

SPECIAL PLANNING COMMISSION MEETING

May 28, 2015

The Planning Commission convened in Courtroom No. 1 at City Hall for a special meeting. Chairman Komjati called the meeting to order at 7:30 PM. He asked the Secretary to call the roll. Members in attendance were Ms. Leah Huth, Ms. Carol Fleck, Vice-Chairman Ms. Christine Shoop and Chairman David Komjati. Absent was Mr. Mark Wainwright. Also present were the City Manager, Anthony Carson, Assistant City Manager/Community Development Director Douglas Lewis, City Planner Lynn White, Assistant Law Director James Lyons, and Secretary Tina B. Pomfrey.

Chairman Komjati stated a motion was needed to remove Rezoning Application No. 82-15 from the table.

Motion by Ms. Shoop, seconded by Ms. Fleck to remove Rezoning Application No. 82-15 from the table. There being no discussion, Chairman Komjati asked for a roll call. On roll call Ms. Fleck, Ms. Shoop, Ms. Huth and Chairman Komjati answered "yes". Motion carried, 4-0.

TABLED BUSINESS:

Rezoning Application No. 82-15

Owner: Leimco Development Co. Ltd. Property

Location: Parcel Numbers 35-A-001-0-00-001-0, 35-A-001-0-00-04-0, 35-A-001-0-00-011-0, 35-A-001-0-00-015-0, 15-C-036-H-00-031-0

From: R-2 Multi-Family District to an R-1 Single-Family District

The City of Painesville is proposing to rezone Permanent Parcel Numbers 35-A-001-0-00-001-0, 35-A-001-0-00-04-0, 35-A-001-0-00-011-0, 35-A-001-0-00-015-0, 15-C-036-H-00-031-0 from an R-2 Multi-Family Zoning District to an R-1 Single Family District. This application incorporates 86.69 acres of land to the north of Jackson Street between Route 2 and from Route 44 west to the Heisley Park Development.

PROPOSED CODE AMENDMENT(S)

*Amendment to the Planning and Zoning Code * Sections 1127.05 and 1127.06 Relating to the Creation of a R1-60 Single Family 60-Foot Frontage Residential District. *Section 1129 Area and Height Requirements, in the R1-60 Single Family 60-Foot Frontage Residential District.*

Chairman Komjati turned the meeting over to the City Planner, Lynn White, for the comments by the City. Ms. White stated that the owner of the property, LEIMCO Development Company, indicated he would not be able to attend the meeting this evening. She went on to explain that this Rezoning request is an application from the City.

The request has been modified since the original rezoning notification was published to include only one parcel, included in Exhibit A. The parcel is 35-A-001-0-00-001-0 and only a portion of this parcel is being requested for rezoning. The portion of that parcel consists of 55 ± acres. It is currently zoned R-2 Multi Family, as it was when it was annexed into the City in 2002. This request was tabled at the last meeting at the request of the property owner. At the May 14, 2015 Planning Commission Meeting the Commission took comments from the audience regarding this issue. Those comments were from residents of Heisley Park, who were in favor of the rezoning request. Ms. White explained that the question was raised regarding the potential rezoning of the properties within the Heisley Park Subdivision to R-1 Single Family. It was mentioned that by rezoning the parcels within Heisley Park, it would create a non-conforming issue for those residents. Upon examination, the Administration decided the creation of a new district would be the best approach for both situations. Subsequently, the modified Rezoning Application No. 82-15 to the Planning Commission includes a proposed zoning code amendment. The proposed amendment includes the creation of an R1-60 Single Family 60-Foot Frontage Residential District with the appropriate text amendments to Sections 1127.05, 1127.06 and Sections 1129. The modified rezoning request for this parcel is to rezone the ±55 acre portion from an R-2 Multi Family Residential District to an R1-60 Single Family 60-Foot Frontage Residential District. It was explained that the Planning Commission will first need to adopt the new zoning classification and text amendment to allow the modified rezoning request to go forward. The new zoning classification district allows all the permitted uses that are in the R-1 Single Family District. The Conditional Uses have been reduced to include only non-commercial Recreational Uses and Public Uses. Also included are the height, lot area and minimum floor area requirements of this new R1-60 District, which mirror the single-family development requirements within an R-2 Multi-Family District. These development requirements are very similar to what is already been built in Heisley Park. This new zoning district will not prohibit the owner, LEIMCO, from building on the property, as the property owner has proposed this type of development in the past. The new zoning district provides a reasonable alternative for protection on this property, consistent to what has been previously proposed at this location. Additionally, it will protect the City regarding future development, consistent with what is presented in the Comprehensive Plan. The City favorably recommends this rezoning and the new zoning district for approval by City Council.

