

**CITY OF TALLMADGE
PLANNING & ZONING COMMISSION**

MINUTES OF MEETING HELD May 2, 2019 7:00 p.m. Council Chambers
Date Time Place

MEMBERS PRESENT: Gerald Taylor, Julie Oliver, Pat Larson, Kevin Heilmeier, Stephan Ryder

MEMBERS ABSENT:

CHAired BY: Gerald Taylor

SECRETARY: Kelli Funk

REGULAR MEETING

SPECIAL MEETING

PRESENT: David Kline, Mayor
Megan Raber, Law Director
Rita Weinberg, Economic Development
Helene Hussing, Planning and Zoning Manager

ITEMS TO BE DISCUSSED

- Item #PZ19-05-01: Site Plan Review**
Tom Gray/TG Carpentry – Applicant/Owner
90 Northeast Avenue
- Approve or Deny the Site Plan
- Item #PZ19-05-02: Minor Modification to Site Plan**
LTC Tallmadge, LLC – Applicant/Owner
619 Northwest Avenue
- Approve or Deny the Minor Modification to Site Plan

The May 2, 2019 meeting of the Planning and Zoning Commission was called to order at 7:00 p.m. by Chairman, Gerald Taylor.

The meeting was opened with the Pledge of Allegiance.

Roll called. All members were present.

Mr. Taylor: Next item is the adoption of the the March 7, 2019 meeting [minutes].

Mr. Heilmeier: **I make a motion that we accept the minutes as printed.**

Mrs. Oliver: **Second.**

Mr. Taylor: Did anyone see any corrections? No? Ok.

Roll called. All members voted in favor. (5-0)

Mr. Taylor: First item on the agenda:

Item #PZ19-05-01: Site Plan Review
Tom Gray/TG Carpentry – Applicant/Owner
90 Northeast Avenue

- Approve or Deny the Site Plan

Mr. Taylor: Is the applicant in the audience?

Mr. Gray was sworn in.

Mr. Gray: Basically, we're asking to put up a pole building, an accessory building behind my existing office which is the 40 x 72 foot. The existing garage is pretty much useless to us. We've outgrown it. It's way too small for our storage needs and equipment. Currently we park vehicles outside. We have lumber and stuff outside that we really can't afford to have in the weather so it looks bad. I think a building that size is a must for us. You can see how it's laying there. It's pretty bad. We have acquired new machines. My son does landscaping as well so you can see the big trailer. We have a couple trailers. We have a Bobcat. All the stuff sits out. We have a box truck that we keep under padlock and keep under a light because it's been broken into, so being indoors in a big facility is really a must to be honest with you.

Mr. Taylor: Currently your property is zoned C-3 and from what I understand it's believed to be Legally Nonconforming Use. You're asking to demolish the existing garage and construct a 40 x 72 accessory storage building, pretty much in the same location.

Mr. Gray: Absolutely. Fortunately, my lot is a pretty nice, wide lot so there's plenty of room around it so a lot of access of space.

Mr. Taylor: Currently you're showing approximately 7 cars parking and then there's a loop drive that goes around the existing building. Now, there was some comments by the Fire Department about a fire lane to be constructed around the building.

Mr. Gray: Well, the whole perimeter is 28 foot around and 30 foot back and almost 30 on the other side so that whole circumference around it is total drive area. So, a large emergency vehicle truck, ladder truck, anything they would want, they could certainly come through the main driveway and get completely around every part of that building and the existing building.

Mr. Taylor: Ok. Is that existing gravel or some type of chip and seal or something there?

Mr. Gray: Yes. It's basically been graveled for years and the asphalt is basically there. It's pretty rough, so I'm going to want to resurface it of course to go along with the new building but you can see where the asphalt is pretty much existing and that whole back and of course these old sides that show grass now, was gravel. It's all been overgrown and stuff over the years but that will all be new, fresh gravel and also on that plan it shows somewhat of a catch basin situation, drainage that's on the plot plan. It's kind of small, but all of that area, probably about 300 linear feet, is all basically a water catch basin, which is probably overkill but there is roof water there and stuff like that but there's actually an existing catch basin, which basically becomes kind of null and void at that point because it falls about in the middle of the new building. That's put in just actually as a water detention area.

