

**PLANNING COMMISSION
CITY OF WILLOUGHBY
SEPTEMBER 8, 2016
PUBLIC HEARING
MINUTES**

PRESENT: R. Fiala; C. Cox; K. Kary; G. Patt; G. Merhar, Chairman

ABSENT: No One

OTHERS: Janice Lipscomb, Econ. Devel. Mgr; Mike Germano, Asst. Law Director;
Darryl Keller; Chief Bldg. & Zoning Official; Jim Sayles, City Engineer;
Vicki Grinstead, Secretary

Chairman Gerald Merhar called the public hearing to order at 7:00 p.m.

The legal notice was read into the record for the following:

Vista Springs

Zoning Code Text Amendments

SOM Center Rd.

Chairman Merhar asked if there was anyone in favor to speak for the proposal.

The following spoke **FOR** the proposal:

Mr. Brian Osborne, Parkstone Development Partners
7670 Tyler Blvd.
Mentor, OH 44060

Mr. Osborne stated the applicant is making the following proposal to amend the zoning text and a lot split that would permit them to develop a 16 acre piece of land on SOM Center Rd. into a state of the art assisted living and skilled nursing facility. These proposed text changes are consistent with the city's comprehensive plan update which states the need to establish a policy of creating special zoning for senior housing. In his opinion the current conditional use language makes it nearly impossible to build a new senior facility unless it is a continuing care retirement community. Vista Springs' definitions of assisted living are based on Ohio Revised Code, skilled nursing is based upon Medicare and independent living is based upon H.U.D. Mr. Osborne stated they are pursuing this development for three reasons:

- 1) There is a need in the market place (sites examples from a chart).
- 2) Demographic profile-explosion as baby boomers age.
- 3) Medicare switching from a fee for services payment model (which gives doctors, hospitals the ability to charge for as many services as possible) to a bundle payment structure which caps a dollar for the entire spectrum of care for a procedure. Under this new payment model a state of the art skilled nursing facility is absolutely critical and will be an asset to the hospital and the community, as evidence of Lake Health's support of this project.

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Mr. Osborne stated the project Vista Springs would be developing is the front parcel and would include a 2-story assisted living; a 1-story memory care with a mix of approximately 60 assisted living and 24 memory care units with a total of approximately 80,000 square feet with Legacy Health. This exact building is currently being built next to Tripoint Medical Center on Auburn Road in Concord Township. The back half of property would be developed, as of a result of a joint venture, with Parkstone and Vista into a 100 unit skilled nursing facility which will focus on short stay rehabilitation. These facilities will generate over 175 permanent jobs and half a million dollars in annual tax revenue.

Mr. Lou Andriotti, CEO
Vista Springs Grand Rapids, MI

Mr. Andriotti stated he manages the Vista Springs in Macedonia, Ohio which is a 100 unit assisted living property. He realizes there is much opposition to this project and would like to present some facts on his state licensed facility Macedonia property. They had two surveys both of which have zero deficiencies and are in full compliance with state regulations. He spoke to some neighbors that were concerned with the residential care facility or assisted living negatively impacting their property values and found no research or correlation to support this. He addressed concerns about more ambulance traffic. Their facility is staffed with 24-hour nursing and is equipped to handle emergencies, and ambulances are more for transportation. They have medical professionals in house and there may be a couple ambulances a month for emergencies. Chairman Merhar asked when he spoke about ambulances was he speaking for the nursing facility also or just his assisted living and Mr. Andriotti stated he was speaking for both. He addressed a concern about increased traffic and stated not many of the seniors drive and their average age is 84 years old, but their families do come to visit during the day.

They have researched this market and found this area is under served for the kind of experience and quality level of service Vista Springs can provide to residents.

