PLANNING COMMISSION MEETING

December 8, 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 November 10, 2011. There being none, he asked for a motion. Motion by Ms. Shoop, seconded by Mr. Komjati, to approve the minutes as submitted. All members present said "aye". Motion carried.

Chairman Fitzgerald asked the secretary to read the Public Hearing Notice for Rezoning Application No. 72-11.

NEW BUSINESS: (Public Hearing Item)

Rezoning Application No. 72-11
Applicant: Steele Mansion Suites, LLC
Location: 348 Mentor Avenue/Permanent Parcel No. 15-C-017-0-00-028-0.
From: R-2 Multi-Family Residential District to B-1 Business/Residential District

An application has been submitted by Steele Mansion Suites, LLC, for the rezoning of Permanent Parcel Number 15-C-017-0-00-028-0. This property is currently zoned R-2 Multi-Family Residential and consists of a former 14-unit apartment structure that is undergoing extensive restoration. The applicant would like to rezone the parcel to a B-1 Business/Residential District. The rezoning of the parcel would permit the applicant to apply for a Conditional Use Permit to develop an Inn at this location.

Chairman Fitzgerald asked if the applicant would like to speak on this request. Mr. Art Shamakian, 1664 North Shore Drive, Painesville Township, addressed the Commission. He stated that the Steele Mansion is saved. He explained that they are reasonably new to the area; they have only been here two to three years. There has been tremendous interest from the community in this structure. They bought the Mansion for its historic nature. Mr. Shamakian indicated being from Chardon, they did not realize how pretty Painesville was. He stated they pulled the necessary permits to start the renovations with the understanding they did not know what the outcome would be for the structure. The logical was to restore it to apartments since that is what the current zoning classification is. He stated that the overwhelming opinion from the community was to make the structure into a bed and breakfast. When this was proposed, they were told that the Mansion was too large for a bed and breakfast. The Mansion is about 18,000 square feet. They understood that would be the proper size for an Inn. He explained that an Inn fits in perfectly with their plans, the college is nearby, and this end of Mentor Avenue seems destined to enhance the college. Mr. Shamakian stated that they have decided they wanted to do the Inn. In order to have an Inn they need to rezone the property. The structure could handle 22-units. Mr. Shamakian stated that walking up and down the street; he feels this use is not that big of a stretch, however, he is not a zoning person. The college, funeral home and church are in the area and do not seem to be residential. He also stated that the days of single, owner-occupied homes on Mentor Avenue is coming to an end. There are a good number of rental units and apartments.

Mr. Shamakian addressed the memorandum that was written by Mr. Schaedlich. He stated that the people they talked with want to have public access to the Mansion; however, if the structure is used for apartments that cannot happen. The Inn makes sense in regards to allowing the public to enter the structure and look around. In paragraph number four, the concern is with having adequate parking for the facility. This could be a problem. They had adequate parking identified for the apartments. Knowing that the parking would be an issue, they purchased the property next door from Mr. George Lehtonen. They want to create the Steele Estate. They plan to use that house for the people running the Inn. The back half of the property is about ¾ of an acre. They believe with the purchase of the property the issue has been taken care of in regards to the parking.

Paragraph number five addresses the failure of the Inn. Mr. Shamakian indicated they do not fail very often. This has to do with what could be done with the 22-rooms if the Inn does not succeed. He explained that each of the rooms is a room without a kitchen. If this were to be changed, it could be 15-rooms with a kitchen. He does not feel this will fail. They plan to cater to the College. There are two obvious uses with a 22-unit structure. This could be changed into student housing for the College or it could be used for an assisted living facility; both of which are allowed in the R-2 and B-1 Districts.

Mr. Shamakian addressed item number seven dealing with increased traffic. He stated that Route 20 is one of the busiest streets in Painesville. This use should not create anything out of the ordinary for this area. This use would not cause a greater increase in traffic than the proposed apartment use. He indicated that he could answer questions regarding the construction of the project from the Commission.

