

**Cuyahoga Falls City Council
Minutes of the Planning & Zoning Committee Meeting
October 31, 2011**

Members: Vince Rubino, Chair
Jerry James
Ken Barnhart

Mr. Rubino called the meeting to order at 7:05 p.m. All members were present.

The minutes from the July 25, 2011 Committee meeting were approved as submitted.

Legislation Discussed

Temp. Ord. B-98

Discussion

Temp. Ord. B-98

An ordinance approving the site plan related to construction of a 55,000 square foot/100-unit skilled nursing facility at 186 West Bath Road (Parcel No. 35-05985), and declaring an emergency.

Mr. Guerra stated the applicant for this project is Bath Creek Healthcare Holdings LLC. The project is for a 100-bed skilled nursing facility at 186 West Bath Road. The property is on the south side of West Bath Road, approximately 1,600 feet west of the Bath and State Road intersection. The site is approximately 45 acres and is zoned R-5 Mixed-Density Residential. Nursing homes are allowed as limited uses in an R-5 District. The limited use means beds cannot exceed the overall density of what is allowed on that property. On October 18, 2011, the Planning Commission members voted to recommend approval of the Site Plan with five conditions. He pointed out that the attachment to the ordinance contained in Council's packet was incorrect. The summary sheet he handed out earlier has the correct attachment. The one in the packet was the site plan showing the original landscaping.

Jason Rice, 3760 Hillbrook in Stow, is one of the developers. He stated they have a set of larger plans if someone wanted to look at them. This project is a single-story, 100-bed skilled nursing facility. They have made adjustments to the plans based on requests from the Planning Commission. The building will have vinyl siding with stone underneath and stone accent walls. They want the facility to fit with the neighborhood.

Mr. Walters stated that originally there was a question about the buffer on the west side of the property that would have mounding and trees. He asked if that has been completed. Mr. Rice stated that the mound is still planned for along the west side of the property and will have 94 blue spruce trees planted. Mr. Guerra added he is in the process of reviewing the plans for compliance.

Mrs. Colavecchio asked what the square footage was of the facility. Mr. Rice stated it is 55,000 s.f. The building will occupy about the same footprint of all of the buildings from the original project minus the apartments in the back. Mrs. Colavecchio asked if there was a plan to develop the back portion of the property. Steven Krutowsky, 1306 Meadowood in Hudson, is the other developer. He stated they are only interested in developing the first 13 acres. That is what they received financing for. They have gone through the complete review with the Ohio Department of Health. There is a definite need for a facility like this in this location. He stated they were appealed upon but the appeal was dropped so they are now permitted to move this forward. The Certificate of Need will expire. It requires that a project be built within a certain amount of time. In this case, construction must be started within 12 months. They have

no current plans to develop the back of the property. If they did, they would make it a continuing care community with one-story villas similar to Laurel Lake. Mrs. Colavecchio asked how many jobs they anticipated this project will bring. Mr. Krutowsky stated it will bring 100+ jobs at the nursing home, and construction would be at least \$10 million.

Mrs. Hummel asked whether the driveway would be reworked into a street if the back of the property were to be developed so it would meet the City's specifications. Mr. Guerra stated that is the only way to get back there. If they develop the back of the property, they would have to put in a street, which could be a private street. There would be enough room to accommodate a street. However, if they put another building in the back, they could still use the driveway. A street would only be required if there were separate units built. Mr. Walters assumed this facility would be served by Station 4 since that station is a little closer than Station 5. He asked about the frequency of calls that a 100-bed nursing home would generate. Mrs. Pyke stated she is fairly certain that skilled nursing facilities use private ambulances to transport residents. Mr. Krutowsky confirmed they use private ambulances.

Robert Gallagher, 2689 Timberline Trail, was present representing the High Hamptons Homeowners Association. There are 92 homes that are west of this parcel. Most of the residents were pleased with the proposal that has been made here. Anything bringing jobs and construction is a good thing in this economy. They still had a few concerns. The first was how noise and smells from the kitchen area would affect the homes. He met with Mr. Guerra to confirm that the location of the facilities would be on the opposite side of the building from the homes, but he wanted to know what reassurances the homeowners had that the kitchen would not be moved to the other side of the building. Their second concern was with the screening and mounding. He reviewed the City Code and found that this applicant is actually not required to build a mound. Currently, there is no mound. He asked if the developer will be held accountable to build one. Once the project gets started, how do the homeowners know everything that's been promised will be done to protect the integrity of the surrounding properties? Their third concern is where the location of the front of the building is. He asked if it was on the front of the property which is on Bath Road or whether it was on the driveway. The reason this issue concerns them is because of vehicle traffic, specifically the delivery vehicles and ambulances. The Code states the front cannot have parking in a R-5 District. He just wants to make sure every step is taken to protect property owners. The Association members were also asking to make sure the project receives funding and that it pays all taxes owed within Summit County in full, and Mr. Guerra has confirmed to him that the taxes are to be paid in full.

