



CITY OF OLMSTED FALLS
PLANNING AND ZONING COMMISSION
MINUTES
SEPTEMBER 18, 2024
7:30 PM
COUNCIL CHAMBERS

Commission Members Present: Brett Iafigliola, Garry Thompson, Brian Chitester, John Campbell, Michelle Hawkins, Heidi Meehan, and Randy Abood. Audience: 15. Others Present: George Smerigan, City Planner.

Chairman Brett Iafigliola called the meeting to order at 7:30 p.m.

1. Planning & Zoning Case # 19-2024 - A request by Robert & Audrey Ricciardi, owners of 25389 Tyndall Falls Drive, PP# 291-18-032, for a variance of 25 feet to Section 1470.10(b)(1) to permit work to extend to within 75 feet of a watercourse in lieu of the 100 feet required by Code.

Mr. Iafigliola administered the oath to Robert & Audrey Ricciardi.

Mr. Ricciardi stated they purchased the home in November or October of last year and it is a ranch with a basement, and they were under the impression that they could have a walkout because it said we could have a walkout. The backyard is simply not useable as there is an angle for 10 feet out and the drop is 27.5 inches, so it is very difficult to walk on. He has removed some of the stone to make it easier for our contractor to do work, which is putting in a couple of windows and a door so we can have a walkout basement. Ms. Ricciardi stated that they are asking for a usable backyard because right now with the angle they cannot access it from downstairs. They would like to have a back exit with sliding glass door and windows and make it flat so they can go out there.

Mr. Smerigan stated that this is a situation where the house itself is in the riparian setback so anything they do at the rear of the house will require some sort of variance. What they want to do is consistent with the way the house was originally structured. The area they want to impact on has already been disturbed so it's not purely natural there. He thinks this is a situation where it's clearly a practical difficulty and is recommending that the commission act favorably on the variance. He has reviewed this matter with the city engineer who also has no issues.

Patricia Halloren stated that she and her husband are the next-door neighbors and have lived here for approximately 39 years. She can attest that what the Ricciardi's are saying is true and they have no objection to anything they want to do in their backyard.

Mr. Thompson stated for the record he was notified because he is within 500 feet of the affected party. He went over and spoke with Mr. Ricciardi and looking at his property and the Halloren's property basically they do not have a lot of room to work with before the bank drops off. He thinks what they are attempting is certainly worth doing and will make what little bit they have usable. If the commission recalls we actually had the house set further

back because originally they wanted the home upfront, but it would have stuck out from the other houses in the neighborhood. If it had been so far forward there wouldn't have been any room to park cars. Where it sits now it actually looks very nice and has been a great addition to the neighborhood. Originally the house was going to be built on a slab, and he thinks the commission convinced them to put in a basement and he wishes they would have done the walkout then. They now have that opportunity to put in a walkout and he has no objections and neither do any of the neighbors he has spoken with.

Mr. Chitester stated that he spoke with one of the neighbors who also received a notice, Councilman Saari, who sounded excited for what is planned and happy to see how it turns out.

Mr. lafigliola stated that this home was built in 2021 and on this side of the street the entire street is in the riparian. This is not a garage, size, appearance, or historical district issue, the only issue is the riparian setback. Mr. Smerigan stated that was correct. Mr. lafigliola stated that the code currently stands at 100 feet and the applicants need to get to 75 but had it been 74 this would not have come before the commission. Mr. Smerigan stated that was correct.

Mr. lafigliola stated that there are seven questions, findings of fact, that need to be discussed: (1) without a variance can the property be put to any economically viable use – the applicant has indicated that they would like to improve the property so any economically viable use is a misnomer term and he would suggest that by granting the variance it is benefitting the economic value; (2) does the variance stem from a condition which is unique to the property in question and not ordinarily found in the district – he thinks it is ordinarily found in the district as all the neighbors have the same condition and what is being proposed is not out of line with what is existing in the neighborhood; (3) was the hardship or difficulty existing or created by the applicant – the applicants purchased the home but because of the overlay of where it is located that is creating the difficulty and he would suggest this is not an issue here; (4) was the applicant or property owner aware of the zoning restrictions when the property was purchased – Mr. lafigliola stated the house was listed as a potential walkout; (5) is the granting of the variance necessary for the reasonable use of the land or building and is the variance the minimum that will establish this purpose – he asked Mr. Smerigan to touch briefly on how he established the variance of 25 feet as opposed to any other number. Mr. Smerigan stated this is the number the applicants requested. He and the city engineer reviewed the request and felt that was a reasonable encroachment into the riparian setback given the location of the house and to do anything less than that the applicants would gain nothing. Mr. lafigliola stated that based on the elevation provided today there will be some grading, and a walkout door put in, the grading will be from the back face of the home out 25 feet and when you're done there will be landscaping back there. Mr. Riccardi stated that grading is being mentioned but what they are doing is removing soil so this area can be made flat. Mr. lafigliola stated that in his mind that is grading in general. He continued with the finding of facts: (6) will the granting of this variance adversely affect the delivery of government services – the answer is clearly no; (7) is granting the variance in harmony with the general purpose and intent of the zoning code or will it substantially alter the character of the neighborhood – in this case you could hardly argue that it would negatively alter the character or intent of the zoning code.