Mr. Komjati commented that he appreciates Mr. Shamakian's conviction of this project being a success. He asked if they had done a feasibility study or put together a business plan with projections of how this project will work. Mr. Shamakian responded that he has done simple projections for the project and gave the example of $100 per night times 22 times 365. This is a big number. Mr. Shamakian indicated that even at 30% occupancy, which is conservative, there would be enough revenue to run the day-to-day operations of the Inn.

Chairman Fitzgerald stated that the restoration of the Mansion is a great thing; he asked what the original intent was when the property was purchased. Mr. Shamakian responded that the original intention was to have a good time and rebuild the Mansion. We were using the money we had to get a good return but not to get rich. The apartment use was their first intention but as the public has expressed the want for a bed and breakfast, they started looking into that as an option.

Ms. Shoop asked how large of a staff will be expected to run this operation. Mr. Shamakian replied that he believes it to be eight-to-ten people. Mrs. Elissa Petrozzi introduced herself as the daughter and explained that she and her mother share the vision for this project. Steele Mansion Suites is not a company it is just their family. This is the project they want to do and found out that Painesville is really into this. All the enthusiasm has made this turn into this type a project. They do not want to make this a place where just a few people live in; they want to make it available to everyone. They get over 10,000 views every month on their Facebook page. She stated that when they bought the property it was an investment but it has become much more. They are willing to take whatever profit or loss because they feel this is a good thing for Painesville. Mrs. Petrozzi stated that she and her mother have a business plan and they would like to do an Inn. They were told to create a wish list that included a commercial kitchen, weddings, etc. They understand that they may have asked for too much but realize these might not be allowed. They are willing to work with the City to create this property to share with everyone. This will draw people to Painesville and make this a place people want to be. Ms. Shoop asked again, how many people will be employed at the Inn? Mrs. Petrozzi indicated it would be at least ten people. This would consist of two managers, cleaning crew, maintenance people, and grounds keepers.

Ms. Shoop inquired about the use of the property next door. Would the zoning have to be changed for this also? Mr. Schaedlich indicated a commercial parking lot would only require a conditional use not a rezoning change since it is zoned R-2. Chairman Fitzgerald asked how many parking spaces would be required for the Inn. Mr. Schaedlich responded that he believes it to be around 35 spaces. The apartments required 32 spaces. Mr. Brian Shamakian spoke up indicating the recently acquired property next door will provide 52 parking spaces for the Mansion. This should be adequate to handle special events.

There was continued discussion about where the events would be held. Dr. Carol Shamakian stated that they were encouraged to turn in a wish list. This list included the placement of tents for garden parties and weddings. If the tent is a problem, it can be modified so that those events have to be held indoors. If there is a stipulation of no tents then they will comply. They just want to have the Inn so it can be a positive for Painesville.

Ms. Shoop asked about the restaurant/kitchen area and if there would be a liquor license for the facility. Ms. Shamakian replied there would be no liquor license. They understand the concerns about the commercial kitchen and the noise generated from fans and the smells. They would build the kitchen so this would not cause problems. They went to the Red Maple Inn in Burton that uses catering for weddings. There is no commercial kitchen for a restaurant but more for preparing for

the diners.

Chairman Fitzgerald asked Mr. Schaedlich to explain what is allowed in the B-1 District. Mr. Schaedlich commented that the permitted uses are professional offices, general or medical, personal services, financial institutions, funeral homes, and places of worship. He stated there are also several conditional uses listed for the B-1 District as well. Ms. Shamakian stated that Rider's Inn is also zoned B-1. Mr. Schaedlich commented that there is a long history for that establishment.

Chairman Fitzgerald asked if the Administration had any questions for the applicant before moving forward. There being no response, Chairman Fitzgerald explained the procedure for the Public Hearing. He asked that anyone wishing to speak would be asked to state his or her name and address for the record. Chairman Fitzgerald commented that he would like those in favor of the request to speak first.