Mr. Taylor: Ok, so it looks like you're indicating that you're going to have a 2 by 2 drainage ditch around the property to contain it, is that correct?

Mr. Gray: Yes, sir.

Mr. Taylor: And where does that drain to?

Mr. Gray: It's almost like a dry well system so as water enters that, mostly would be just ground water, roof water, there's a pipe that's corrugated completely around that whole circumference, as that drains it will dissipate throughout the ground in that 300 ft perimeter. I know I got the letter back, there was an engineering quote that the amount of property being used, based on that, even the retention area was a little bit overzealous, I suppose.

Mr. Taylor: Yea, she did review your plan and she said that she had no issues with the drainage ditch. Any questions from Commission Members?

Mr. Larson: I noticed the dumpster that's indicated on the back corner of the property, is that going to be enclosed?

Mr. Gray: It hasn't been for the past 15 years, it can be.

Mr. Larson: Do we need to require that be enclosed?

Mr. Gray: It's on the far... just to the other side of that. You can't even see it, it's a very small dumpster. It sits right on the outside edge of the property line right now, just slightly off the gravel to the right side of the bottom photo.

Mr. Taylor: What is that dumpster for? Is that for construction material?

Mr. Gray: Yes, job site materials we bring back, we throw in there and then weekly the trash comes and picks it up.

Mr. Taylor: So, it's not just paper...

Mr. Gray: Office papers and odds and ends but mostly construction material.

Mr. Taylor: We normally require those to be screened with a gate to keep the trash inside. How big of a dumpster is it? Is it a big construction dumpster?

Mr. Gray: No no no. It's 6 or 8 yard with the lids on it. They come in with the fork and pick it up and dump it.

Mr. Taylor: Would you have a problem with enclosing that?

Mr. Gray: No sir.

Mr. Taylor: Normally we ask it to be either chain link fence, it could be wood, it has to be 6-foot-high, it could be brick or masonry.

Mr. Gray: Sure, that's not an issue. From the road, the slope of the ground, it actually falls deep enough that from the street you don't see it. That's probably why it's never been an issue because it's not really large. But it can be enclosed. I have no issue with that.

Mr. Larson: As an option, if you didn't want to enclose it, you could probably keep it inside your building. Are these just overhead doors on the one side of the building? You could do that also.

Mr. Heilmeier: The Fire Department is saying no.

Mayor Kline: You can't put that inside, for fire hazard.

Mr. Larson: Ok, I guess I retract that.

Mr. Gray: I wouldn't really want to put trash inside a new building anyway. I have no issue with that. We actually even talked about possibly adding a 2nd dump trailer in place of that that we could personally dump every week and it's actually a trailer so we could actually use it very versatilely and actually save money by not even having a dumpster. It's an option we're floating around too.

Mr. Taylor: What's a dump trailer?

Mr. Gray: It's a trailer that's like a dump truck on wheels that you pull but we use it on job site for cleaning, tearing out jobs and we just take it directly to a dump and dump it. So, now we put it in our trucks, take it back and double handedly dump it in a dumpster so we kind of spend a lot of money to have that dumpster sitting there. It's convenient but we don't actually necessarily need it. But either way. If it's an issue and we need it, we can certainly enclose it.

Mr. Taylor: There was a couple other things that I had. It was on the Fire Departments comments, it's item 7 indicated that storage in the building may exceed 12 feet. Is that a typo? OR may not...?

Mrs. Hussing: I believe the Fire Marshal meant that... it's actually not a typo, it's right from his notes... he meant that if it does exceed it, there's room that it could exceed, then the building would have to comply with the building code and all the other requirement there's by the Fire. So, what he's saying is don't exceed 12 feet but it could because of the height of the ceiling.

Mr. Taylor: Should we correct that so it reads correctly?

Mrs. Hussing: It's correct.

Mr. Taylor: Ok. So, this building, what kind of construction is it? Is it wood construction? Pole barn?

Mr. Gray: It's a pole barn building.

