

CITY OF KIRTLAND
PLANNING AND ZONING COMMISSION

MINUTES OF THE MEETING
JANUARY 13, 2025

Roll Call

The meeting was called to order by Chairperson Denk at 7:05 p.m. Present were Commission members Daniel Laux, Lita Laven, Jason Bridges and Michael Denk. Absent: Richard DeMarco.

Also present were Assistant Law Director Mark Marong, Mayor Kevin Potter, City Engineer Doug Courtney, Zoning Inspector, Lenny Morgano and Economic Development Consultant, Eddy Eckert.

Election of Officers

Chairman

Ms. Laven nominated Michael Denk as Chairman, with the second by Mr. Laux. There being no further nominations, Michael Denk was elected Chairman upon unanimous vote.

Vice Chairman

Ms. Laven nominated Richard DeMarco as Vice Chairman, with the second by Mr. Laux. There being no further nominations, Richard DeMarco was elected Vice Chairman upon unanimous vote.

Secretary

Mr. Laux nominated Lita Laven as Secretary, with the second by Mr. Laux. There being no further nominations, Lita Laven was elected Secretary upon unanimous vote.

Minutes of the December 17, 2024 Work Session

Mr. Laux moved to approve the Work Session Minutes as presented, with the second by Ms. Laven. Upon roll call vote, the motion passed 3-0 (Ayes – Laux, Laven, and Denk. Abstain – Bridges. Nays – None.)

Minutes of the December 17, 2024 Meeting

Ms. Laven brought to the attention of the Commission a malapropism on page 2, paragraph 5 of the Minutes; stating that the word “reverse” should read “Reserve.”

Ms. Laven made a motion to amend the meeting Minutes to replace the word reverse on page 2, paragraph 5, with the word “Reserve”; and to accept the amended Minutes; Mr. Laux seconded the motion.

Upon roll call vote, the motion to amend the minutes and pass as amended 3-0 (Ayes – Laux, Laven, and Denk. Abstain – Bridges. Nays – None.)

Public Session

Public Requests

8520 Euclid Chardon Road Preliminary Development Plan – 14,310 Sq. Ft. Building.

Angelo Fappiano of 8520 Euclid Chardon Road and David Nulick of BuildQuote Pro addressed the Commission.

Chairperson Denk requested City Engineer, Doug Courtney, provide an overview of his review of the submitted documents.

Mr. Marong brought to the attention of the Commission that the parcel is a split-zoned lot. Further stating that it has been determined by the legal department and conveyed to the property owner's legal counsel that the parcel is considered a *legal preexisting non-conforming lot*. Further reminding the Commission that PZ-R5 was recently passed, and that Council will be voting to amend the Code to clarify set-back lines on split-zoned lots. Lastly stating this project pre-dates the changes to the Code therefore the proposed use can go up to the lot line where the use goes from LI to R-3.

Mr. Courtney reviewed the checklist and Memorandum dated January 7, 2025. It was noted that no landscape plan was included, stating that the applicant is aware and will submit landscape plans with the Final Development Plan. No reference to a dumpster or dumpster enclosure was submitted, requesting clarification from the P&Z Commission if a dumpster will be required and if so where on the property it should be located. It was brought to the Commission's attention that the architectural plans show future restrooms and water service connection to the building, noting that both are labeled TBD. Also, there is no accommodation for sanitary sewage shown on the plan. Mr. Courtney noted, discussion with the applicant's engineer have already taken place and they are working on these items for submission with the Final Development Plan. The site plan does not show a fence; however, the architectural plan shows a fence, noting that the fence needs to be added to the site plan. Also, an ornamental fence shown along the front of the property is 6' tall and according to Code can only be 4'6'. Noting if they want the fence to remain 6' BZA approval would be necessary.

There are no riparian issues. Submittal of a comprehensive storm water management report is required with the final development plan. Parking spaces as presented accommodate the use according to 1288.05 of the Code.

There is no impact on an environmental overlay district. The lot coverage and zoning setbacks all meet Code.

Discussion regarding the sanitary sewer and septic site was had.

Questions were directed to applicant, Mr. Fappiano, regarding why the plans include bathroom options for each unit. Responding Mr. Fappiano stated he is not installing bathrooms in each unit, only Unit #1 will have a bathroom. There will be a bathroom in the rear of the building available to all of the tenants. Otherwise, installation of the pipes is being done for potential future bathrooms in individual units. . Each Unit will be a rental and there will not be individual utilities.

Additional questions were asked regarding heating and air conditioner. Responding the applicant stated they are not installing heating and air only something to keep pipes from freezing. Further

stating there is no requirement to install sprinklers in each unit. Mr. Laux asked if any of the units would be used for personal office space. Responding, applicant Fappiano stated no.