Mr. Iafigliola moved to **approve** the variance for Planning and Zoning Case #19-2024; Mr. Chitester **seconded**.

Mr. Riccardi asked when he could notify his contractor would he receive a letter in 30 days or how does that work. Mr. Iafigliola suggested requesting the permit so the applicant is ready to proceed when the time limit expires, in other words he does not have to wait 30 days to start the paperwork. Poll: 7 ayes; 0 nays. **Motion carried.**

2. Planning & Zoning Case #20-2024 – A request by Olmsted Development LLC (Petros Development Group) for approval of a development sign for the property located at 9165 Columbia Road.

Brian Pickering, 4223 Brecksville Road, Richfield, Ohio, stated that he is present to request approval of the development's signage. The Phase I sign will go on the north road and there will be a complimentary sign during the second phase that will be on the southerly road. There is one sign per entrance so you will have a sign on the north side of the north entrance and when we build Phase II there will be a sign on the south side of the south drive, so you have complimentary flanking signs at each entrance. The color scheme is basically a stone and brick that was previously approved for the Ryan Homes neighborhood; the navy is the sample they submitted as part of their package for their architecture. We are staying with the theme of their color schemes and matching materials throughout. To the best of his knowledge the sign meets all the standards and dimensions required by the city.

Mr. Smerigan stated that the sign package does comply with the requirements of the code. He thinks it is appropriate that they use the same materials the commission approved to be used on the dwellings so there is some consistency in the neighborhood. He likes the use of the signs at the far ends of the entry and then the smaller pillars between as opposed to having four signs, so it gives them the double sign but does it in a way that is a little less in your face. The signs meet the setback requirements so there are no issues and they are fine in terms of height and size.

Mr. Thompson stated that the drawings show columns that are 3'4", 5' and 6' but there is no reference as to which one would be used at the entrance. Mr. Pickering stated that at the ends of the entranceway the pillars would stand about 5' tall and the stand alone would be 6' and the 3' column was an idea that might be used later in the development as he has no use for it today. He would like to clarify these signs will be lit and the entrance will be irrigated.

Mr. Chitester asked what the anticipated brightness would be and asked what the latest Mr. Pickering has been down Columbia Road at this time of year. Mr. Pickering stated that he has not been here this time of night but has been down many roads and having done this his whole career he is aware of proper illumination but not such that it is a distraction to drivers. The intent here is to have a low voltage LED package, a transformer would be mounted behind the sign, and we would pull power just as we would for the irrigation

system, pull wire under and through the road and light up each intersection accordingly, obviously with low voltage ground lighting to aim at the sign and some of the landscaping.

Ms. Hawkins stated that the larger sign is for the entrance and exit. Mr. Pickering stated they would flank the outside of each end, so one would flank the south side and one the north side so its not pure signage across the entire frontage because we thought that was not necessary. Obviously there will be for sale signs early on as the neighborhood is established but as those are removed as the neighborhood is established whether you're heading north or south bound you would be able to see the signage, whether it is the second entrance or the first depending upon your mode of travel. Ms. Hawkins asked what the size of the center of the sign was. Mr. Pickering stated that would be the six foot column since it's a stand alone column we would make that one a little larger. Ms. Hawkins asked if the three foot pillar was in the front. Mr. Pickering stated that the three foot is not reflected in this package of the signage, but it might be something that might be carried through other parts of the neighborhood but not determined in this packet. Ms. Hawkins asked about the five foot pillars. Mr. Pickering stated those are really more representative of what is flanked on the ends of the sign, so as you follow the sign down to the ends, each end has a five foot column.

Mr. Chitester asked what the anticipated foliage would look like. Mr. Pickering stated that they would like to get some things around the perimeter and the entrance will be determined by our luck with Cleveland Water. Mr. Chitester stated he was curious if it was annuals or perennials. Mr. Pickering stated that it will be a mix.

Mr. Abood asked if the single pillars would also be lit. Mr. Pickering replied yes. The plans for the landscaping would be submitted to Shade Tree. Mr. Smerigan stated that the landscape package will get approved it is just not being approved tonight. The only thing the Commission is approving tonight is the signage.