Mr. Jordan Berns, Berns, Ockner & Greenberger LLC
Land Use Counsel to applicant
3733 Park East Dr./Suite 200
Beachwood, OH 44122

Mr. Berns represents Vista Springs for the proposed text change amendments in conjunction with the senior citizen development conditional use provisions of the city's zoning code. He stated that they are not here tonight to submit an application for a conditional use permit, but are seeking a change to the zoning code text in relation to the senior citizen development conditional use. The city's zoning code allows senior citizen developments as a conditional use in an R-100 zoning district. The property under discussion is in that district. Mr. Berns stated if residential homes are to be built on this piece of

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property approximately 40 homes would have all the same impacts, including traffic, particularly at peak hours. There would be no buffering between those homes and the neighboring homes required under the city's zoning code. The senior citizen development provisions of the code came about as a means to permit the development of the Breckenridge Village senior citizen community and is a very particular type of development, which is large and includes a host of services. The proposed zoning code text changes would allow something on a smaller scale to be operated as a senior citizen development and as conditional use in an R-100 district; this would require some changes to the city's zoning code text. Mr. Berns stated he will go over the proposed changes to Codified Ordinance 1155.07 which contain supplemental regulations for specific uses. The city has general regulations that apply to any conditional use and the city's code has specific conditions that are applicable to specific conditional uses. Among the specific conditional uses there are special regulations for senior citizen developments. The proposed changes fall into two categories. The code uses the word elderly and they want to define elderly as 55 and older or adults requiring post acute care. They would also like to define some terms and make clear the types of services offered in a senior citizen development. He refers specifically to independent living facilities, assisted living facilities and skilled nursing facilities. They've proposed changes to definitions in Codified Ordinance 1103.03 to make sure they conform with the applicable law with regard to independent living facilities and the need to comply with the Ohio Revised Code, as well as the skilled nursing facilities, which need to comply with federal law. Next they wanted to clarify what is part of a skilled nursing or a senior citizen development and the licensing that is required. They want to reduce the required minimum acreage from 10 acres to 7 acres to make sure it is the right size for their senior citizen development for the property.

He stated they retained the same setback requirements, the same building height restriction, and the minimum open landscape areas. They proposed to increase the maximum dwelling units per acre from 10 to 14 and added a buffering requirement for the portions of a development adjacent to any residentially zoned property. Also a 20 foot buffer zone requirement was added and was to be green space.

Codified Ordinance 1103.03 includes changes to definitions that are referenced in that section. Last, they have proposed changes to the off-street parking requirements in Codified Ordinance 1161.04 because of a discussion they had with the Planning Commission in March, 2016, when parking needs for these types of developments were discussed. Mr. Berns stated currently assisted living facilities require 1 space for every 4 beds but most of these residents won't be driving and they don't want to add more pavement than is necessary, so they are proposing a reduction in the number of spaces for an assisted living facility from 2 to 4 and are also proposing for independent living facilities and skilled nursing facilities as they've defined those, 1 space for every 4 beds as well.

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Mr. Norman Millstein
Beachwood, Oh

Mr. Millstein was involved with the land and built the apartments across the street from this site. He is speaking because in Park Place the majority of the people living there are from Willoughby, or were originally Willoughby residents and wanted to remain in Willoughby. People are living longer and he believes the need is really great for this type of development. He is on the board of Menorah Park which has a waiting list of over 200 people. Mr. Millstein stated that if you're a Willoughby resident and you're older you want to stay in Willoughby and be near family.

Chairman Merhar asked if there was anyone in opposition of the proposal that would like to speak.

The following spoke **IN OPPOSITION** of the proposal:

Ms. Lori Claire Petrich
38145 Aspenwood Lane
Willoughby, OH 44094

Remarks by Ms. Petrich attached.

Mrs. Debra Petrich
38145 Aspenwood Lane
Willoughby, OH 44094

Mrs. Petrich stated she is strongly opposed to the ordinance changes proposed for the wooded property north of Aspenwood Lane. Mrs. Petrich asked that the Commission respect the wishes of many homeowners in that area.

Mr. Ron Whitney
34840 Aspenwood Lane
Willoughby, OH 44094

Mr. Whitney opposes the proposal because of the flooding in this area. He worries about the sewer system being able to handle the extra load for this facility and believes it will cause more problems for

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the people on Aspenwood Lane. His concern is being able to get out of his street because of additional traffic. Mr. Whitney stated people in assisted living facilities do drive despite what was proposed by the Vista Springs representatives. His biggest problems are the sewer and the storm water problems this facility may cause.