Mr. Denk noted that the structure goes right to the LI/R3-B split lot line. Noting that the part of the proposed turnaround drive and storm water basin go onto the R3-B portion of the lot.

Discussion regarding the purpose for a turnaround and anticipated use of the turnaround was had. Responding applicant Fappiano stated all units will have access to the turnaround.

Mr. Laux inquired about the additional 150 feet of fencing near the storm water retention area, responding applicant Fappiano stated this is to provide more privacy for house to the left of the property.

Ms. Laven inquired as to who is responsible for the storm water basin, responding Mr. Courtney stated the property owner is.

Public Comments:

Mr. Bush Bell, 8536 Euclid Chardon Road, addressed the Commission on behalf of himself and his wife, Jamie, owners of 8536 Euclid Chardon Road.

Mr. Bell stated they have concerns regarding the overall transitioning of the character of the property. Including, extending LI use in residential area, water management concerns, septic/possible future bathrooms, traffic concerns – noting there is a slight dip in the road in front of the property which may create difficulties for trucks/trailers to pull in and out, lighting and noise concerns, especially if the tenants are afforded 24-hour accessibility, reduction in green space and possible reduction in property values.

Mr. Denk inquired to Mr. Courtney regarding the storm management report. Responding Mr. Courtney stated this will be part of final development plan review.

Additional discussion was held including the electrical plans, light fixtures, light packs, and gutters.

Mr. Nulick stated Polaris Engineering has already begun to address the items on Mr. Courtney's checklist.

Additional questions and discussion were had regarding if there is a plan to put a residential structure on the rear lot. Responding applicant Fappiano stated that is a possibility in the future.

Responding to a question regarding gutters, applicant Fappiano stated gutters will be included on the Final Development Plan.

Mr. Denk inquired to Mr. Courtney regarding sanitary and stormwater retention and dumpster trash management plan.

Mr. Denk asked Mr. Marong if any variances were granted, responding to date none and no variances will be needed in the future.

Responding to questions regarding if the structure is pre-engineered, Mr. Nulick stated the building is a pre-engineered metal building and that color schemes and gutters will be part of the final submission.

It was asked why the units were referred to as “condominiums” on the Preliminary Plan, responding applicant Fappiano stated that was an oversight and the units are just for storage and will be only one owner of all units. Further stating that moving forward the word “condominium” will not be used.”

Mr. Laux questioned the location of the fence and if the existing trees on property line will remain. Responding, applicant Fappiano stated yes.

It was stipulated the following items are required by Kirtland's Ordinances and the P&Z Commission as part of the next submission for approval of the Preliminary and Final Development Plan(s).

- Items depicted on C.W. Courtney Checklist (3 pages in total)
- Trash Management Plan
- Landscape and Tree Plan
- Sanitary and Septic Plan
- Hours of Operation
- Screening on east property wall
- Signs (if any)

Biltmore Healthcare, LLC – Conceptual Plan (Nursing Home) NW corner of Rt. 6 & 306

Mr. David Mitchell of Brenner Kaprosy Mitchell, L.L.P. addressed the Commission on behalf of Biltmore Healthcare, LLC.

Mr. Mitchell provided each commission member and others in attendance an eleven-page binder prepared by Mr. Todd Hutchinson of SA Group which included images of the proposed nursing home from different vantage points as well as a Preliminary Site Plan dated January 10, 2025.

Mr. Mitchell provided an overview of Biltmore Healthcare, LLC.

Mr. Mitchell provided an overview of the property which consists of approximately 22 acres. Stating they anticipate carving out corner piece of Rt. 6 & Rt. 306 for future development.

He stated that §1261.09 of the Zoning Code contains the definition of "Nursing Home." Stating that they feel what they are proposing is an acceptable use based on the definition.

Mr. Mitchell stated the property is located in the Retail Business. Further stating that *Section 1277.03 Permitted Uses* states uses permitted by right in the Retail Business District and includes all permitted uses in the Office and Institutional Districts and any other use determined by this Commission if such use is determined to be appropriate makes a determination similar to the uses permitted in this district. §1273.03 includes hospitals as a permitted use in those districts and this would be a permitted use in this district as well. And stating that from a construction standpoint, the proposed building is the same as a hospital grade facility, also stating this would be a far less intensive use than a hospital.

The facility will be a 99-bed facility with all private rooms. Each patient will have their own room and bathroom. All beds will be Medicaid and Medicare certified.

He stated they anticipate submitting a formal application including Preliminary and possibly Final Development plans for the February 2025 meeting.

Mr. Mitchell noted that there is no zoning district in the City of Kirtland that permits as of right nursing homes; stating that R-5 conditionally permits nursing home. Stating that this is the reason that are asking for a similar use determination.