Mr. Iafigliola stated that he wants to be clear what Mr. Modic promised and the exact quote was "awarding winning" signage. He is not sure this is an award because he is not sure what the committee would look for, but it certainly is an attractive sign. He does like the column look and that the materials more or less match but he does not have a great sense of scale as to what this looks like in real life, but it is substantial as it is close to 30 feet long and six feet high. The uplighting he thinks is probably important because it is what will make it stand out and thinks this is going to look sharp. We are only to consider and maybe approve the sign itself, the landscape plan over all is a future submittal. He was surprised when Mr. Smerigan stated that the plan will go before shade tree for a development in an MUTND. Mr. Smerigan stated that the Shade Tree Commission still has input on what goes in the public rights-of-way so, some of the plan will go to them. Mr. Iafigliola stated that he is glad this will be irrigated, and he is curious about the lighting details. He stated that he could easily see maybe lighting three of the four sides or maybe one side depending which way you are coming from. He is also sensitive to the fact that subplot 135 and 1 are both pretty close to those potential features and that needs to be considered and believes that should be spelled out in future landscaping plans. He stated that signs have area limits and asked Mr. Smerigan if the proposed sign was within those area limits. Mr. Smerigan replied yes. Mr. Iafigliola stated that the F/L logo is a nice touch.

He would like to discuss the materials, the bigger banner he sees is navy and likes the color but what is the material. Mr. Pickering stated that traditionally this is an aluminum panel with PVC type material so the letters will be dimensional and be a standoff letter. Mr. lafigliola stated not a vinyl cut letter. Mr. Pickering stated not in this instance, what could be done, but he does not recommend it in this instance, would be to have the banding around the perimeter as a dimensional material as well as the letter and have those dimensional but the elegance of this sign is its simplicity, you build a box, band it with dimensional material which gives you your depth and the lighting will show that. Mr. lafigliola asked what the dimensional material would be. Mr. Pickering stated that it would be like a solid PVC that's routed and then mounted to the sign. The basic sign body will be an aluminum box that will be mounted to the sign and then you have that dimensional material. Mr. lafigliola stated that before he looked at the drawings he envisioned an engraved stone panel that comes engraved and lasts forever. Mr. Pickering stated that there were multiple inputs on this sign and after going through multiple entities and corporate this is the sign that was selected, they really wanted to utilize the colors that were picked throughout the community. We sampled a couple of different colors, and they landed on the blue versus white and that high contrast. Having done this for many years it's a little hard to achieve that with stone because then you start looking at painting versus not painting or staining so it's a little harder to get that high contrast and that's ultimately what was picked. Mr. lafigliola asked what Mr. Pickering feels is the best sign that he has put out. Mr. Pickering stated that he likes this one, it's a very durable product, it will be painted, and you could add a clear coat finish to it so you can get many years out of it, just like you would your car. He thinks these are very nice signs and he has no problem putting one up in any community. It is the exact same material and sign placement that we put on our business.

Mr. lafigliola stated that he spoke with Mr. Smerigan earlier and he indicated that the standalone unit is the latest trend in these sorts of developments. He cannot picture one that he has seen but he is also not looking at them, is this a common feature as opposed to having only the "U" shaped sign. Mr. Pickering stated it actually is and we just built one in our community for Petros Homes, it is a higher end townhouse product, the last unit sold for north of \$800,000 so it is a very upscale community. We something actually similar, a sign and offset columns and we up lit it from multiple angles.

Mr. lafigliola stated that there is no proposal for anything to do with signs in the central median just a landscaped area with no signage. Mr. Pickering replied no as it would be a target. Mr. lafigliola stated that there is a development that is adjacent to the one where he lives, and the landscaping is a little overgrown, so he is a little sensitive to what we put in the central median. Mr. Pickering stated that he thinks anything that goes in the median will be under three-foot mature height as the visibility standard car height you're looking out is approximately four feet, for the average driver, so you keep that lower than that it.

Mr. lafigliola moved to **approve** Planning and Zoning Case #20-2024 a request by Olmsted Development, L.L.C. for approval of development signs for the property located at 9165 Columbia Road, the landscaping plan will be submitted at a future and not part of this approval, the sign and column heights being approved are 5 foot and 6 foot, the 3'4" is not part of this approval; Mr. Thompson **seconded**. Poll: 7 ayes; 0 nays. **Motion carried.**

3. **Planning & Zoning Case # 11-2024** - A request by Olmsted Real Estate LLC, owners of property located at 25880 Elm Street, and further known as Permanent Parcel No. 281-17-014 consisting of 1.88 acres for a proposed zoning map amendment to rezone the property from P-2 Professional Office / Multi-Family District to P-1 Professional and Medical District.

Mr. Iafigliola stated that since agenda item #4 is similar we will read and consider them essentially together, the applicant agreed.

