



Date: November 16, 2016
To: City Manager
Cc: Clerk of Council; Community Development Director; City Planner; City Engineer; Economic Development Coordinator; Building Official; file
Re: Planning Commission Action

The following items were presented to the Planning Commission for consideration during their Regular Meeting on November 12, 2015:

ADMINISTRATIVE REPORT:

Review of Conditional Use Permit (Refusal No. 2111) issued to Lakeview Bluffs LLC and Tierra Solutions, Inc. for soil removal at Elm Street (Parcel Numbers 15-A-019-0-00-013-0; 35-A-002-0-00-002-0; and 35-A-002-0-00-003-0): Permit granted February 21, 2007; reviewed December 13, 2007; extension granted December 2008, November 2009, December 2010, December 2011; October 2012, December 2013 and December 2014 with the stipulations that were agreed upon for the original permit and that Condition #18 be invoked so that the applicant provides a progress report to the Planning Commission by no later than the December Planning Commission meeting in 2016.

Motion by Ms. Kublmann, seconded by Mr. Waimwright to approve the request for an additional year, with the stipulations that were agreed upon for the original permit and that Condition #18 be invoked so that the applicant provides a progress report to the Planning Commission by no later than the December Planning Commission meeting in 2016. On roll call, Ms. Fleck, Mr. Waimwright, Ms. Kublmann, and Chairman Komjati answered "yes". Motion carried.

Annual Review of Conditional Use Permit (Refusal No. 2227) issued to Steele Mansion Suites, LLC for operation as an inn at 348 Mentor Avenue (Permanent Parcel Number 15-C-017-0-00-028-0). Conditional Use Permit granted on July 11, 2012. Temporary occupancy issued October 22, 2014.

Ms. Fleck moved, seconded by Ms. Kuhlmann, that the Commission approve the following finding of fact:

That conditions number (5) Signage, (13) Guest Register, (14) Dining/meals, (18) Special Events and (19) Business Meeting in the existing Conditional Use Permit constitute an unnecessary hardship on the applicant and that it is in the best interest of the City, the neighborhood and the surround community members to amend and/or delete these conditions as is set forth in the City Planner Lynn White's Memo to the Planning Commission that is dated 11.06.2015.

On roll call, Mr. Waimwright, Ms. Kublmann, Ms. Fleck and Chairman Komjati answered "yes". Motion carried, 4-0.

Ms. Kublmann motioned, seconded by Mr. Waimwright, to approve the Conditional Use Permit for an additional year, with the following conditions, No's. 1 through 24, as outlined in the City Planner's memo to the Planning Commission dated 11.06.2015:

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. The parking lot shall solely be used for the parking of non-commercial vehicles and vehicles carrying up to 15-passengers;
3. No commercial repair work or service of any kind shall be conducted on such parking lot;
4. There shall be no charge made for parking in such parking lot;

5. Signage.
 - A. Shall conform to Chapter 1135 non-residential freestanding signs relating to setback and height. Identification signs shall not exceed (16) sixteen square feet in area and shall not be internally illuminated. Such signage may be illuminated by indirect lighting where such sources of light are not visible from adjoining properties or the road right-of-way.
 - B. The design of the sign shall be compatible with the design of the inn, the surrounding neighborhood and Historic District standards, if any. Signs for the inn shall be reviewed by the Administrator and conform to the requirements of the zoning district.
6. Certificate of compliance. Shall be renewed on an annual basis.
7. Alteration/addition. In the event any exterior changes are made, such changes shall match or be compatible with the existing structure and in compliance with zoning requirements.
8. Guest rooms. The inn shall contain no more than 20 guest rooms. Guest rooms shall be contained within the principal structure. No rented room shall have an independent side entrance.
9. Room size. Guest rooms shall have a minimum of 100 square feet per room for single occupancy, 200 square feet per room for double occupancy, plus 40 square feet for each additional room occupant.
10. Length of stay. Guests may not stay longer than 21 consecutive days at any one stay.
11. Character. The scale and appearance of the inn shall remain primarily residential in character. The structure in which the inn is located shall be architecturally or historically significant.
12. Facilities. Shall consist of no more than two residential dwellings on a maximum of two parcels. Adjacent parcels shall be adjoining contiguous parcels that are not separated by a public right-of-way. The main dwelling shall serve as the inn and the dwelling unit accessory to a principal use on the adjacent property may house the owner/proprietor, caretaker, security guard, custodian or a similar position generally requiring residence on the site. The secondary dwelling shall not contain guest rooms.
13. Bathrooms. There shall be one bathroom per two guest rooms. As used in this subsection, "bathroom" shall include a sink, lavatory and tub or shower.
14. Guest register. A guest register listing the name, address, and phone number of all paying guests shall be maintained and available for inspection. A "guest" shall be defined as a person or persons who pay for and have signed the register for an overnight stay at the inn.
15. Alcoholic beverages. Sale and consumption of alcoholic beverages to guests and their invitees upon approval of appropriate liquor license by the State of Ohio.
16. Cooking. No cooking facilities of any type are allowed in any rented room, nor is there to be direct access to the cooking facility from any rented room.
17. Commercial use. Up to 25% of the gross area of the first floor of an inn may be in non-living accessory uses, including newsstands, gift shops, lounge, and similar incidental uses provided any incidental service is approved by the Commission and conducted primarily as a service to guests. There must not be an entrance to such place of business except from inside the building.
18. Outdoor storage. There shall be no outdoor storage of materials or equipment.
19. Accessory building. Any building that is accessory to the principal use shall not have guest rooms or be used to host events.
20. Security. The owner shall provide a security plan that is acceptable to the City.
21. Inspections. The facility must be in compliance with all appropriate health, safety and fire regulations.
22. Annual review. An annual review shall be conducted by the Planning Commission after each year of operation of the Inn to determine appropriateness and compliance with the approved conditions.

23. The Planning Commission, at future annual review hearings, shall have the right to re-impose the deleted conditions for dining/meals, special events and business meetings. The Planning Commission may determine, during the annual review hearing, that it is necessary to re-impose those conditions in order to meet the standards set forth in ordinance 1143.04 and because it is in the best interest of the City, the neighborhood and the surrounding community members to re-impose these standards
24. Special Event hours of operation shall be no later than 10:30 pm with a clean- up no later than 11:00 pm.

On roll call, Ms. Kuhlmann, Ms. Fleck, Mr. Wainwright and Chairman Komjati answered "yes". Motion carried, 4-0.

Temporary Structure and Uses: Lake Erie College was granted the placement of a temporary modular unit at Recreation Park on June 12, 2008 with extensions granted in December 2008; November 2009; November 2010; November 2011; December 2012; April 2014. Lake Erie College is requesting an additional one-year extension of their permit for the modular unit for the 2015-2016 seasons without the stipulation that it be removed by December 1, 2016.

Ms. Fleck moved, seconded by Mr. Wainwright to renew the Temporary Structure and Use of the modular unit at Recreation Park until December 31, 2016, with the following conditions, to be presented to the Planning Commission at the April 2016 meeting:

1. *A list of stake holders/subcommittee*
2. *A physical design of a new permanent structure with cost estimate*
3. *A strategic plan*

On roll Ms. Fleck, Mr. Wainwright, Ms. Kuhlmann and Chairman Komjati answered "yes". Motion carried, 4-0.

ADJOURNMENT

Please forward this information to City Council at the earliest time possible.



Tina B. Pomfrey
Planning Commission