Mr. Taylor: So, it's combustible?

Mr. Gray: Yes. It will be steel sided, steel siding.

Mr. Taylor: So, that's why they don't want you to exceed 12 feet and you don't want store anything inside the building as far as trash. The other thing is you have 7 cars parking. Do we need to include 1 handicapped parking stall?

Mr. Gray: The whole property is a non-conforming to handicapped so, I'm not 100% sure on the ruling a handicapped spot can be designated but a person in a wheelchair, to get out on my parking lot, they exit that car, they're heading downhill. The grade of the overall lot it over exceeds a handicapped facility area.

Mr. Taylor: You don't have any handicapped people employed at your business there? There's not way for them to get in because of the grade height in the back or in the front.

Mr. Gray: Correct.

Mr. Taylor: Ok, that doesn't seem to be an issue then. Do you have people come to your place that are handicapped?

Mr. Gray: I haven't yet. I do work for handicapped people. I do a lot of that but most of my clients, I physically just go to their homes because that's where the works being done. For them to come to my office is just kind of a redundance.

Mr. Taylor: Ok. I understand. Any other questions by any Commission Members?

Mr. Ryder: Mr. Gray, are you going to need to grade that area at all for the placement of the building?

Mr. Gray: Yes. It's kind of weird, if you look at the topo, it drops from the street and as it comes off of that asphalt, it kind of levels and then drops again so there is some grading, yea, towards the back but not a lot.

Mr. Ryder: Ok, and your drainage accommodates for the grading then.

Mr. Gray: Yes.

Mr. Ryder: Ok, I just wanted to check.

Mr. Gray: That's the other kind of situation that I wanted to create to be sure that there was plenty of drainage. I mean, I have Danbury directly behind me and they've provided their own drainage situation back there, I'm sure you're familiar with all of that so, they've actually protected themselves quite well because they put the same type of ditch directly behind me.

Mr. Ryder: Ok, like a French drain kind of thing?

Mr. Gray: Yes, which leads to their big pond. I've not seen, in the 15 or so years we've been there, I've not seen... and of course everything drains downhill...

Mr. Ryder: You've never had any flooding or anything in that area?

Mr. Gray: I've not seen or heard anything like that.

Mr. Ryder: Ok, and yours slopes not to the degree where there would be some erosion issues with that...?

Mr. Gray: No, it's not that severe at all.

Mr. Ryder: How about any kind of fuels or tanks or hazardous materials.

Mr. Gray: Other than what's in the vehicles themselves. No. We don't stock fuel or propane's or anything like that. We have no use for that.

Mr. Ryder: Ok, thank you.

Mr. Taylor: Any other questions from the Commission Members? Administration? Questions? None?

Mrs. Oliver: I move to approve the Site Plan Review Application for Item #PZ19-05-01, applicant/owner Thomas D. Gray at 90 Northeast Avenue based upon the application & plans submitted April 15 & 22, 2019 to the Planning & Zoning Department.

Subject to the following conditions, modifications and/or amendments based on the evidence presented:

- 1. Subject to Summit County Department of Building Standards' approval;**
- 2. Subject to compliance with the items from the Fire Department's comments in the Staff Report dated 5/2/2019;**
- 3. Subject to the City Engineer approval; and**
- 4. Subject to the dumpster indicated on the plans being enclosed as per code.**

Mr. Ryder: I second.

Motion repeated by Chair.

Roll called. All members voted in favor. (5-0)

Mr. Taylor: The vote is unanimous. You are approved. Next item on the agenda:

Item #PZ19-05-02: Minor Modification to Site Plan
LTC Tallmadge, LLC – Applicant/Owner
619 Northwest Avenue

- Approve or Deny the Minor Modification to Site Plan

Mr. Taylor: Is the applicant present?

Mr. Mitchell was sworn in.