4. **Planning & Zoning Case # 12-2024** - A request by Olmsted Real Estate LLC, owners of property located at 25880 Elm Street, and further known as Permanent Parcel No. 281-17-014 for a Conditional Use Permit to operate an in-patient addiction treatment rehabilitation facility and a geriatric psychiatric hospital in a P-1 Professional and Medical District.

Steven Larson, 1660 West 2nd Street, Suite 1100, Cleveland, Ohio.

Mr. Iafigliola stated that he would like to compliment the audience at large. We met on July 17th and from memory he believes there were 17 speakers and there were excellent comments by everyone.

Mr. Iafigliola stated that he will read paragraph #2 of the memo received by Mr. Larson dated August 26th which states: "the Applicant wishes to withdraw its Zoning Amendment Application (#11-2024) for the Property. Additionally, the Applicant wishes to modify its Conditional Use Permit Application (#12-2024) to include only the additional use as a geriatric psychiatric hospital, in addition to its current use as a personal and memory care assisted living facility. The Applicant is no longer pursuing the conditional use as an in-patient addiction treatment rehabilitation facility." Basically, what the applicant is saying is regarding agenda item #3, which is the one virtually everyone spoke about, which is the alcohol and drug rehab is essentially being removed at the applicant's request.

Mr. Larson stated that based on the feedback received from the commission and particularly from the residents of the community we felt it would be in the best interest for all parties to withdrawal the application and the use of a alcohol and drug rehabilitation center.

Mr. Smerigan stated that with the withdrawing of the application the appropriate action for the Commission would be to dismiss that request off of the agenda as they are no longer seeking it so it is moot and you need to act in the form of dismissing it.

Mr. Iafigliola moved to **withdrawal** Planning & Zoning Case #11-2024, which removes the request to re-zone and the request to provide for an alcohol and drug rehab facility; Mr. Chitester **seconded**.

Brook Martin, 25925 Water Street, thanked the applicant. She was unaware about the July meeting but heard a lot about it and this would actually be in her backyard. She is happy that the applicant withdrew it.

Evan Rittenhour, 25573 Elm Street, stated if you are taking #3 off the agenda are you also taking off #4. Mr. Iafigliola stated that we did not combine the issues they were just read together so they could be discussed together, we will get to agenda item #4 after this motion.

Poll: 7 ayes; 0 nays. **Motion carried.**

Mr. Iafigliola stated that the agenda states that the request is for a Conditional Use Permit to operate an in-patient addiction treatment rehabilitation facility and a geriatric psychiatric hospital in a P-1 Professional and Medical District. He stated that Mr. Smerigan's memo states that he is recommending the commission move forward with a conditional use permit that would allow the applicant to use the existing facility for memory care and assisted living (current use) along with an additional new use of geriatric psychiatric care. Mr. Smerigan stated that the commission is essentially modifying the applicant's request to his application for a conditional use permit, if you act, you will modify the approval of the conditional use by eliminating the re-zoning. Drug rehabilitation and addiction services are not permitted in the current zoning district so this would be completely off the table. Geriatric psychiatric care is permitted in the current zoning district, and you will incorporate that into the conditional use permit so the applicant would have the ability to do assisted living/memory care and geriatric psych. Mr. Iafigliola stated that of those three, two are already in use at the facility. Mr. Smerigan stated that was correct.

Mr. Iafigliola stated that conditional use is a situation where the code allows for certain things in certain places. Conditional uses are very common and allows the city, and thereby its residents, an opportunity to speak and say a use may or may not make sense in this exact location because we never really know exactly what a particular property owner intends to do with his own property. Mr. Smerigan stated Mr. Iafigliola stated that very well.

Mr. Larson stated that he would like to introduce Morris Long, who is with Assurance Health Care and operates these types of facilities as he can describe it best.

Morris Long, 12037 Leighton Court, Carmel, Indiana stated that geriatric psychiatric is only for seniors, we do not take adults, adolescents, or children. This is seniors typically 65 and older. Typically, we take the individuals that have psychiatric disturbances mainly from long term care facilities, assisted livings, in home, some hospice, and some from the ER's. They have, for whatever reason, could be infection, type of medication reaction, or just ongoing psychosis that they have had for years. We bring them in for a short stay, usually about 14 days, modify the medications, or get rid of a lot of medications in many instances. A lot of times the elderly are on an assortment of medications that they have taken over the years. If you are in a typical nursing home, or you know anyone in a nursing home, they change a lot of the providers on a rotating basis, so they give them medication and maybe six months to a year later a new provider comes in gives them more medication but nobody ever seems to take them off medications, they get overly medicated which can cause psychosis because of interactions of the medications. We bring them in with counseling and medication modifications, then take them back to the facility they came from. This is not a long-term stay; this is short term about 14 days.

