman Fitzgerald indicated the following Rezoning requests are open to the public. He stated that anyone wishing to speak on these Rezoning requests to please state their name and address for the record. He asked if there was anyone in the audience who would like to speak on this particular request.

Mr. John McMonagle, 115 Pearl Street, stated he lives across from the property and has been a resident for eighteen years. The last time he was at a Board or Commission meeting, he came to oppose the gymnasium on Pearl Street, which was promised to be no problem. He stated that this property is a known drug hangout and a thorn in the side of Pearl Street. The police have been at the property multiple times over the years. Mr. McMonagle stated that if he is lucky the property will be boarded up and if it is rezoned it could be put back into service. He asked that this not be given to them. He stated the owners have been approached by the neighbors and they are told to call the police. The owners do not care what happens here since they live in Leroy; we live here with our children. Mr. McMonagle cited instances where there are people coming and going from the house and the behaviors are not normal for everyday activity. He asked that the city help protect this area since they care about the neighborhood and do not want this property rezoned.

Ms. Bonnie Waseleson, 286 South St. Clair Street, stated the back of her house is across the street from this property. She stated that she feels the same way as Mr. McMonagle. There are trucks going in and out of that property over fifteen times a day. It is not up to them to call the police department. They own the property and it is their responsibility. They are not screening their tenants. Ms. Waseleson indicated that she has spoken to the owners and they are not doing anything. She stated that she does not have to live like this. If this rezoning does not go through and it keeps this from happening then she is against the rezoning.

Chairman Fitzgerald asked if the City Administration had anything to add on this request. Chairman Fitzgerald added that he does not believe this to be about the zoning, it is more an issue with the house. Mr. Komjati inquired if the owner/landlord had participated in the Crime Free Housing Program the City offers. Mr. Lewis responded that he believed they had. The Community Development Department did check on this address and they are not currently registered under the Rental Registration Program. A letter was sent to the owner based on the fact the property is subject to this rezoning. Mr. Komjati asked if they could be required to participate. Mr. Lewis commented they are required to participate. The owners will have to attend the Crime Free Housing Program and register the rental property.

Mr. Komjati wondered if the neighbors of the area were familiar with the City's programs for rental housing. Mr. McMonagle commented that he knows of the programs, however, he does not believe it will make any difference. This neighborhood is full of rental properties and this is one of them. They do not want the zoning to change, they want this property left as a single-family zoning. It sounds like it is going to be approved so their next step is to go to City Council.

Ms. Ellen Nelson, 14065 Leroy Center Road, stated that she and her husband Tom have owned the home for ten-years. She stated the previous owner did live in the home and created that environment. She indicated they have been working to remove that environment. Ms. Nelson commented that they could only deal with what they know is happening. The neighbors have been asked to call her or the police when things are happening so the issues can be dealt with. They have files on every tenant and they have evicted people that are a problem. She commented that it seems the tenants have more rights than the property owner. Ms. Nelson explained all of the improvements they have made to the property over the years. This is an investment property and she is proud to own the home. If she did not care about it, the place would not look nice.

Mr. Komjati asked if Ms. Nelson attended the Crime Free Program. She responded they went to the meeting and sat and listened to the police officers. Ms. Nelson indicated that she does use their

screening form when screening tenants. She stated that if this property is not rezoned her two issues are the units cannot be vacant for more than twelve-months and damage cannot exceed fifty percent of replacement value. Mr. Schaedlich indicated that is correct; if any of these happen, the house will have to be converted to single-family.

Chairman Fitzgerald asked if the Commission had any comments. Mr. Komjati stated he believes this more than just a rezoning issue. Chairman Fitzgerald commented that the issue at hand is the zoning, should the property be rezoned. The issues they have will not go away once it is rezoned or not. The Commission needs to decide whether the rezoning is the right thing to do or not. The Commission talked about the area and what the majority of the uses are in that area.