Mr. Mitchell: So, we're here tonight on behalf of LTC Tallmadge. It is the applicant for a Minor Modification to Site Plan for the proposed Nursing Home at 619 Northwest Ave. I guess I'm happy to say that I've been here many, many times before. It's been awhile so I thought I would give you a real brief chronology of where we've been and why we're here. You may recall that back in September, LTC or one of its affiliates signed a Purchase Agreement to purchase the property at 619 Northwest Ave from Yusef Khan Grotto and that actual site, just a minor inconsistency in the Staff Report, consists of 3 parcels that total a little over 11 acres so it's a fairly large site. So, we came before you the first time in February of 2016 with our Conditional Zoning Certificate Application for a Special Nonresidential Development proposing a one-story, 64,000 square foot nursing home that was situated perpendicular to Northwest Ave and that was approved by this Commission and subsequently Council in April of 2016. But, during the three-reading process at Council, FEMA, in its infinite wisdom revised its 100-year flood plain map, which resulted in part of the building and the parking lot being in the 100-year flood plain so we couldn't have that. So, we went back to the drawing board and redesigned the building to two stories, approximately

68,000 square feet with a 35,000 square foot footprint. That's the building you see there and that was approved by this Commission and subsequently Council in September of 2016. So, based on that approval, we moved forward and purchased the property and began the process of submitting an application for a Certificate of Need, which is required for a Nursing Home, to the Ohio Department of Health. That application was approved in April of 2017, but one of our competitors decided they didn't like that approval and appealed that decision. So, we saw a long fight coming and we came back to this Commission in June of 2017 anticipating that we wouldn't be able to satisfy the 1 year commencement of construction requirement and asked for an extension of our Conditional Use approval for an additional 2 years, which was granted, so that gave us until September of 2019 to start this project. Never did we think we would be butting up against that time frame. So, in April 2018, the Ohio Department of Health confirmed their approval of our CON and our friendly competitor appealed that decision as well to the 10th Appellate District Franklin County and finally in January of this year, the Appellate Court also affirmed the awarded CON and the competitor decided not to appeal any further to the Supreme Court. So, having our CON in hand, we went back to our Contractors and said could you please update your numbers to build this 2 story facility and lo and behold, they came back to us and said, "Well, given the Trump Administration's tariffs on foreign steel and the improvement in the economy over the last 2 years, and our schedule, the cost of the building is going to increase by 2½ million dollars." Well, not only is that painful to the pocketbook but it exceeded the allowed total project cost under our CON. So, now we couldn't even build the building that they had approved after 2 years of fighting. So, again we went back to the drawing board and said, hey wait a minute, can we really fit a one-story building on the property outside of the flood plan? And, we switched architects, Dan Sirk is here, our Project Architect and he managed, along with Mike Wohlwend, our Civil Engineer, to figure out how to do that. So, what we have before you tonight is a roughly 63,000 square foot, single story building, which is normally what we would prefer to build. The 2 story would have been our first foray into that type of building. But this is our bread and butter and we managed to fit it on the site and we think it works pretty well. You can see on that drawing the footprint of the old building, the 2 story building, is in red and the footprint of the new building is in blue so, we've expanded it somewhat but it has exactly the same number of private rooms and semi-private rooms, has all the same amenities as the original building and we've actually added and increased the size of some of the common areas. We've added interior courtyards, which we didn't have before, and we've proposed a basement that allows us to move some of the back of house operations, laundry, storage, mechanical, electrical so on, downstairs so we have more room on the patient floor for their activities. Our footprint's a little bit smaller than the original 1 story that was approved but obviously bigger than the 2 story foot print and, in working with staff and the Mayor, managed to address some existing storm water issues that could result from the existing culvert and water coming over Northwest Avenue and we would have proposed an easement to the City to accommodate that drainage. You may recall back when we presented the 2-story building there was comments made about the height of the building and maybe that didn't fit in this area, obviously with the 1 story building we brought that height down to the top of the peak there in the middle of the building is just over 28 feet, so we're well within code and well below the 2 story height. We still require approval of this building from the Ohio Department of Health and so we're sort of ping pong balling back between Tallmadge and that entity but we've had some discussions with them and hopefully we'll have that approval in short order. As mentioned in the staff report, we recognize that we do have to come back here before you with the Landscape Plan, a Lighting Plan, a dumpster enclosure drawings and eventually signage so we'll be back at least one more time. What we're looking for tonight is really the green light to go ahead with Construction drawings for this building and with the hope of getting this project underway this summer.