Discussion ensued regarding where this property is located. Ms. White indicated that the only parcel that is being rezoned is 35-A-001-0-00-001-0. All the other parcels listed in the initial rezoning request will remain R-2 Multi-Family and not be rezoned.

Chairman Komjati asked for comments from the audience. Mr. Ray Sternot, 346 Birchwood Lane, Heisley Park, stated that he believes this new zoning district is a good thing but wider main streets should be given more consideration because the narrow streets are a problem within Heisley Park. He stated there are parking issues within the development and wider streets would alleviate some of the issues. Mr. Komjati asked if the smaller lot size allow for wider streets. Ms. White replied that the street configurations are contained within the subdivision regulations. The City will be looking at that section to apply the code appropriately for a development with a denser configuration. Ms. Fleck stated that she believes this supports the City's Comprehensive Plan.

Mr. Lyons asked that the correspondence from the property owner be read into the record. Ms. White read an e-mail from the property owner. The email read, *"At this time, LEIMCO, the property owner is not in favor of the rezoning of its property. I am requesting not to rezone this land at this time. Sincerely, Richard M. Osborne Jr. on behalf of Richard M. Osborne, Sr. (Leimco's Owner)"*.

Mr. Lyons asked to comment for the record. He stated that this property, unlike Heisley Park, is not subject to a development agreement and is currently zoned R-2 Multi Family. When the property was annexed into the City, there was a contract between the City and the current owner. The contract indicated that no more than 30% of this property could be used for three or more unit developments, which falls under our multi-family code. This proposed rezoning does not affect the agreement and there is adequate land that fits into that classification so the City is consistent with the original agreement with the developer. The City's Comprehensive Plan for this area calls for Single Family Residential development. This rezoning is consistent with the Comprehensive Plan.

Mr. Carson, the City Manager, stated that the concern is that if this property were to be sold, then it would not be subject to the agreement they currently have in place. By rezoning the parcel, the property will be developed similarly to what is now in place. The City then does not need to worry if the property were to change hands.

Chairman Komjati asked if there was any further comments or questions. There being none, he asked for a motion on the proposed zoning code amendments. Motion by Ms. Shoop, seconded by Ms. Fleck, to favorably recommend the text change to the Zoning Code Sections 1127.05 and 1127.06 relating to the creation of a R1-60 Single Family 60-Foot Frontage Residential District; and the amendment to Section 1129 Area and Height Requirements, in the R1-60 Single Family 60-Foot Frontage Residential District. There being no discussion, Chairman Komjati asked the secretary to call the roll. On roll call, Ms. Shoop, Ms. Hutch, Ms. Fleck and Chairman Komjati answered "yes". Motion carried, 4-0.

Chairman Komjati asked for a motion to modify Rezoning Application No. 82-15. Motion by Ms. Fleck, seconded by Ms. Shoop to amend Rezoning Application No. 82-15 to change the text from an R-2 Multi-Family District to an R1-60 Single Family 60-Foot Frontage Residential District, permanent parcel number 35-A-001-0-00-001-0, to include the 55 ± acres as shown within the green outline in Exhibit A. There being no further discussion, Chairman Komjati asked the secretary to call the roll. On roll call, Ms. Huth, Ms. Fleck, Ms. Shoop and Chairman Komjati answered "yes". Motion carried, 4-0.

Chairman Komjati asked for a motion on Rezoning Application No. 82-15. Motion by Ms. Fleck, seconded by Ms. Shoop to favorably recommend Rezoning Application No. 82-15 for a portion of permanent parcel number 35-A-001-0-00-001-0, to include the 55 ± acres as shown within the green outline in Exhibit A from an R-2 Multi-Family District to an R1-60 Single Family 60-Foot Frontage Residential District. There being no further discussion, Chairman Komjati asked the secretary to call the roll. On roll call, Ms. Huth, Ms. Fleck, Ms. Shoop and Chairman Komjati answered "yes". Motion carried, 4-0.

Chairman Komjati asked the secretary to read the item under the Administrative Report.

ADMINISTRATIVE REPORT:

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

* Preliminary discussion of proposed Saber Healthcare site plan.

Chairman Komjati asked who would like to speak on this matter. Mr. Lance Osborne introduced himself to the Commission. He indicated that he is representing Shamrock Business Center Ltd., which is the property owner of the 300 acres, north of CSX Railroad, west of Route 44, south of Route 2 and east of Home Depot and Gander Mountain. He stated the previously approved PUD allowed for senior-age housing. That project is not going forward. He indicated that Shamrock Business Center has a development agreement with Saber Healthcare. Shamrock is proposing to modify the development plan to include the Saber development at the corner of Brookstone Boulevard and the proposed Meadowbrook, the NE quadrant of the Meadowbrook

and Brookstone intersection. Mr. Osborne stated the uses that were originally proposed needed to be modified to allow this development at this location. The commercial use originally planned for this location would need to allow for the Saber development and the senior housing site would reflect a commercial use. He stated that the development agreement calls for 704 residential units. In order to meet that total number the single-family housing in the Brookstone subdivision has been reduced. This totals 530 apartments, 60 units for the Saber development and 114 single-family housing units.