Mr. Richard Peterson, 10431 Tiffany Drive, Concord, stated he is here as a Trustee from the First Church of Christ at 422 Mentor Avenue. The Congregation has no objection to the rezoning of this property. He indicated that he saw a document stating overflow parking could be done at the church parking lot. Mr. Peterson indicated they have not been approached by anyone regarding this as an option. He stated they are glad to see the Mansion restored; it adds value to the area and they do not have a problem with it.

Mr. Anthony Torre, 158 Sanford Street, commented that he is neither for nor against the rezoning, but he asked if the Inn would have liquor served at the establishment. He stated that if there is no liquor involved he is in favor of any business that comes to Painesville.

Ms. Deb Remington stated she is present to represent Lake Erie College at 391 West Washington Street. She explained the College is neutral on this request. They are very pleased with the restoration of the Steele Mansion. She stated that she needs to make it clear the College does not have any additional parking available for the Mansion to use. They barely have enough parking for the current use at the college. She wanted to make sure the Commission realizes they do not have any available parking. In addition, Lake Erie College is very proud of their growth and the hundreds, sometimes thousands of people that are brought into the City. It seems that the College is made to think that they are responsible for the success of some of the businesses in Painesville. The College supports the businesses in the City; however, the College does not want to be held responsible for the success or failure of the Inn.

Mr. Angelo Cimaglio, 477 Owego Street, stated he met the Shamakian's four to five months ago. He read about their purchase of the Steele Mansion in the paper. He stated everyone that drove by the place prior to it being renovated expected to see less of the building each time they went past it. Painesville has been handed a gift. These people came here with an idea that turned into a dream that became a vision. Mr. Cimaglio indicated that he feels the renaissance of the building is unbelievable. He stated that either way, apartments or an Inn, they are both businesses. He commented that this would become an anchor for the Mentor Avenue Historic District. He believes this will be better for the neighboring property values as an Inn, not as apartments. Painesville needs to see this as positive for Painesville, keep an open mind, and allow this to go forward.

Ms. Kelly Leone, 8126 D Independence Drive, Mentor, stated that she works for a company called Norandex. She stated that she has been working with the Shamakian's on the exterior renovations of the Mansion. Ms. Leone stated that she has never worked with a group of people so excited over a project as this group. The vision they have for the City of Painesville is amazing. They are not in this for the money. Everything that they have used for the restoration of the structure has been quality and they will last a lifetime. They are here to do a great thing for the City of Painesville.

Chairman Fitzgerald asked if there was anyone else wishing to speak in favor of this request. There being none, he indicated that anyone that is opposed to the rezoning to please state their name and address for the record prior to commenting.

Mr. Dave Katila, 319 Mentor Avenue, indicated that he is very glad the Steele Mansion has been saved and is being renovated after the fire of a few years ago. Because of its age, it fits into the current National Historic District designation. He stated he believes it is worthwhile to preserve different types of architecture to show what homes were like over a hundred years ago. He would expect the Steele Mansion to be restored to residential status. Now the property owners want to change the zoning from R-2 to B-1 business to develop an Inn. The property with a B-1 zoning will

be a detriment to the historical character of the residential neighborhood and the other business uses. The B-1 Business regulation, although may allow residential uses, is not intended to offer a residential environment protected from usual and customary business activity. Mr. Katila stated consequently he is opposed to this property being rezoned to a B-1 Business district it should remain R-2 Multi-Family Residential district.

Mr. Gary Fisher, 27 Wood Street, stated that he echoes what Mr. Katila just stated. There are fifty-five residential properties in the Mentor Avenue Historic District. He does not see the need in putting a business use in that area. The City has been removing spot zoning and now this would be another area that would be spot zoned. Mr. Fisher stated he is against the rezoning of this property. He is concerned with this creating a precedent where others will follow asking for their piece of property to be rezoned. This change is not good for the area or for Painesville. The apartment use is a good fit.