Mr. lafigliola asked about the use of the facility as it relates to the other uses within the building. There are two uses currently, and now we are considering use three, would there be a separate wing or a separate floor, how would that work. Mr. Long stated that there are two floors and we will take the second floor and convert to a geriatric psych hospital. Mr. lafigliola asked about the exterior or security measures within the building. Mr. Long stated that you will not notice anything different from the exterior, the inside will have a double locked unit. There will be usually a 3,000-pound mag lock double door to get out and of course reinforced non shatter proof windows. Everything is anti-ligature because there are suicidal risks in a lot of cases. Our staffing is different than AL's, we will have one staff member for every four patients, so its like a step-down ICU staff so to speak. We will have about four to five times the staffing that you see in typical long-term care. Mr. lafigliola stated that he mentioned some building modifications will those modification need to take place or are they already in place. Mr. Long stated that the modifications will need to take place which are pretty substantial because we will be a hospital. We will have a hospital license deemed psychiatric, so we have the same standards that any other hospital does except we will not have an OR, emergency room, or procedure room. Mr. lafigliola asked what body governs hospital standards. Mr. Long replied the Department of Mental Health and Addiction.

Heather Johnson, Administrator at Village of the Falls, 25920 Elm Street, we are located right next door to the facility. Her questions are, if Mr. Long is with Assurance there is already an Assurance on the east side of Cleveland, one in Toledo, Clear Vista, the Southwest General Hospital in-patient unit, a gero/psych unit at Lutheran, Hillcrest and Marymount, and a Mercy in-patient unit, where do you see the need for additional. As well as, if you are 95% occupied currently where are you going to put the people that live on the second floor. You are going to kick out people that have been there and this is their home to make room for what you feel is needed when there are already 7 or 8 facilities locally.

Laura Mahoney, 26258 Cranage Road, stated that there are a couple of questions that she had, at the July 17th meeting Mr. Larson mentioned that Symphony's occupancy was around 70%, she believes is what he said at the time, she believes that was either old or certainly outdated data. Over the past year Symphony has added new activities, a marketing director who has done a really nice job of bringing awareness of Symphony and its resources to the community and they are now at 95% occupancy, according to their executive director. So, they have done a wonderful job of marketing themselves as a resource for the growing number of families, like herself, and a reminder that her mother is at Symphony, who need resources for increasing dementia Alzheimer's diagnosis which continues to be a big issue. Having been there now for two years we have a support group where both family members of the facility as well as members of the community who are dealing with loved ones at home who are going through Alzheimer's come together and meet monthly so when we talk about resources for the community it is a true blessing for us and hearing this and knowing Mr. Assiran made the comment in April that a geriatric psych center is for people in nursing homes or memory care buildings who are screaming or have other inappropriate behaviors, some get violent, combative and other things then they go to geriatric psych for medication adjustments. It just concerns her how that would change even it is one floor to the other. She recently spoke to the family of a new resident of Symphony who said they liked how quiet it was there; it feels more like a supportive quiet

engaging environment, and she worries how that would change. Again, regarding Ms. Johnson's point was does this mean for the 95% or the people who are there how would they make that space.

Noreen Roth, 7611 Wake Robin Drive, Parma, Ohio, stated that her mother is there at Symphony of Olmsted Falls and she is on the second floor. Her mother has a fear of people that are walking around outside and with her being on the second floor it elevates that fear for her and she does have memory issues. The idea of having to try and move her at this point even downstairs would not go well with her. She gets very upset very quickly with these kinds of things.

Lauren Spence, 25573 Elm Street, stated that she has a logistical question she is skimming the July minutes as she wasn't here. She knows from working in a health care facility herself and it was mentioned in the minutes about a labor shortage and the number of aids and how it is hard to meet that number of aids. She is wondering what the staffing plan would be if they are going to have a more acute facility she is wondering what the motivation for people would be to come work here when they would not working at a skilled nursing facility.

Mr. Iafigliola stated that as he hears these very serious and heart wrenching types of questions, he does hear what everyone is saying and recognizes what is being said. This is also the Planning and Zoning Commission and subject to popular believe we really only have so much say on how things happen in the world. One of those issues is what is the zoning, and what is allowed within a particular site in terms of spacing, density, lighting, etc. and what he is hearing are truly excellent questions and he does not mean to dismiss them in any way, but these are business type questions. Having said that, and maybe Mr. Long can put some assurances to the individuals who asked questions.

Mr. Long stated that he owns Assurance Health and has a facility in Hudson, Ohio which is about 38 to 40 miles southeast from here which was opened in 2018. He is landlocked and would like to have another facility. We have been wanting for another facility but then COVID hit and kind of delayed us for a while and then we started looking. We met with the current owners, and he thinks this would be a suitable location, geographically, for them and then also the building. As far as occupancy, he runs 95+% and has to defer patients to one of our other facilities in Sylvania, Ohio, maybe Cincinnati, or unfortunately to competitors. There is a need from our perspective as being the actual owner and operator of geri/psych.