Mr. Ben Volpe, CEO and Vice President of Acquisitions and Finance of Saber Healthcare Group was present for the meeting. He stated that Saber is one of the top 25 largest operators of skilled nursing and senior housing facilities in the country. Saber is headquartered here in Cleveland and is owned by two individuals from Northeast Ohio. Saber operates 85 of these facilities in six states, Ohio having the largest number. One of the strategic focuses is on renovating and redeveloping antiquated nursing homes into cutting edge acute-care facilities, with more square footage and private rooms compared to what is historically offered in that market.

Mr. Volpe stated that Saber has operated Homestead I and II in Painesville for over a decade. Homestead I is an older, two-story, 1960's facility and the decision has been made to move Homestead I to the new site and renovate Homestead II on the current site. Mr. Volpe explained that the plan is to move six beds from Homestead II, 53 beds from Homestead I and 21 beds from another site in Cuyahoga County and construct a new 80 bed, modern facility in Shamrock Town Center to accommodate the growing senior population.

Mr. Art Lawrence, of the Cleveland Commercial Group, and the real estate consultant for Saber, along with the architect, Mr. Bill Davison, were also present for the meeting. Mr. Lawrence stated that his group has been working closely with the City to understand the complexities of a PUD. Initially the site was developed differently, however, with feedback from the City Planner, they soon understood that the design configuration of the building did not qualify as a "gateway facility". A considerable amount of time was spent on a new design along with an ingress and egress plan with the future development of Brookstone Boulevard in mind. Mr. Lawrence clarified that a driveway is planned off Brookstone Boulevard and another off Meadowbrook with a series of easements for access while the installation of a concrete driveway is installed at the main entrance of the building. The access off Brookstone will be removed when the street is finally ready to be built. It allows the site to be developed and in operation with the ability to access the facility. Once the roadway is finished, Meadowbrook will be the main access to the facility. The Brookstone Boulevard access will then be reconfigured as a "right in" and a "right out".

Mr. Bill Davison explained the design aesthetic of the building. He indicated that the façade entry to the building will be a covered porte-cochere, with the main construction materials being stone, vinyl siding and an accent shingle vinyl siding. Dormers were added to the one-story facility for a higher elevation. It is a one-story facility, 40,000 square feet, so siding colors will be alternated to break up the enormity of the building.

Mr. Komjati asked about the number of units that were being transferred from the other nursing facilities. He questioned the number of rooms, 83 in total, which Saber was requesting for certification. Mr. Volpe clarified that 80 beds are being planned, although, some of those units will be semi-private rooms.

Ms. Fleck asked if the facility will be more institutional or will the residents be permitted to bring their own belongings to their rooms. Mr. Volpe replied that the design of the facility would be as residential as possible. Saber will cater to both short-term and long-term residents, and will work with the patients and the doctors to provide them with whatever they require. Ms. Shoop stated this is not assisted living but skilled care. Mr. Volpe answered yes, it falls under the same licensure requirements that a traditional skilled nursing facility in Ohio does, as Homestead I and II do. Saber is trying to improve the quality of the product and the environment of healthcare.

Chairman Komjati asked for the comments from the City. Ms. White noted that as a matter of procedure, the Planning Commission first must approve of the use and the location of the facility in the Shamrock Business Center PUD Amendment. This is the concept plan on the map that Mr. Osborne presented to the Planning Commission. Additionally, the preliminary discussion of Saber site plans were shown to the Planning Commission so that the Commission is familiar with them.

Chairman Komjati asked if a motion to approve the amendment to the PUD for the overall development plan as presented would be the next step.

Mr. Lyons questioned approving the amendment without the conditions. Mr. Lyons also asked about the 80 beds in the facility. He asked if there would be more than 60 residential rooms, as that is all that the Planning Commission approved. Mr. Volpe replied that right now there are 48 private and 16 semi-private rooms. That number can be reduced to adjust for what the City has allowed. Mr. Osborne stated he just received the conditions and asked that the conditions be placed upon the site plan approval and not the PUD Amendment.

Mr. Carson strongly advised against the Planning Commission passing it without conditions. Discussion ensued regarding the time-frame of the conditions. Mr. Lawrence commented that with regard to the new conditions, with the time-frame being so short, Saber has not had time to read the new conditions over thoroughly. One of the new conditions, however, requires Saber to remove the temporary street on

Meadowbrook as well as the driveway on Brookstone Boulevard. Saber believes that economically they did not have to expect to take it out, as the expense is great and that is a challenge for Saber.