Ms. Debra Hertz, 343 Mentor Avenue, Apt. 2, stated she lives directly across from this property. She stated Kip Smead owns the building and her apartment is fabulous. She indicated that she is against the zoning change. The Mansion looks very nice and she is glad to see the family put in the time to renovate it. Ms. Hertz stated that she would rather see the apartments.

Mr. Marvin Bahr, 7772 Maple Street, Kirtland, stated that he is also the Chairman for the Kirtland Zoning Board of Appeals. Spot zoning is something we really do not like to discuss. He asked if an overlay district has been considered for this area. Ms. McMahon explained this area has an overlay district currently, the Historic Preservation District. Mr. Bahr stated that there could be more than one. Ms. McMahon replied yes, however, this area only has one. Mr. Bahr explained some options of having an overlay that would promote economic development or unique cases in that same area. This would be a good area to look at doing this. He stated that can be controlled even more so than a zoning district.

Mr. Kip Smead, 343 Mentor Avenue, stated that he owns two homes in the Mentor Avenue Historic District. He is very concerned about allowing this use at this location. This is actually a B-3 use that they are proposing but trying to get it through as a B-1. The B-3 District is the district encompassing the downtown focal point of the community. He stated he has heard several times it would be a focal point. He stated that he does not want to live across the street, or have his tenants living across the street from the focal point of Painesville, Ohio. Mr. Smead stated he thinks this would be great if they would do it downtown, but B-3 business should not be put in a B-1 district. The house next door has been purchased so the assumption is there will be another request for that to be rezoned. As Mr. Fisher indicated, this will then spread down the street. The City needs to make a decision as to whether or not this should be a business district or not. This has been a tough decade for the area, looking at that building falling apart for ten-years has been rough. Mr. Smead stated he is a member of the Painesville Area Community Improvement Corporation. The PCIC funds the downtown with $500,000 per year to make the downtown the focus of the City.

Mr. James Callender, 362 Mentor Avenue, stated that they moved from Concord to Painesville several years ago because they appreciated the residential quality of the area. They have enjoyed their life living there. The biggest issue is the reasons for rezoning and not rezoning. The reason does this change the character of this area? This is a major change for this area. If this is allowed to go forward, this business zoning will destroy the residential character of the area. He indicated that he has two fears; either the Inn is profitable and there are so many people they cannot get in or out of their driveway, or the Inn fails and there is B-1 zoning in the middle of a residentially zoned area. Neither outcome is good for this area or the City of Painesville. The residential areas need to be looked at; the downtown area needs to have this type of development. The residential areas need to be protected and preserved. This is a great residential area but will be destroyed with the addition of a business zoning.

Ms. Sarah Hoerz, 529 West Walnut Avenue, stated that she is against the rezoning. She feels that it will bring too much hustle and bustle; there is too much there as it is. It should be left as apartments.

Ms. Stephanie Beres, 340 Bank Street, explained that she owns the Bank Street Bed and Breakfast. She stated that she welcomes the opportunity to have another B&B in town. They refer to Fitzgerald's, Rider's, local hotels, and motels if she cannot give guests what they need. She explained that when they went through the process for their conditional use they personally went and spoke to the neighbors to be sure they were okay with this use in the neighborhood. They wanted to enhance the area not detract from it. Ms. Beres stated that she also works for the Lake County Visitors Bureau

that also welcomes another lodging establishment since they are funded by the bed tax. She indicated that she is concerned with the size of the proposed use. She suggested something on a smaller scale with the apartments as the main use of the structure. She is not for or against the rezoning, just has many questions. Realistically the Bank Street Bed and Breakfast is not full every night or every weekend. She is a Lake Erie alum and they do not get a lot from the College. She is concerned about the return on the investment. She wants to see them succeed. She is all about restoring historic buildings since she and her husband did the same thing for their establishment. The idea is not to destroy the quaintness of the neighborhood; being in the Historic District the idea is to keep the uses harmonious with each other and the continuous flow and preserving property values. Ms. Beres indicated there is a lot to think about for this request.