Mr. Long stated as far staffing, that has always been a challenge, but we do pay higher than normal competitor wages. Psychiatric is not something nurses or techs go into all the time so of all nurses say 10% want to do psych and 10% of all techs want to do psych so we have to pay a higher rate. We supplement with LPNs in addition to RNs, if we are short so we won't run short.

Mr. Long stated as to the relocation of the patients he has spoken with the owner its historically he has run at 70% but that could be higher now, he is not 100% sure of what their actual occupancy is. They would start renovating a portion of the second floor and

then move on to the rest, if that proceeds, but that is something we would work out internally. He thinks with the turnover in patients we would just do that from attrition. He is looking at least a four-to-six-month timeframe before the start construction so we would have time to meet with families and residents and see if we could help relocate in the same facility or elsewhere.

Mr. Long stated that typically they do not have an issue with noise but yes there will be some screamers. These people have severe psychiatric problems, and we feel that we can manage them effectively. He has been doing this for 10 years from his own pocketbook and has done it for other people prior to that. There will be occasional noise but we insulate everything, we install the doors with the sweeps, extra insulation on the sides, probably not on the floor because it is probably concrete but we will find out if there is a way to insulate that we would put some insulation on the floor as well.

Mr. Iafigliola asked how many beds are on the first and second floors. Mr. Larson stated that there are 44 total over the two floors. Mr. Iafigliola asked if they knew, off the top of their head, what would be the turnover rate of those 44. Mr. Larson indicated that he did know.

Ken Assiran, 4255 Howe Street, Baltimore, Maryland, stated as far as memory care residents which are the residents in this building, the average length of stay is generally 12 months; after that point the residents move on, some pass away and some go to acute hospitals and nursing homes. That is generally what happens in memory care facilities and those are national statistics.

Mr. Iafigliola asked why utilize the second floor and not the first. Mr. Long stated that the second floor would be less disruptive to the other residents in the building. There is a courtyard area downstairs that they utilize and would continue to use as we do not use outside space for our patients.

Evan Rittenhour asked if the day to day operations would be like a hospital grade facility because they already get ambulances that come down the street so would that increase or decrease.

Mr. Long stated that he owns his own ambulance company and does basic life support, so no 911 or ALS runs this way we do not tax the local communities or fire departments. There are about two runs in and two runs out a day, on average. Mr. Iafigliola stated that he understands the point about taxing local resources but when you say run does that usually mean sirens blaring. Mr. Long stated it would be an ambulance driving down the street with no light or sirens it's non-emergent. If there was an emergency we would call 911.

Laura Mahoney stated that the point Mr. Iafigliola made about this being a business decision she respects that statement. Her question for the commission is do facts matter, because she feels like they don't specifically know Symphony. The questions about occupancy, turnover, and some of the basic questions that were just asked they turned to their executive director because they do not have the information at their hands, so she is asking do facts matter and if this is a business decision is that not important. Mr. Iafigliola

stated that he will admit he is wrestling with what is being presented and Ms. Mahoney's testimony, and the others. He appreciates the comments and the reason Ms. Mahoney did not like the phrase business decision. Ms. Mahoney stated she respects it, and it makes her sad, but she understands what the commission means. Mr. Iafigliola stated that he is not making a business decision but feels that the commission is somewhat limited in what we can or cannot do. He is hearing that there is some discovery that needs to happen or some sympathy within Symphony to say there are real people that live here, mothers and fathers and other loved ones, and some compassion needs to go into how exactly, if a change were made, that change would happen. Mr. Smerigan stated that the issue the Commission has deals with land use and what is permitted under the code in terms of land use. He stated that land use decisions come with a whole other quiverful of things, there are business decisions and every time the commission approves a restaurant we could ask where they are going to get staffing. But it is really not the commission's job to determine whether or not a restaurant is going to be successful. If someone wants to open a restaurant and they are in a district that permits a restaurant and the commission grants the permit they may make it or they may not but that's the business part. You do not regulate the business part you are not regulating what floor patients get put on or the hours of operation, in this instance, because it is a 24/7 facility unless it was something where the commission could stipulate hours of operation. The commissions powers are limited to the use issue and to conditions or stipulations that's why it's a conditional use to minimize or mitigate the impacts on adjacent property owners that's really what you are dealing with. He realizes and certainly understands the heartfelt nature of some of the concerns but he does not think they are within the purview of the commission to solve. Ms. Mahoney stated that is entirely fair and she wants to understand as a resident. More importantly, she comes with personal bias as a daughter and as someone who cares about the people that are currently at Symphony as well as the staff. She thinks that her comments are more just in a way of if they are looking to make a profit it is a facility that is at 95% capacity and has made investments in marketing, was recently renovated, could they reconsider because there is a beautiful business case there. It is a resource in the community with good neighbors next door who do Trunk-or-Treats together. They do a lot of really great things for the community and the families and to her it is a great place and she would hate to see it change to what has been reflected in the geriatric psych and what that would entail.