Mr. McMonagle commented that there are several other rental units in the area and this home seems to be the only one with these issues. He stated that it seems to be that the owners do not have strict enough screening where the problems persist. Mr. Komjati stated this is more of a property owner/tenant issue than anything else. Chairman Fitzgerald agreed. Mr. McMonagle stated that if the property is not rezoned and the house is boarded up for a year due to illegal activity then it would have to be converted back to single-family. He indicated that is what they would like to see happen in this case. He commented they are against this rezoning.

Chairman Fitzgerald asked if there was any further discussion. There being none, a motion was made by Mr. Komjati, seconded by Mr. Eade, to recommend approval of Rezoning Application No. 67-11. On roll call, Mr. Eade, Mr. Komjati, and Chairman Fitzgerald, answered "aye". Motion carried.

Mr. Komjati encouraged the owner to talk with the other rental property owners in the area since they do not seem to be having the same type of problems. In addition, she should work closely with the Painesville Police Department to eliminate the issues. It seems to be working in other areas of the city.

Chairman Fitzgerald moved onto the next public hearing item and asked the secretary to read the notice.

### **Rezoning Application No. 68-11**

**Location:** North State Street - 6 parcels on west side between E. Prospect Street and Canfield Drive  
**From:** B-2 General Business District to R-1 Single Family District

The City of Painesville is requesting a change in the zoning classification of the following Permanent Parcel Numbers: 15-A-013-0-00-023-0 (**345 North State Street**), 15-A-013-0-00-024-0 (**339 North State Street**), 15-A-013-0-00-025-0 (**331 North State Street**), 15-A-013-0-00-026-0 (**321 North State Street**), 15-A-013-0-00-027-0 (**315 North State Street**), and 15-A-013-0-00-028-0 (**307 North State Street**). The parcels are considered to have preexisting nonconforming uses, which means the current use does not match the current zoning designation. The proposed change is from the current B-2 General Business District to an R-1 Single Family District. The rezoning will bring the zoning of the property into compliance based on their current use.

Mr. Schaedlich presented the Commission with the map showing the area under consideration for the rezoning. The properties have been commercially zoned since 1927. All of the homes were built prior to the inception of zoning in Painesville. Some of the homes have been used for businesses but mostly they have been residences. The thought is since the rest of the block is residentially zoned it makes sense to zone these similarly. Two of the properties have multiple units, one is a duplex and the other is a three-family. Chairman Fitzgerald asked for an explanation about those properties. Mr. Schaedlich indicated they would remain as nonconforming however; they would now be in a residential category rather than the business category they are currently.

Chairman Fitzgerald asked if anyone in the audience would like to speak on this request. Mr. Fred Pollutro, 225 Fairfield Road, stated he is present for his mother and sister who own 331 North State Street. He explained that he grew up in this area and lived there when he was on City Council. Mr. Pollutro also has a business on North State Street. The area has always been businesses with homes. His family owns the three-family property. This single-family home was converted with the oversight of the city. At that time, this was an allowable conversion. This has been this way for over 40-years. Mr. Pollutro stated that this area would like to remain commercially zoned. They have gotten signatures from all of the property owners involved indicating this is what they would like. The belief is the property has more value as a commercial classification than as a residential district.

Chairman Fitzgerald asked if the Administration was aware of the property owners wishing to keep their current zoning. Mr. Schaedlich indicated this is the first he has heard this information. Mr. Pollutro replied that they took the initiative to get signatures to keep the zoning left the same. He commented that his situation does not change; their property is nonconforming in either zoning category. He further explained the history of the area and the types of businesses that use to be in that neighborhood. He believes there is merit in leaving it as a business/residential zoning.

Chairman Fitzgerald asked if there were any other comments or questions. Mr. Komjati stated that he agrees that it would be interesting to create that type of an area where there is a mixture of uses. Mr. Pollutro asked if the City could reconsider creating a softer zoning that is next to the business and residential areas with the ability to rebuild if necessary.

There being no other comments, Chairman Fitzgerald asked if this should be tabled. Ms. McMahon stated that it is not necessary to table this item. The idea was to protect the property owners by changing the zoning to fit the current use. If the property owners do not want the rezoning the Commission should deny the rezoning request.