Dr. Carol Shamakian explained that she had volunteered at a table during the Party-in-the-Park. They put out a spontaneous petition of people walking by the table. When they purchased the Mansion, they were of the mindset to restore the structure to apartments. They started to think outside of the box and wanted to know what it could be. They had gotten about 300 signatures from people who wanted to see the Mansion turned into an Inn. There were many options given out at that time, but this was the top choice from all the people that had given their opinion. Dr. Shamakian stated that she finds that people's faces change when you tell them that instead of apartments the Mansion could be an Inn. They are excited to hear that and the possibilities of having the Mansion open to the public. She stated that this idea was pushed on them. Dr. Shamakian indicated that she had a letter submitted by Ms. Kathy Purmal of the Lake County Historical Society. The Historical Society has been very enthusiastic about the building being turned into the Inn. This goes along with the vision of the Historical Society in regards to promoting tourism of historical places. Dr. Shamakian asked if the Commission had received the letter. Chairman Fitzgerald stated yes, they have the letter. The Planning Commission Members were given copies of the letter prior to the beginning of the meeting.

Ms. Shoop commented that not everyone that is for this change has to live next to the Inn. She stated that she is concerned about the survey that was done and how many of those people are actually from the area, let alone have to live next door. Dr. Shamakian replied that in the fall, they had an open house and invited anyone in the surrounding area to come and again they put out the questionnaire with the survey with boxes to check what their vision was. There were 25 completed questionnaires and all 25 had Inn marked as the choice. These are from the people in the area that can walk to the house.

Mr. Komjati stated that he loves the passion that the Shamakian' s have for this project; however, he is concerned about the statement that you are not in it for the money, and that you are willing to take a loss. He stated he feels that they do not know what they are getting into. A business cannot operate at a loss forever. Dr. Shamakian responded that they are not willing to take a loss and if that was said that was incorrect. Ms. Shamakian responded that she made that statement. Mr. Komjati indicated that he would hate to see another failed business. Dr. Shamakian stated they have many years and many successful businesses behind them. They have been in the business of making money for a long time. She indicated that they are unable to answer some of the questions with exact specifics since they have been working very closely to the project for a while. They want to stay flexible with the project and not pinpoint exactly what is to be done so they do not miss a great opportunity to make it better. Dr. Shamakian stated they have gotten great ideas from people who stop and tell us what those ideas are. They believe they can make this work.

Mrs. Petrozzi stated that she knows they cannot give specifics and the neighbors who live next door are concerned. An apartment building with 15-units with two people with two cars will generate a lot of traffic. Since they cannot discriminate, there will be college kids living there and there will be a lot of activity. She stated that she would rather have an Inn than crazy college kids. The people who live around us do not have the same type of residence. This place is huge and it sits at the very end of the Historic District. There is only one more house next to them in this district. The College is nearby and zoned residential which is not residential. People come and go from there all the time.

Mr. Shamakian stated to answer the financial question; they will not take a loss on this property. This is not their primary source of income. They do not need the success of the Mansion to eat. Therefore, if it breaks even then that is okay. They will try like crazy to make some money.

Mr. Callender stated that Ms. Shoop made an excellent point. The people who are directly affected by this decision tonight have expressed their opinions. The people who have stated that this is a good thing do not live in the vicinity. After what has been disclosed tonight, this property has become

even bigger and becomes even more of an issue. He asked that the Commission turn down this request tonight.

Mr. Cimaglio asked if the Commission has looked into the difference between the two uses in regards to the amount of traffic. He stated he could not understand that apartments would be better than an Inn. He believes the value of the properties surrounding the Inn would greater.