Mr. Lyons stated originally, the responsibilities would have been shared between the developer, the owner and Saber. It was decided to impose the responsibilities on Saber due to the fact that Saber will still be there. The City is not sure where the developer is going to be. Mr. Lyons suggested that Saber pass along some of these costs to the owner. Mr. Volpe stated if the developer is willing to take that responsibility, Saber might be willing to bear the cost in the interim. His hope and expectation would be that the cost would be absorbed by the actual expansion of Meadowbrook itself.

Mr. Lyons stated that the City is set in terms of the recommendations that conditions be put on the approval. The City acknowledges that the parties involved just received the conditions. The applicants have the option to table the issue if they feel additional time is needed. More discussion ensued with regard to what access will be temporary and what will be permanent. Mr. Lewis stated that Saber has agreed to install a private drive to serve only their facility while the land is being developed. It will be 26-feet with curbing and will be temporary. It will be Saber's responsibility completely as it is not going to be a dedicated City road until it is fully developed. When Meadowbrook is built in the future, the temporary road will be torn out and built to City specifications to accommodate future development. Mr. Komjati asked why the road would have to be torn out at all. Mr. Lewis replied that the City has been determining whether the pavement could stay, however, there is an issue of installation of sanitary sewers impacting the road. Many factors figure into the decision. Additionally, storm sewers will also need to be installed.

Ms. Shoop asked why curbs are needed if it is just temporary. Mr. Lawrence said he thought the City wanted the curbs. Mr. Lewis stated that Saber was interested in the aesthetics of the site, as it is the main access to the drive. Saber proposed the curbs. Mr. Volpe stated they are taking a conservative approach. Since the street is not yet constructed, Saber is willing to spend the extra money to make it look nice up-front. More discussion ensued regarding the occupancy of the facility.

Ms. Shoop stated that Mr. Osborne wants the Planning Commission to make these conditions part of the site plan approval and not the PUD Amendment. She asked Mr. Lyons his opinion. Mr. Lyons stated that site plan approval can be done by the Administration and does not need to go to the Planning Commission. Mr. Osborne stated that he remembers Goldberg coming to the Planning Commission to get site plan approval. Ms. White agreed they did. Mr. Lyons stated that if the applicant is not ready to act on the matter, it should be tabled until the next meeting. Mr. Volpe stated that besides working on the site plan approval, Saber is working on an application with the State of Ohio Department of Health to move the bed licenses (to the new facility). The cost associated with this is upwards of \$100,000. Saber would like to have the plan approved to know that they have a site on which to build. Mr. Volpe requested tabling this issue until the next regularly scheduled meeting on June 11, 2015.

Ms. White read from the PUD requirements stating that changes other than minor changes must be approved by the Planning Commission. There shall be no change authorized by this Code which might cause any of the following: change in the use or character of the development; an increase in overall coverage of structures in excess of fifteen percent; an increase in intensity of use; a change in the provision and/or a reduction of open space; an increase in problems of traffic circulation and public utilities so the amendment to the must be approved by the Planning Commission. With regard to the site plan that goes with it, it is unclear, but these changes affect the major thoroughfare of the development. The conditions were arrived at by the City to ensure that the development has access from either side. Mr. Volpe asked if the entrances and temporary drives are part of the site plan or the PUD conditions. Mr. Carson stated they are part of the PUD conditions, shown on the site plan, but part of the PUD conditions.

Ms. White read from the Planned Unit Development Code Section 1134.13 (e) Requirements for Issuance of Building Permits. (1) The PUD project may be developed in phases. No permit for the construction of any improvement or structure in the PUD project or any phase thereof shall be issued until the applicant has submitted to the Planning Commission and has received approval of each of the following: A. A detailed site plan in conformance with Chapter 1145 of the Painesville Codified Ordinances.

Chairman Komjati asked if there were any further comments or questions. There being none, he asked for a motion. Motion by Ms. Shoop, seconded by Ms. Huth, to table the Shamrock Business Center PUD Amendment and the preliminary discussion of Saber HealthCare Site plan. On roll call Ms. Fleck, Ms. Huth, Ms. Shoop and Chairman Komjati answered "yes". Motion carried, 4-0.

OTHER MATTERS THAT MAY PROPERLY COME BEFORE THE PLANNING COMMISSION

Chairman Komjati asked for a motion to adjourn. Ms. Fleck moved, seconded by Ms. Shoop. On Roll Call, Ms. Huth, Ms. Fleck, Ms. Shoop and Chairman Komjati answered "yes". The meeting was adjourned.