Mr. David Black
34975 Aspenwood Lane
Willoughby, OH 44094

Mr. Black very carefully read through ordinances and stated he feels that the city, when referring to senior living, took great care not to destroy the concept of single family homes. He doesn't want to see the beauty of the City of Willoughby destroyed by a commercial facility and believes skilled nursing does not belong under senior living in our ordinances. Mr. Black stated they should take out the skilled nursing and come back with a new proposal for only senior living.

Mr. Alan Romano
35223 S. Turtle Trail/Unit A
Willoughby, OH 44094

Mr. Romano is the President of the Big Turtle 1 Unit Owners Association and one of the things he has seen over the years is an increase in traffic. He stated Councilman Carr was instrumental in reducing the speed limit on Rt. 91 because of congestion. He discussed the parking situation for Vista Springs and not just for the residents but for the employees as well. Mr. Romano stated on the plans there are three retention basins to catch storm water run-off that appear to be connected to the Rt. 91 storm water system. He is concerned that the other option is to connect this to existing drainage that is located on the proposed site for development, which ties directly into Big Turtle I's storm water system. He believes all 168 units will flood with any additional strain on this system and urges the Planning Commission not to approve this.

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Mr. Dave Fishwick
5262 Karen Isle Dr.
Willoughby, OH 44094

Mr. Fishwick stated the Commission heard four very good reasons from the people that are constructing this facility; unfortunately none of them live in Willoughby.

Mr. Bob Terlizzi
35100 Aspenwood Lane
Willoughby, OH 44094

Mr. Terlizzi strongly agrees with all the objections. He read a letter in regard to Skilled Nursing Facilities and bundle programs with Medicare and references an article from the Wall Street Journal. Mr. Terlizzi believes Willoughby will be worse off if this facility is built.

Mr. Fred Fink
5390 Karen Isle Dr.
Willoughby, OH 44094

Mr. Fink is in opposition of the Vista Springs facility but was in favor of the Aspenwood Development because it brought housing to the area because that is what it is zoned for.

Ms. Kathy Haydorn
35395 North Turtle Trail/Unit D
Willoughby, OH 44094

Ms. Haydorn stated there have been many issues with flooding in their development and has cost tens of thousands of dollars to redo their sewers and some people lost their homes that could not afford to pay. Her concern is where the water is going to go, causing more flooding issues and cause future devastation for her development.

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Mr. Thomas Gibson
35055 Aspenwood Lane
Willoughby, OH 44094

Mr. Gibson is opposed to any change in the zoning use. He is a Willoughby firefighter and a registered nurse and said the statement that very few emergencies will from this facility is untrue. He stated it will increase the fire departments call volume. They will have to call other communities for assistance; which could mean the difference between life and death, depending on the circumstances. He asked the Commission not to change the zoning because it will not be beneficial to the residents.

Mr. Matt Burke
5149 Karen Isle Dr.
Willoughby, OH 44094

Mr. Burke stated a facility of this size will require around the clock electrical service and feels it will tax the current service which is already weak and the facility's generators will kick on which are loud. He stated for this and all the other reasons stated this evening he would like the Commission to vote no on these changes.

Mr. Kevin Mulligan
35155 D North Turtle Trail
Willoughby, OH 44094

Mr. Mulligan agreed with Mr. Romano and feels like they are putting too big of a facility on this property and will cause flooding issues. His request would be that the city provides a couple different engineering studies to evaluate the impact of this facility.

Ms. Michelle Gold
35395 C N . Turtle Trail
Willoughby, OH 44094

Ms. Gold stated she agrees with Mr. Burke about the electrical grid situation. Ms. Gold is the Facilities Dispatcher for 18 Heinens facilities. The Willoughby store has more electrical problems than any of their other stores and has lost a great deal of product. The electrical grid is already being taxed and will put an even larger strain on the surrounding properties. There needs to be a study done of the electrical output if this facility is put in place.

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Ms. Ann Marie Halal
35082 S. Turtle Trail/Unit B
Willoughby, OH 44094

Ms. Halal stated she echoes all the comments her neighbors made on behalf of her development and the surrounding neighbors regarding water management. She feels that when Big Turtle was developed things were not done properly and asked the city not to make the same mistake again.