Mr. Tom Burnett, 6510 W Lake Road, Madison, stated that he grew up in Painesville. He went to school here and lived on Watson Street. He stated that he watched the town deteriorate, businesses leave, the history torn down in Painesville. What was going to happen to this house, the same thing? Somebody came in and wants to save it. People got behind them and have been cheering them on. They saved the house, you gave them the chance on that, give them the chance on this. Mr. Burnett commented that if the house is used as apartments there will be people that do not care living there and it will be trashed. If it is an Inn and people can come in and appreciate the structure they will come back. They will bring life back into the City; they will bring retail, which there is none right now. He stated he is sad driving through the City, there is nothing left.

Mr. Fisher commented that he agrees that there needs to be business brought into Painesville He does not concur with the fact that this is the place to bring business. He stated that if it is a failure, what happens if they sell the building? It will go through the same cycle as is happening now, one business after another. Once the mortgage is satisfied and we have a building that looks great, we are willing to sell our soul. Mr. Fisher indicated he would rather see this as a 14 to 16-unit apartment complex than a business. The people that lived there before were quality people who lived there many years. This can happen again, you can get quality people if you are willing to do the work and find good people to have as tenants.

Mr. Bill Rieman, 430 Appletree Court, Painesville Township, stated they moved here about eight years ago and everyone said that they were crazy for moving to Painesville. This house has made us want to be in Painesville. He explained that when they travel they always stay at an Inn. Madison and Geneva both have Inns which is giving business back to the communities that we live in. Unfortunately, the people are concerned about the traffic; he believes this will improve the area and not bringing it down. That is what makes us proud to live in this City, because of Party-in-the-Park, the restoration of the Mansion; the beautiful job the College did on their building. Telling people to go away when they are fixing up things is not good.

Mrs. Mary Carmody, 448 Mentor Avenue, stated their family lives between the two churches. She stated that she is visiting from out of town right now and is not familiar with the rezoning process. They experience traffic all the time on both Mentor Avenue and Jackson Street. She does not understand the argument of an Inn creating more traffic than an apartment building. Mrs. Carmody stated that she also does not understand the negativity. She grew up in Painesville and walked past that house every day. She has positive feelings about the restoration. The Inn would be better than apartments since there a quite a few apartment vacancies as you go up and down Mentor Avenue. She does not feel the traffic will be an issue for this property.

Mr. Smead commented that once the City goes this route, what is to stop someone from buying his place and coming to the Commission wanting to put in a B-3 Business as well? This could happen to all the houses in that area. Once this is approved, it sets a precedent and an end to the Historic District. That is what his concern is for this area.

Ms. Kathleen Cotter, 246 South State Street, stated that she heard the comment about the overlay district earlier. She understands the Historic District is an overlay. What does this idea of an overlay have on this request? Chairman Fitzgerald indicated that is something the Commission needs to determine.

Chairman Fitzgerald asked if there were any other comments from the audience. There being none he asked Mr. Lyons to address the legal aspects of spot zoning.

Mr. Lyons commented that in Ohio Law spot zoning has no legal meaning or legal effect. It is legal to rezone one piece of property as long as all the issues and facts are weighed. Chairman Fitzgerald asked how that effects what Mr. Smead stated, once one is done, and then everyone can get their property rezoned. Mr. Lyons stated that as long as the Commission and Council consider each request for rezoning on its own merit. If the next case is denied even though one is approved the applicant would have to prove that the decision by the Commission or Council was unconstitutional

which would be difficult to do. The City Code indicates what the Commission is to consider in making this decision. This is then placed into a Staff Report provided by the City Administration. Mr. Lyons read Section 1147.01, which states, "Whenever the public necessity, convenience, general welfare or good zoning practice require, Council may by ordinance, amend, supplement or change the regulations, District boundaries, or classification of property". Ultimately, that is the standard and it needs to follow what is good zoning practice. Mr. Lyons stated that it is his understanding that this property was not identified to be zoned B-1 in the Master Plan. That alone does not mean that the Commission cannot make a recommendation as long as all the factors are considered. From a legal standpoint, he is not concerned about spot zoning.