Chairman Fitzgerald asked for a motion. Motion by Mr. Komjati, seconded by Mr. Eade, to recommend approval of Rezoning Application No. 68-11. On roll call, Mr. Komjati, Mr. Eade, and Chairman Fitzgerald, answered “nay”. Motion failed.

Chairman Fitzgerald moved onto the next public hearing item on the agenda and asked the secretary to read the notice.

#### **Rezoning Application No. 69-11**

**Location:** 430 Button Avenue - Permanent Parcel No. 15-C-027-0-00-001-0

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

The City of Painesville is requesting a change in the zoning classification of the following Permanent Parcel Number: 15-C-027-0-00-001-0 (**430 Button Avenue**). The parcel is considered to have a preexisting nonconforming use, which means 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 property into compliance based on its current use.

Mr. Schaedlich presented a map of the property showing the area to be rezoned to the Commission. He explained how this property had been zoned industrial since 1927. However, by 1960, the zoning was changed to R-3, Single Family Residential. With the update of the Zoning Code in 1984, the single-family designation was changed from R-3 to R-1. The zoning of the property remained R-1 until the next update of the Zoning Code in 1991. At that time, the zoning on the property was changed back to M-2, Industrial.

Mr. Schaedlich stated that prior to the zoning change from R-1 to M-2 taking effect, in late 1990, the property owner applied for, and received, a building permit for a single family home. The house was completed in 1991. The house remains even though the zoning on the property was changed to M-2, Industrial. The house, being relatively new, is most likely going to remain there for some time. It is to the rear of homes that face Button Avenue, but has direct access to Button Avenue though a lot owned by the owner of the house. R-1 residentially zoned property is to the south and west of this subject property. M-2, Industrial zoned property is to the east, but a significant stand of trees provides a buffer.

Chairman Fitzgerald asked if there were any comments from members of the audience. There being none, he asked if the Commission had any questions on this request. Hearing none, Chairman Fitzgerald asked for a motion. Motion by Mr. Eade, seconded by Mr. Komjati, to recommend approval of Rezoning Application No. 69-11. On roll call, Mr. Eade, Mr. Komjati, and Chairman Fitzgerald, answered “Aye”. Motion carried.

Chairman Fitzgerald moved onto the next public hearing item on the agenda and asked the secretary to read the notice.

#### **Rezoning Application No. 70-11**

**Location:** 713 South State Street - Permanent Parcel No. 15-B-015-0-00-012-0

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

The City of Painesville is requesting a change in the zoning classification of the following Permanent Parcel Number: 15-B-015-0-00-012-0 (**713 South State Street**). The parcel is considered to have a preexisting nonconforming use, which means the current use does not match the current zoning designation. The proposed change is from the current R-1 Single Family Residential District to a B-2 General Business District. The rezoning will bring the zoning of the property into compliance based on its current use.

Mr. Schaedlich presented the map showing the Commission the property under consideration for the rezoning. In 1984, an update to the Code changed the zoning of 713 South State Street to R-1, Single Family. The property south of it to the point remained B-2, but was now known as B-2, General Business. He stated that an automotive repair shop, South State Garage, has operated at this address for decades. The property owner was shocked to learn that their property was not properly zoned for their business use and that their business was nonconforming. They were also very concerned that, as a nonconforming use, should the building be damaged or destroyed to an extent greater than 50% of its replacement cost, the business could not be rebuilt. The property owners are in favor of this rezoning change.

Chairman Fitzgerald asked if there were any comments or questions from members of the audience. There being none, he asked if the Commission had any comments. There being no further discussion he asked for a motion. Motion by Mr. Komjati, seconded by Mr. Eade, to recommend approval of Rezoning Application 70-11. On roll call, Mr. Komjati, Mr. Eade, and Chairman Fitzgerald, answered "aye". Motion carried.

Chairman Fitzgerald moved onto the next public hearing item on the agenda and asked the secretary to read the notice.