Ron Starkey, 11366 Cleveland Avenue, Uniontown, is the attorney representing the Homeowners Association. He stated that the homeowners are not objecting to the development but are just concerned about some things they would like addressed. If this legislation is adopted this evening, it would be adopted with what has already been resolved, and the concerns they still have would not be included. Those stipulations need to be included so the project would be built as approved by Council. He wanted to make sure that everything that needs to be addressed is done now. Mr. Rubino asked if there was a list of the additional stipulations. Mr. Starkey replied that it is a work in progress. He is aware that requirements are relaxed when a community wants to attract development. One example in this case is that the Code requires all stone exterior and an allowance has already been made to allow some siding. Mr. Krutowsky stated that the front of the building is on the side by the driveway. The kitchen is located in the back of the building and will have normal venting. All deliveries will be made on the side near the kitchen. There will be sufficient screening so headlights will not affect the homeowners. He also stated concerns had been expressed about the retention ponds posing a danger to small children. They are going to fence those in to remove that worry. He stated the original proposal was for a three-story building. This proposal is for a one-story building so the footprint is larger than the original. He added they will be bringing all natural materials in.

Mr. Guerra stated this 13-acre site is hard to develop because it is narrow and there are wetlands in the front and to the east so there are limitations as to where roads can be put in. You cannot put parking on the one side or loading in the back where residents are. With regard to the question about brick, what the Code says is that the first floor must be brick on a multifamily unit. The City did not want multifamily units to be all vinyl. When looking at a nursing home, if it were all brick, it would be institutional-looking. This is a different situation than dealing with apartment buildings. Mr. Krutowsky added that he has been the developer on other developments in the City, and it has been a wonderful place to do business. They want to be a good neighbor. The City needs 100+ jobs, and he is not asking for any tax abatements. They will also be using local suppliers from within Summit County. He has a lot of money invested in the area.

Mr. Rubino stated that originally Council was going to discuss this ordinance next Monday, November 7. Council does not usually have a meeting on the fifth Monday of the month. There are residents who were planning to attend the November 7 meeting to hear about this project. He recognized there may be some time line issues but wondered whether the developers could discuss this project again next week. Mr. Krutowsky stated that their lender wants them to get this started now before they run into weather conditions. He was asking Council to make a decision this evening. They need to get the underground and foundations in.

Joseph Granata, 2650 High Hampton Trail, stated he is in favor of the development. Development is good. He has concerns, however, because the mounding was to have been done years ago but nothing happened. Mr. Guerra stated the City would not allow any mounding until it had evidence the project had financing. Mr. Granata was also concerned about development in the back and indicated it had been previously stated there would be none. Mr. Krutowsky stated he was not aware of any development but did not say it would never be developed. He feels at some point, they would like to develop the back. It would be for all seniors. It would not be rentals.

Daniel Zampelli, 2690 Timberline Trail, was concerned about a lot of ambulance traffic and also about the sirens and lights. Mr. Rice indicated if there is an emergency call, the ambulance would have to go to the front door. For new residents coming in or for residents going out for testing, etc., they would be using the door closest to Bath Road. Mr. Krutowsky added that sirens wouldn't be used when residents were dropped off or picked up for testing, and he assumed the ambulances would shut their sirens off when they turned into the entrance to the facility.

Mr. Starkey stated that this discussion is about approving a 55,000 s.f. building sitting on 13 acres, but it is actually on 45 acres. Also, he appreciates the representations made by the developer this evening but they are not legally binding. He would prefer to bring the total project to Council for approval so there is no confusion on what is expected. They want assurance that they will build what they say they will build. He pointed out that according to the Development Code, a recommendation by the Planning Commission can only be done at a regular Council meeting and not at a special meeting. Mr. Janis did not have the Code with him but added he could get the information if Council stays in session. Mr. Guerra stated that the ordinance that is passed by Council adopts whatever stipulations are contained in File P1611. All of the final stipulations are part of that file and are included by reference in the legislation that is passed. Council does not see every specific thing. Mr. Krutowsky stated that the 45 acres are split. They also put up a landscape bond to guarantee the landscaping is done as required. He added that whether there is a contract or not, if someone does not want to do something, it will still end up before a judge. He pointed out that the density of the site allows them to build 208 units but they came in with more than 50% less. There have to be commitments on both sides. They are trying to help the people who live in High Hamptons but do not live in Cuyahoga Falls. Whatever is on the blueprint is what they are going to do. Mrs. Klinger commented on the reference to 45 acres on the handout and wondered whether that should be changed to 13 acres. Mr. Guerra stated the site is presently 45 acres and has not yet been split.

Mrs. Hummel appreciated Mr. Krutowsky's remarks about the 13 acres but didn't see why a notation couldn't be made on the attachment that a lot split is contemplated so that this would be a 13 acre site. She also stated that if not for the bargaining issues that this meeting was called for, Council would not be having this meeting tonight. She felt it was owed to those of the public, who were aware that the matter wouldn't be discussed until November 7, to hold this legislation tonight so it can be discussed next week. If there are no further concerns at that time, it can then be dealt with in a timely manner. Most questions have been raised but there are members of the public who were not aware it was being discussed tonight. She would not be in favor of voting on this legislation tonight. Mayor Robart stated if it is discussed again next Monday, perhaps it could be voted on that night in a special meeting.

Mr. James moved to hold B-98 so it could be discussed and possibly voted on next week, second by Mr. Barnhart. Motion passed (3-0).

Meeting adjourned at 8:05 p.m.