Mr. Taylor: Ok, a couple questions. The City Engineer reviewed it and noted that you need to come back with the Storm Water Management Plan in addition to the landscaping, lighting and dumpster enclosure. I

did notice in the Staff Report that you pretty much exceed the parking requirements. Is there a need for additional parking?

Mr. Mitchell: There is. We've, over the last couple years, serially been building buildings over the last 5 years and Dan has designed several of those, our Mentor building being the most recent and that's a 99 bed building with 140 parking spaces and there are times, special occasions, holiday parties, that kind of thing, where we've had the need for additional parking. If I might comment, your parking code is probably the most lenient in the sense of requiring the fewest number of spaces for this kind of facility. We, in terms of employees, will have roughly 90 -100 employees for this facility in 3 shifts so 30 spaces will be used up just by employees typically on each shift. Then family visitors and so on would be the remainder. We're comfortable with the 110 number, there could even be occasions where that's insufficient but we feel good about that number.

Mr. Taylor: Ok, we really don't want to build more asphalt if we don't have to but you know your business better than we do. That was one of the comments by the City Engineer. Did you get a copy of the Staff Report?

Mr. Mitchell: I did.

Mr. Taylor: Are you aware of the requirements by the Fire Department, his notations?

Mr. Mitchell: We are and those are acceptable.

Mr. Taylor: Do you concur with doing those items?

Mr. Mitchell: Yes, sir.

Mr. Taylor: Ok. Any questions from Commission Members? Mayor, can you go back to the footprint? You're aware that the building sets over the swimming hole that was there years ago?

Mr. Mitchell: Yes.

Mr. Taylor: And you're thinking about putting a basement in that area.

Mr. Mitchell: Yes. Part of the reason for that, we will be doing extensive excavation on this site and we've had multiple soil reports relating to the existing conditions. Part of our theory with that is since we'll be excavating certainly the footprint of the building, it's just as easy to fill it up with basement as it is to bring fill back in and fill the hole back up. We understand there will be dewatering required both during construction and for the basement itself and we're prepared to do that.

Mr. Taylor: Yea, years ago where Bakers Acres is, across the street, they had a pond there and I think it drained into that Tallmadge Springs area and then somehow it got back to the wetlands area. There's some other people on the list that want to speak. Your architect Daniel Sirk, did you want to speak?

Mr. Sirk: I'm really just here to answer any questions you have.

Mr. Sirk was sworn in.

Mr. Taylor: And you're the architect of record?

Mr. Sirk: Correct:

Mr. Taylor: And you guys went through the design...

Mr. Sirk: Correct. I wasn't the architect for the 2-story building. We've worked on a similar facility in Mentor and the biggest difference here is the courtyard design verses the finger design, before and that's why we were able to get the footprint to work out and as David mentioned, we actually ended up with some additional amenities space. A lot of that has to do with tucking that basement down below.

Mr. Taylor: Ok, I really didn't care for the 2-story design, I love this design. It's more keeping with the residential area.

Mr. Sirk: Correct.

Mr. Taylor: That's my own personal feeling.

Mr. Sirk: If I can speak to the parking, it is true from experience that this type of facility, for whatever reason, is attracting a lot more interaction from families. I don't know if you could even notice, but we have rooms in the facility off the dining room; private dining room for birthday parties and things like that. So, there is a need for that parking. I know that adding more asphalts usually not the best thing in the world but the last thing we would want to have is people having to park off site so we feel that the parking is pretty adequate to the number of beds and that's based on practical experience of an operating facility of a similar nature.

Mr. Taylor: Ok, thank you. Someone else on the list. Mike Wohlwend?

Mr. Wohlwend was sworn in.

Mr. Taylor: We have another engineer on the Board. He might want to ask you a question. With all these delays, we did give an extension of two years. Are you going to be able to get everything put together before the two-year requirement? It's down to a year and a half now.

Mr. Mitchell: Well, actually September of this year, so we absolutely plan on having a shovel in the ground before then or you won't be seeing me anymore.