#### **Rezoning Application No. 71-11**

**Location:** Permanent Parcel Nos. 15-B-011-0-00-010-0,-011 and -012

**From:** B-2 General Business District to R-2 Multi-Family Residential District.

The City of Painesville is requesting a change in the zoning classification of the following Permanent Parcel Numbers: 15-B-011-0-00-010-0 (**94 Elevator Street**), 15-B-011-0-00-011-0 (**650 Hoyt Street**), and 15-B-011-0-00-012-0 (**Parking lot for 650 Hoyt Street**). The parcels are considered to have a preexisting nonconforming use, which means the current use does not match the current zoning designation. The proposed change is from the current B-2 General Business District to an R-2 Multi-Family District. The rezoning will bring the zoning of the property into compliance based on its current use.

Mr. Schaedlich explained the location of the properties and stated the neighborhood contains a considerable amount of single-family homes, Marine Park, a mini-storage facility, the Elks Club, several apartment buildings, and industrial properties. The subject properties of this proposed rezoning have been commercially zoned since zoning was instituted. For all the years prior to 1984, when a major Zoning Code update was undertaken and approved, residential uses were permitted within commercial districts. In this instance, the dwelling at 94 Elevator Street was built in 1925, and the 27-unit brick apartment building, now known as the Edgewood Club Apartments, was built in 1962. The Zoning Code change in 1984 took out the pyramid zoning that allowed residential uses in commercial districts. These three parcels abut an R-2, Multi-Family Residential District immediately to the east.

Chairman Fitzgerald asked if there were any comments from members of the audience. There being none, he asked for comments from the Commission. There being no discussion, Chairman Fitzgerald asked for a motion. Motion by Mr. Komjati, seconded by Mr. Eade, to recommend approval of Rezoning Application No. 71-11. On roll call, Mr. Eade, Mr. Komjati, and Chairman Fitzgerald, answered "aye". Motion carried.

Chairman Fitzgerald stated that the next item under discussion would be the Administrative Report. He asked the secretary to read the first item.

#### **ADMINISTRATIVE REPORT:**

- **Temporary Structure and Uses:** Lake Erie College was granted the placement of a temporary modular unit at Recreation Park on June 12, 2008 with an extension granted in December 2008; November 2009; and November 2010 with the stipulation the modular unit

be removed by December 1, 2011. Lake Erie College is requesting a one-year extension of their permit for the modular unit.

Mr. Schaedlich explained to the Commission the current location of the modular unit in Recreation Park. The college is using the unit for a training facility. They have been working on plans for a field house. They have not completed this due to financial reasons. The college is requesting an additional year to allow the unit to remain in its current location. Mr. Schaedlich stated that he is recommending approval of the extension with the stipulations that the unit be maintained in good repair and the unit be removed by December 1, 2012.

Chairman Fitzgerald asked if the unit has been maintained over the years. Mr. Schaedlich indicated the unit is inspected and is in good repair. Mr. Komjati asked if the City had heard anything regarding the completion of the field house project. Mr. Lewis replied that Ms. Robin McDermott is present to answer the Commission's questions.

Chairman Fitzgerald asked if Ms. McDermott would like to address the Commission. Ms. McDermott indicated that she is the vice president of enrollment management and student services at Lake Erie College. They have been in conversations with Harvey High School about shared services and facilities. The economy has stalled causing this project to move off the priority list. The modular unit is needed since they utilize it as a supplemental locker room. Other options have been explored such as adding onto the High School locker room area to accommodate both the college and high school teams.

Chairman Fitzgerald asked if there were any other comments or questions. There being none, he asked for a motion. Motion by Mr. Komjati, seconded by Mr. Eade, to approve the request to utilize the modular unit (temporary structure) with the stipulations that the unit be maintained in good repair and that the unit is removed by December 1, 2012. On roll call, Mr. Komjati, Mr. Eade, and Chairman Fitzgerald, answered "aye". Motion carried.

Chairman Fitzgerald asked the secretary to read the next item under the Administrative Report.