Chairman Fitzgerald asked about the overlay that was mentioned. Ms. McMahon replied that an overlay could be developed for any type of circumstance. The City currently has the PUD, Historic, and Design Review Districts as overlay districts in the code. She stated, could an overlay been done, yes. For instance if the Commission wanted to create an overlay for this area to allow uses of greater intensity, list uses, characteristics, certain controls can be added like was done for the Historic District. That is not what is being asked for currently. However, if the Commission wants to explore creating an overlay district as an option, that can be done instead of the rezoning. Ms. McMahon gave some examples of what could be looked at in terms of the Bed and Breakfast section of the code and the possibility of changing it to be more flexible. The decision comes down to is the use, based on what was heard, the Comprehensive Plan, the vision the Commission has for long-term, that is desired at this location. There are many ways to get to that end. The initial decision is if the use is appropriate.

Ms. Shoop inquired about the rezoning and then the conditional use. She stated the conditional use staff report has no conditions written up for it. Is this something that can be tabled? If the zoning goes forward, she is not ready to make a decision on the conditional use since it states more information is needed. Ms. McMahon responded that is correct. Ms. Shoop looked over the wish list and thought that was the business plan. The Commission needs to look over this list and make sure the conditions are put in place. Ms. McMahon stated that would have to be done after the zoning is determined. She indicated the applicant put in writing their desires of what they want to do at the property. The staff report written by Mr. Lewis and Mr. Schaedlich appropriately raises the questions that require more information to be provided by the applicant to make that decision. Ms. McMahon stated that if the rezoning does go forward, there are a number of items that need to be considered and discussed for the Conditional Use Permit. This may be where some of the issues brought up tonight can be controlled. Ms. McMahon stated that both issues do not have to be decided tonight.

Ms. Shoop inquired about the final decision being made by City Council. If the Commission approves this and Council does not, the decision stands. Ms. McMahon replied yes; however, if the Commission denies the request the applicant can chose to forward this to City Council. In order to overturn a Planning Commission recommendation a super majority vote is necessary for either a yes or no recommendation.

Chairman Fitzgerald asked if there were any other comments or questions from the Commission Members. There being none, he asked if the City had anything else to add. Chairman Fitzgerald asked what the drawbacks of having this zoning there are. Any of the B-1 District uses can be placed there along with the fact the design would need to be compatible with the Historic District.

Mr. Komjati made a comment for those individuals not in favor of the rezoning. He asked if the opposition was towards the Inn or the fact that this would open up the opportunity for additional commercial development. Mr. Smead stated that it is the precedent they are concerned about for the area. The Inn is really a B-3 Business, hotel/motel, which they are trying to slide in as a B-1 Business. Once business zoning is in the District, it will be harder down the road to turn down another request for a business use. Mr. Smead stated they will be back to rezone the property next door to have a commercial parking lot. Ms. McMahon clarified that the commercial parking lot is a conditional use in the current zoning category of R-2 so no rezoning is necessary.

Chairman Fitzgerald asked if there were any other comments to be made. There being none, he asked for a motion on this rezoning request. Motion by Ms. Shoop, seconded by Mr. Temming, to recommend approval of Rezoning Application No. 72-11. There being no other discussion, the secretary was asked to call the roll. On roll call, Ms. Shoop, Mr. Komjati, and Mr. Temming, answered "yes"; Chairman Fitzgerald answered "no"; Motion carried.

Chairman Fitzgerald moved onto the next item on the agenda. He asked the secretary to read the

notice.