Ms. Hawkins stated that her mother is deceased now but when she was alive she had dementia, so she understands fully the comfort of a person who has dementia. When her mother was taken out of her comfort zone the way she reacted was horror. Individuals who have dementia need that comfort and the familiarity of where they live. Once they are removed from that comfort there is an issue. The applicant wants to move people from the second floor, if they have dementia, what is going to happen to them. She understands this is a business for them but the families that have family members with dementia it is hard for them once they get in a place of comfort. This is personal to her as she said before as long as her mother was where she was comfortable she was okay, but there were times when she had to be moved from her comfort area, and it was hysteria for her. That is her issue is I mean how do you do that; you can't remove these people they know when they are out of their comfort zone and she does not understand how you would do that and not disturb their comfort in their home.

Ms. Meehan stated that she just did a quick google search on the length of stay for someone in a memory care facility and it's two to seven years not 12 months. She has many people in nursing homes in her life right now and they have all been there longer than 12 months. She understands the chairman made about the fact that we are not here to decide but this is kind of a split between your heart and your head, it's a logical issue regarding does this fit into this zoning and are the rules being followed, its pretty black and white. But there is a side issue here that everyone seems to be struggling with and that is the human part not the book part.

Mr. Iafigliola stated that with the sensitivity of this case he would like to take a small recess.

The meeting recessed at 8:52 p.m.

The meeting reconvened at 9:00 p.m.

Mr. Iafigliola stated that he will give one last chance for discussion.

Mr. Assiran thanked the members of the commission and the audience for their comments. We are in the memory care and assisted living business so why are we asking for this change. The reason is because the business is not financially viable to continue in the memory care business in this location. The reason its not financially viable is not just occupancy because that varies, some months the building is 70% occupied, and sometimes that percentage is higher or lower. This is a very competitive market, and we have many competitors, so the consumer has a lot of choices for assisted living and in this case memory care. Along with that costs have risen substantially and there are many assisted living and memory care buildings that have just closed. The reason they have closed is because there is more inventory on the market and newer buildings have opened and costs to operate these buildings have increased. We know costs have increased for labor significantly since the pandemic and getting through the pandemic for many buildings was very difficult, but we survived and provided services. All costs associated with the building have increased, insurance, food and many other costs. We are not able to make up for the increase in costs by raising rents so in the long term this building won't be able to continue as a memory care building. He thinks this is a compromise approach, we can keep memory care on one floor so there will be community memory care and then the geri/psych hospital will support the building economically and enable us to continue to operate a memory care floor. We are concerned and sensitive to the community's needs and we care about the residents and how they are taken care of and have done that for many years now. Our real issue is trying to find something that's financially viable and that we will remain in the community for the long term.

Joan Tabor, 25601 Elm Street, stated that after listening to the discussion this building was initially approved as a residential facility and now they are looking to change it part way to a hospital, which is in the middle of a residential area and that goes to the heart of the conditional use rather than all the emotional stuff, do we want a hospital type facility in a residential area. The ambulance runs of two to four a day more than doubles what we get now and what we get now is a lot even without sirens so that would be quite a bit.

Eileen Seiter, 25600 Elm Street, stated that she spoke at the last meeting lengthy. Her question is why would Olmsted Falls allow a hospital with 200 houses west of Columbia Road, east of Mapleway, south of Cook, and north of Bagley, it makes no sense to her. There is property available on Bagley Road that is vacant at the corner if they want relocation from Hudson to here let this building be sold to the people next door, she does not understand.

Susie Coy, 7216 Clark Street, stated that her major concern after sitting here and listening is the people who are asking for this do not know the facts. The fact that they did not know how many beds were in the building concerns her and is a red flag; they don't know the occupancy, that's concerning and a red flag, and they don't know the average length of stay of their patients, concerning and a red flag. If these are things that are super apparent by sitting here what other red flags are they hiding or missing because the number of beds doesn't change, the number of patients she could see changing on a yearly basis not monthly. The number of beds should be the same from the time they opened, and she is concerned that they don't know the facts.

Ms. Roth stated that as far as moving the patients to the first floor, will they continue having single rooms or are you planning on doubling people up.

Mr. Long stated that they would remain single rooms on the ground floor. Mr. Larson apologized that he did not know how many rooms, he is just the attorney and does not have knowledge of the building. Mr. Long stated that the ambulance runs would be two in and two out is the average per day.