- **Temporary Structure and Uses:** Ohio Energy Inc. has requested a temporary use of 305 West Prospect Street for an indoor sports facility. Section 1141.07 (c) requires Planning Commission review of the temporary use of a structure or premise in any district for a purpose or a use that does not conform to the regulations prescribed elsewhere in this ordinance for the district in which it is located, provided that such use is of a temporary nature and does not involve the erection of a structure.

Mr. Gerald Lynch, 1194 Heatherstone, Painesville, stated that he is the applicant for this request. He indicated he had received a copy of the memorandum from the City regarding his application. Mr. Lynch distributed aerial photographs of the structure and the parking lot area that would be used for the facility. One of the concerns indicated on the memorandum was the available parking. The lot is not lined for spaces however; there is adequate area for parking at the site. Mr. Lynch explained that one of the goals is to get enough interest in this facility that they could lease the other half of the building. Currently a portion is being used by Ashlawn Energy for a project they are doing for the City. The facility would mainly be used in the evenings and on weekends. The most people that would be at the facility at one time would be about 12 to 15.

Mr. Schaedlich inquired how the facility would deal with signage since the City does not allow offsite signs. Mr. Lynch indicated that this is not a facility for walk-in traffic like a gymnasium. This is a targeted facility for teams to use for training purposes. Coaches and parents will be able to use this and the facility is easy to find. There will be one sign placed on the door with the address and name.

Mr. Komjati asked if the facility would be used during the summer when the teams are in their season. Mr. Lynch commented that if the summer were as wet as this summer they would be using the facility. He stated they have a lease with the property owner for one-year. They have frequented the local businesses; each time they go past the Dunkin Donuts and McDonald's they have to stop.

There was discussion about the facility and how it is set up for their use. The property owner is using a portion of the unused half as a personal storage facility for his vehicles. Mr. Lynch stated they are having an issue with the fact this use is only temporary in nature. He inquired about how they could go about getting something more permanent. They originally asked about getting a zoning change for the facility. They would like a more secure arrangement so they can plan for the future usage. Some

of the surrounding communities allow this type of use in these types of facilities.

Mr. Lewis indicated that this could be something the City could review in the future to change the allowable uses within these districts. At this time, this use can only be approved on a temporary basis in this district. The Commission agreed that this should be looked at to allow these types of uses.

There being no further discussion, Chairman Fitzgerald asked for a motion. Motion by Mr. Komjati, seconded by Mr. Eade, to approve of the temporary use of 305 West Prospect Street for one-year. On roll call, Mr. Eade, Mr. Komjati, and Chairman Fitzgerald, answered “aye”. Motion carried.

Chairman Fitzgerald moved onto the next item under the Administrative Report.

- **Final Plat Approval** – *Heisley Park Phase XV* – consisting of 25 residential lots.

Mr. Schaedlich indicated he visited the site today. There are no issues, all the curbing and utilities are in and the road has its final layer. He stated the City recommends approval.

Chairman Fitzgerald asked for a motion. Motion by Mr. Komjati, seconded by Mr. Eade, to approve the Final Plat of Heisley Park phase XV consisting of 25 residential lots. On roll call, Mr. Komjati, Mr. Eade, and Chairman Fitzgerald, answered “aye”. Motion carried.

#### **TABLED BUSINESS:**

Chairman Fitzgerald indicated a motion is necessary to remove the Nonconforming Use change from the table. Motion by Mr. Komjati, seconded by Mr. Eade to remove the Nonconforming Use from the table. All members present answered “aye”. Motion carried.

- **Nonconforming Use** – potential code change – Section 1139.03

Mr. Schaedlich indicated that he provided the Commission with a write up of the Ohio Revised Code Section 713.15. The city is working within the guidelines of the section dealing with nonconforming uses. This section of the Ohio Revised Code provides a period between six months and two years that municipal corporations may use to limit nonconforming uses. The City has chosen a period of one year. Other communities have chosen six months and others have chosen two years. In addition, the City has chosen the fifty percent point whereby any damage/destruction greater than 50% of its replacement cost represents the limit to which a nonconforming use can either be continued or discontinued. This figure is in line with the requirement of the last sentence of Section 713.15 of the Ohio Revised Code to provide “such reasonable terms as are set forth in the zoning ordinance”.