Mr. Mitchell also directed attention to the City's Comprehensive Plan noting that a number of the

concepts outlined in the conceptual plan are consistent with many of the concepts outlined in the City's Comprehensive Plan. Noting the concept of the need to address the aging population in Kirtland and the concept of aging in place.

Further identifying that the Comprehensive Plan recognizes Rt. 306 & Rt. 6 as prime for development. Noting the Comprehensive Plan states a need for sanitary sewer extension for this intersection. Mr. Mitchell emphasized the sanitary sewer extension is a critical requirement for the proposed development plan. He further indicated the Comprehensive Plan states the need to generate revenue for the City; stating that both the real estate owner and tenant operator are for-profit tax paying entities. He expects that the proposed nursing home will employ 120-130 full time individuals with a payroll in the range of \$7.5 million – \$8 million annually.

In summary Mr. Mitchell stated they anticipate submitting a full application for the February 2025 Planning & Zoning meeting at which time they are optimistic the Commission will make a determination regarding if the proposed use is sufficiently similar to other permitted uses in the RB District to warrant approval under §1277 and approval of the Preliminary Development Plan and possibly the Final Development Plan.

Mr. Mitchell welcomed the opportunity for Commission members to visit another Biltmore Healthcare Facility, noting the closest facility is in Mentor on Norton Parkway.

Mr. Mitchell fielded questions from the Commission and others in attendance.

Mr. Denk asked what the estimated total project cost is. Responding Mr. Mitchell stated approximately in the \$16-\$17 million range not including the real estate.

Mr. Laux asked what the difference between Unit A and Unit D is. Responding Mr. Mitchell stated the difference is the size of the rooms.

Mayor Potter provided an overview of the status for the extension of the sanitary sewer. Referencing the Comprehensive Plan and the necessity for sanitary sewers in the Rt. 6 & Rt. 306 area, noting the area remains underutilized because there are no sanitary sewers. Further stating this proposed developed provides an impetus for economic development to run sewers.

Mr. Eckart, the City's economic development consultant, stated the City is continuing to work with the County in terms of capacity. Mayor Potter also stated the City has hired a law firm to work with tax incentive financing. Further stating that even though the 2024 Federal budget has not been passed to date, he remains optimistic that the \$2 million that Congressman David Joyce has asked for will eventually be awarded. Lastly, the Mayor thanked Mr. Mitchell and the Biltmore Healthcare LLC for their investment and commitment to the project.

Responding to a question regarding timing of the start of the project Mr. Mitchell stated he anticipates a 2026 start date.

Mr. Bridges asked if there are any plans to expand if needed down the road. Responding Mr. Mitchell stated the northwest corner on Rt. 6 and Rt. 306 will be available for potential future development, noting that any future development will not be an appendage to nursing home but an ancillary use.

Ms. Laven inquired as to the approximate breakdown of the patients/residents that will reside at the facility. Responding Mr. Mitchell anticipates that 60% of the patients will be short term rehabilitation and 40% of the patients will be long term care. Additional questions regarding the expectation of increased ambulance calls to the City. Responding Mr. Mitchell stated the Preliminary/Final Development Plan will address this issue. Noting that the facility is a skilled

nursing facility and will be staffed with medical professionals 24/7.

Mr. Mark Bailey, 10650 Bayshire Trail, inquired about the preliminary cost of sanitary sewer installation. Responding Mayor Potter stated the anticipated cost is approximately \$7 million. A question was asked if the developer will be contributing to this cost. Responding Mr. Mitchell stated he cannot disclose specifics at this time.

Dennis DiSanto, owner of Angelo's Pizza, stated he is hopeful the sewers will be in place soon. Noting he spends approximately \$11,000 a year to maintain the septic system on his property.

Ms. Denise Quiggle, 8963 Elm Street, asked what pump station would be used for the extension. Responding Mayor Potter stated the station down the hill. Mr. Courtney added that it has been determined the elevation is satisfactory.

Public Comments on Items Not on the Agenda

None.

Work Session

Communications and Bills

1. Council Meeting Work Session Minutes and Meeting Minutes December 2, 2024 and December 16, 2024.
2. Zoning Permits Report – December 1, 2024 – December 31, 2024
It was noted that no permit was issued to 8520 Euclid Chardon. The information was inputted for calculation purposes only.

Old Business:

Mr. Marong commented on the joint Council/P&Z meeting held prior to the P&Z meeting stating that potential code updates were discussed and will be further discussed by the P&Z Commission at upcoming work session meetings.

New Business

None.

Adjournment

There was no further business before the Commission, and Mr. Bridges moved to adjourn. Mr. Laux provided the second, and the motion passed upon unanimous vote. The meeting adjourned at 8:38 p.m.

CHAIRPERSON

SECRETARY