Mr. Smerigan stated that there was a comment about changing it from residential to hospital. In reality, under our code, the current use is not considered a residential use its considered medical use and when this is done it would still be medical use, so that really is not an issue. You are not changing the zoning, there is no residential use there under the code, the code considers this to be a medical facility and it would remain a medical facility, just to clarify.

Mr. Iafigliola moved to **approve** Planning & Zoning Case #12-2024 a request by Olmsted Real Estate LLC at 25880 Elm Street, PPN #281-17-014, for a conditional use permit to operate a geriatric psychiatric hospital in a P-2 Professional and Medical District; Mr. Abood **seconded**.

Mr. Iafigliola stated this may or may not be germane to the topic, but he wanted to address the individuals that have spoken so eloquently. As Ms. Meehan stated about the so called business decision and one of the things he is wrestling with in some ways is as much as he agrees or disagrees with what may or may not happen at the applicant's discretion he is under no obligation to keep the property open he could decide, if he wishes to close it. He does not know the rules regarding notice of termination that has to be provided and assumes it can't be an hours' notice and that there is some type of regulation that is probably measured in days, weeks, or possibly months. In other words, they could provide notice that they are laying everyone off and closing in a month, he does not wish nor encourage that to happen, but these are the kinds of things that are going through his

head. Mr. Iafigliola also discussed the options available after voting if this decision was to be appealed to council.

Poll: 6 ayes; 1 nay (Hawkins). **Motion carried.**

5. Planning & Zoning Case #10-2024 – Amendment to 1274.03 Fences (height of front and side yard fences on corner lots) and recommendation to Olmsted Falls City Council

Mr. Smerigan stated that this issue was previously in front of the commission. We have received quite a number of fence height variances typically requests to go from three feet to four feet on corner lots. They have found that with three foot fences it is difficult to keep dogs inside, particularly if they are larger dogs. The consensus for those making variance requests seems to be that four feet will work for them where three feet won't. Rather than continue to hear dozens of requests we talked about maybe it being worthwhile to adjust the code from three feet to four feet. This is not a substantial change and does not create any significant issues. We also added that fences in front and corner yards must have an open design with at least 25% of an opening in the fence so that it's not a solid fence when located in the front and corner side yards. These are the only changes except to make a correction where it says Planning Commission to Planning & Zoning Commission.

Mr. Iafigliola stated that the 25% aggregate opening as you stated is so you can't have a solid board on board or a white vinyl opaque fence. Mr. Smerigan stated that you could potentially have a board on board with the right opening; you could have a picket fence, but you could not have a solid stockade fence. Mr. Iafigliola stated the derivation of the 25% seems low. Mr. Smerigan stated that percentage is very common in codes in northeast Ohio. Mr. Iafigliola stated that he is envisioning a wrought iron or aluminum fence that has a picket which would probably be an 80% opening. Mr. Smerigan stated this was the minimum opening. The percentage could go up from the 25 but cannot go down.

Mr. Thompson stated that he thinks the commission came up with this amendment after a number of variance requests. You could have chain linked or a lot of different things, but you cannot have it solid. After one of the meetings, we looked at the two fences across the street and he thinks those were three feet, but they pretty much met the criteria we have here.

Mr. Iafigliola stated that currently the code does not say anything about opacity so it could be solid if its three feet tall and has the right setback. Mr. Smerigan stated that was correct and if you recall we discussed that and made some adjustments which is why it's back before the commission. During the discussion it was brought up that perhaps it should not be solid, and it should have some type of minimum opening. Mr. Iafigliola stated that Mr. Smerigan is suggesting that the 25% is fairly common from his experience in other places. Mr. Smerigan replied yes.

Mr. Iafigliola moved to **approve** Planning and Zoning Case #10-2024, an amendment to Section 1274.03 fences and provide said recommendation to Olmsted Falls City Council as presented; Mr. Chitester seconded. Poll: 7 ayes; 0 nays. Motion carried.

COUNCIL LIAISON REPORT – Mr. Chitester stated that the building at the corner of Columbia and Sprague, the church, he has seen the work going on and is excited to see something happening.

OTHER BUSINESS – *None*

APPROVAL OF MINUTES – Mr. Chitester moved to **approve** the minutes of September 4, 2024, as presented; Mr. Thompson **seconded**. Voice Vote: 7 ayes; 0 nays. **Motion carried.**

ADJOURNMENT: Mr. Iafigliola moved to **adjourn**; Mr. Thompson **seconded**. Voice Vote: 7 ayes; 0 nays. **Motion carried.**

The meeting adjourned at 9:23 p.m.

Planning & Zoning Commission Clerk

Date

Planning & Zoning Chairman

Date