Mr. Schaedlich described different situations that may occur where nonconforming status exists. He reiterated those uses are allowed to continue as nonconforming uses as long as they do not fall into either of the two situations previously explained. The Administration has provided the recommendation to make no changes to Section 1139.04 Nonconforming Uses. This is because there are only the two means of eliminating nonconforming uses per Ohio Revised Code 713.15, the provision that nonconforming uses cannot be rebuilt if they are damaged or destroyed to an extent greater than 50% of its replacement cost should be kept in the City’s Code.

Chairman Fitzgerald asked if there was any further discussion. There being none, he asked for a motion. Motion by Mr. Komjati, seconded by Mr. Eade, to approve changes to Section 1139.03. On roll call, Mr. Komjati, Mr. Eade, and Chairman Fitzgerald, answered “no”. Motion failed.

Chairman Fitzgerald asked for a motion to remove the Zoning Fee discussion from the table. Motion by Mr. Komjati, seconded by Mr. Eade to remove the Zoning Fee discussion from the table. All members present answered “aye”. Motion carried.

- **Zoning Fees** – Discussion/recommendations.

Chairman Fitzgerald indicated the memorandum from the Staff outlined all the proposed fees. Will these cover all the costs? Mr. Schaedlich indicated this is not the case for each permit. As requested, the Staff reviewed time and material put into processing the various permits. Some require a little time and others are extensive for the staff to review. In addition, the surrounding communities were looked at in terms of their fees. Mr. Schaedlich described each of the instances where the fees were much lower in Painesville than any other community in the area. The proposed fees closer reflect the actual cost to process the permits. Mr. Lewis stated the fees should be reasonable so the work is not started prior to pulling a permit.

Chairman Fitzgerald and Mr. Komjati indicated that they have no issue with increasing the fees to cover the cost of processing. The permit fees are still affordable and the residential permits are still in a reasonable range.

There being no further discussion, Chairman Fitzgerald asked for a motion. Motion by Mr. Komjati, seconded by Mr. Eade, to increase the fees for Section 1135.02 relating to signs; and Section 1149.01 relating to fees. On roll call, Mr. Eade, Mr. Komjati, and Chairman Fitzgerald, answered “aye”. Motion carried.

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

Ms. McMahon informed the Commission that City Council has referred an additional item back to the Commission for their consideration. They would like the unit size increased for the multi-family zoning category. The current regulations were given to the Commission; one bedroom unit 750 square feet, two-bedroom unit 850 square feet, and three-bedroom unit is 1,000 square feet. The recommended consideration would be to increase each of the units by 100 square feet.

Chairman Fitzgerald asked if this would affect the development at Diamond Shamrock. Ms. McMahon responded no; those unit sizes are larger than the minimum. He asked what would be affected by this change. Ms. McMahon indicated there is no current development happening that would be affected. The multi-family units that are currently under construction all are over the minimum requirement.

Mr. Komjati asked what the reasoning for the change is from City Council. Is it to make them more appealing? Ms. McMahon commented that is one reason, the other is to create a different price range product and to make the City’s minimum unit size closer to those in surrounding communities. This would be applied to the new construction that would occur in the City. All new developments that have been reviewed by the City recently have been above the minimum square footage requirements. This proposed change will update our code to match what is being constructed.

Chairman Fitzgerald asked if any action was necessary this evening. Ms. McMahon replied no, this would be brought to the Commission in December for formal action. This is only an update so the Commission is aware of what is being requested.

The Commission Members were reminded about attending the upcoming Zoning Workshop on Friday, November 18.

## **ADJOURNMENT**

Chairman Fitzgerald asked if there were any other items to be discussed. There being no other items to come before the Planning Commission the meeting was adjourned.

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Lynn M. White, Secretary

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Thomas Fitzgerald, Chairman