REFUSAL NO. 2214 CONDITIONAL USE PERMIT REQUEST
Applicant: Arthur, Carol & Brian Shamakian & Elissa Petrozzi
Owner: Steele Mansion Suites, LLC
Location: 348 Mentor Avenue (Parcel Number 15-C-017-0-00-028-0)
District: B-1 Business/Residential District
Section: 1143.06 (a)

The City of Painesville has received an application from Steele Mansion Suites, LLC for a Conditional Use Permit. The applicant is proposing an Inn at 348 Mentor Avenue (Permanent Parcel Number 15-C-017-0-00-028-0). The property is located in the B-1 Business/Residential District. Section 1143.06 (a) requires a conditional use permit for similar uses as determined by the Planning Commission in the B-1 District.

Chairman Fitzgerald stated that after discussing the rezoning and finding out this conditional use permit request needs more information to be provided to the Staff, he asked if there was any opposition to tabling this request for that purpose. The applicants and members of the Commission and City Administration agreed with the tabling of this request.

There being no other discussion, Chairman Fitzgerald asked for a motion. Motion by Ms. Shoop, seconded by Mr. Komjati to table Refusal No. 2214 for a Conditional Use Permit at 348 Mentor Avenue to allow time for additional information. On roll call Mr. Komjati, Mr. Temming, Ms. Shoop, and Chairman Fitzgerald answered "yes". Motion carried.

ADMINISTRATIVE REPORT:

Chairman Fitzgerald moved onto the next item on the agenda. He asked the secretary to read the notice.

- **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 and November 2009; extension granted December 2010 with the stipulations that were agreed upon for the original permit with an expiration date of December 30, 2011.

Mr. Todd Davis, Lakeview Bluffs, stated that he is here to give the Commission his annual update on their project. He stated they are experiencing slow, steady progress despite the economy. He showed the area where the remediation is completed, the area north of Fairport Nursery Road. Chairman Fitzgerald asked if they have had any erosion issues. Mr. Davis responded that in both areas along the lakeshore and the riverbank they have not had any problems whatsoever.

Mr. Davis explained that in 2012 they will begin moving additional soils and completing the work necessary for the golf course. This will begin a lot of activity in this area. They have been working nonstop with the Ohio EPA on each portion of the site. The goal is the development activity will ramp up this next year. Mr. Davis indicated that he would be able to answer any questions on this project.

Chairman Fitzgerald asked about the possibility of touring the site in the spring. Mr. Davis stated definitely, they provide tours all the time. Ms. Shoop asked how much soil is left to be moved. The original plan was for 4 million tons of soil to be moved and they have only taken about one-half of that soil amount. He stated it is amazing to see what has been done on the site.

There were no other questions or comments regarding this review. Chairman Fitzgerald asked for a motion. Motion by Mr. Komjati, seconded by Mr. Temming to approve the twelve (12) month extension request for the Conditional Use Permit for Refusal #2111 with the stipulations that were agreed upon for the original permit with an expiration date of December 30, 2012. On roll call, Mr. Temming, Ms. Shoop, Mr. Komjati, and Chairman Fitzgerald answered "yes". Motion carried.

Chairman Fitzgerald moved onto the next item on the agenda.

- **1129.01 HEIGHT, LOT AREA AND MINIMUM FLOOR AREA REQUIREMENTS** – potential code change – minimum floor area requirements in R-2 District for Multi-Family uses.

Chairman Fitzgerald asked the members of the Commission if there were any comments or questions on this code change. There being none, he asked for a motion. Motion by Ms. Shoop, seconded by Mr. Komjati, to approve the proposed changes to Section 1129.01 for minimum floor area requirements. On roll call, Ms. Shoop, Mr. Komjati, Mr. Temming, and Chairman Fitzgerald, answered "yes". Motion carried.

OTHER MATTERS THAT MAY PROPERLY COME BEFORE THE PLANNING COMMISSION

There were no other matters to come before the Planning Commission.

ADJOURNMENT

Chairman Fitzgerald asked if there were any other items to be discussed. There being none the meeting was adjourned.

Lynn M. White, Secretary

Thomas Fitzgerald, Chairman