Mr. Larson: I guess, one of the first things that came to my mind is, now that you have to resubmit this plan, is there a chance that this plan could get appealed?

Mr. Mitchell: The only way that this would not go forward is if the Ohio Department of Health says, "You need to come back to us for a new CON because we think this building differs substantially from what we've approved previously." So, we're done with all the other players. It would just be them.

Mr. Larson: Ok, thank you.

Mr. Taylor: Any other questions or discussions by Commission Members? Anything from Administration?

Mr. Mayor: Just to let you know what we talked about, he brought up the swale. If you look at that map up there, this area right in here will be an easement to the City of Tallmadge. The cross over pipe coming from the Bakers Acres development, you know how sometimes occasionally you'll get flooding on Northwest

Ave? Well, the culvert underneath the roadway is actually too small and so the water then will crest, not so much of the road but it will go down into the condos parking lot so this will allow us to create a spill over pipe to go down in this swale to flood the back flood plain. So, this will help out not only them, but it will help out the Bakers Acres side and the Condo side with this plan that's present. So, I thank them for their help on that whole region area there.

Mr. Ryder: I do have a question. First of all, I want to clarify, I'm not an engineer. I am an environmental specialist. Much different category there. Regarding that retention basin that you have there, being that it is so close to the FEMA map flood plain, are there any concerns with back up in that area? Is that going to be sufficient for holding if there is a flooding event, has that been considered?

Mr. Wohlwend: The short answer is yes; it has been taken into account. We've sized the storm water basin; we are prepared and will submit full calculations for the City Engineer for review as well as Summit Soil and Water and EPA and everybody else. We've modeled this with a full tail water condition, if you want to get technical, assuming that pipe out in the street is completely full. So, that's basically the worst-case scenario for what the pond will ever see, is that pipe out in the road being full. So, we've sized it to meet the City Criteria and then it will not over top, even with that being that case.

Mr. Ryder: Ok, so the capacity of the retention basin is based on, if there was no flow out for a 24-hour period or...

Mr. Wohlwend: No, even if that outlet pipe is full, there's still flow out of the basin just because of the hydraulics of that system, but it's much less than if we were just discharging it to an open ditch. So, it's all calculated... it makes the basin bigger than it would be otherwise, but it has been taken into consideration.

Mr. Ryder: Ok, thank you.

Mr. Taylor: Steve, would you like to make a motion on this? Before you make your motion, on the possible conditions, I think we need to add that the applicant is to furnish the Landscaping, Lighting and Storm Water Management to the City and the Planning and Zoning Board.

Mrs. Raber: It's already in previous conditions which were noted in 1 and 2. It was already itemized in the other.

Mayor Kline: Ordinance 40-2016 and Ordinance 59-2016 has those requirements in there.

Mr. Taylor: Oh, that's from what we approved previously?

Mayor Kline: Yes.

Mr. Taylor: Ok, fine.

Mr. Ryder: I'd like to make a motion. I move to approve the Minor Modification to Site Plan for Item PZ19-05-02, Applicant/Owner LTC Tallmadge, LLC at 619 Northwest Avenue for a 63,601 sq. ft., one-story plus basement skilled nursing/convalescent care facility based upon the application & plan submitted April 18, 2019 to the Planning & Zoning Department. Subject to the following conditions, modifications and/or amendments based on the evidence presented:

- 1. That all conditions set forth in Ordinance 40-2016, Section 2 are met; and**

2. **That all conditions set forth in Ordinance 59-2016, Section 2 are met; and**
3. **That the domestic water line needs to be separated from the fire line in the right-of-way with the shut-off valve for the domestic line to be located in the right-of-way.**

Mr. Heilmeier: **Second.**

Motion repeated by Chair.

Roll called. All members present voted in favor. (5-0)

Mr. Taylor: OK, the vote is unanimous. You're approved.

Mrs. Larson: **I'd like to move to adjourn?**

Mr. Taylor: **Second.**

Roll called. All members present voted in favor. (5-0)

Respectfully submitted,



Kelli Funk, Secretary



Gerald Taylor, Chairman