Mr. Bob Carr
34976 Aspenwood Lane
Willoughby, OH 44094

Mr. Carr is the Councilman for Ward 4 in the City of Willoughby. Mr. Carr would like to focus on the proposed text change amendments. Mr. Carr stated he agrees that most of what is being presented is logical for general definitions of care today. Mr. Carr stated a specific concern is under the Conditional Use which states if you meet the conditions it is an allowed use. Mr. Carr stated if there are conditions, there should no changes. The condition in the proposal of providing a transportation program is too general, and he would like this to be more specific. He would also like the Commission to examine the lot split more closely.

Ms. Shirley Angelo
35222 S. Turtle Trail
Willoughby, OH 44094

Ms. Angelo objected to this proposal and is concerned about the water issue.

Chris Black
34975 Aspenwood Lane
Willoughby, OH 44094

Mr. Black stated he believes if this facility is built it will take away the beauty of the city and he will not purchase a home here in the future.

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Mr. Rich Schneider
35026B S. Turtle Trail
Willoughby, OH 44094

Mr. Schneider agrees with all of the opposition here this evening. They would like residential homes put on this lot and not the proposed facilities. He stated he hates to see all the trees cut down. Mr. Schneider believes the catch basins where the Knez homes we built are currently not draining and they were informed they are supposed to drain within 48 hours and his concern is this will happen on this proposed site also.

Ron Mesko
35380 Aspenwood Lane
Willoughby, OH 44094

Mr. Mesko agrees with all of the opposition this evening. When Mr. Mesko wanted to put up a shed he had to comply with all of the city's specifications and inspections and his hope is that the city uses the same zeal to uphold the current regulations and codes that are required for this proposed project.

Susan Hance
5322 SOM Center Road
Willoughby, OH 44094

Ms. Hance stated she received no notice, but Mrs. Lipscomb stated that Mrs. Hance is on the mailing list for the public notice. Chairman Merhar stated that the mailing list for the legal notice comes from the developer and is to contain homes/businesses within 300 ft. of the proposed property, and is also put into the newspaper as a means of notification.

Amanda Wagner
34660 Willowcreek Place
Willoughby, OH 44094

Ms. Wagner stated she is a new resident to the city. She worries about the influx of geese due to the three proposed retention basins and the fact they could block traffic on Rt. 91.

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Chris Walker
34155 Willowcreek Place
Willoughby, OH 44094

Mr. Walker stated he is a new resident to the city. He believes a zoning ordinance is a promise to the residents and believes it should not be changed. Mr. Walker stated he is an engineer and he has first-hand knowledge that what the engineering study says is not always what actually happens, and stated an example. Mr. Walker urges the city to carefully consider the “promise” they made to the residents before they make the decision on this proposal.

Laura Gibson
35055 Aspenwood Lane
Willoughby, OH 44094

Ms. Gibson stated she feels the same as the others before her. She feels that they were looking for more of a family oriented neighborhood and would like more homes. Ms. Gibson is a teacher and is concerned with safety of the neighborhood children at Edison Elementary School. She feels that the proposed facility would be in too close a proximity and being on a main road close to a freeway and strangers could have easy access to the children.

Chairman Merhar asked if there was anyone in **favor IN REBUTTAL** for the proposal.

Mr. Lou Andriotti, CEO
Vista Springs Grand Rapids, MI

Mr. Andriotti stated he is an advocate for the seniors and the senior population wants quality residence with concierge services. The reason he picked Willoughby is because there are many medical providers in the vicinity and they can discharge their patients to his facility and they will be able to stay in their city near family. He addressed the noise complaints and stated it is a very quiet community and the residents go to bed very early. Their offer of conditional zoning was to provide assurances to the community they will provide quality care. He wants to provide for people that have worked their whole life and would like quality healthcare and a nice new residential setting.

Mr. Greg West
Address not given

Mr. West is the real estate broker for the Millstein property on SOM Center Rd. Mr. West stated they have received many calls from interested parties that would like to develop this property. He stated

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Willoughby is a desirable community and this property will be developed and the trees will be taken down eventually. Mr. West stated he has kids that go to Edison Elementary and he feels this facility will bring in more tax dollars than a residential development.

Chairman Merhar asked if there was anyone in **opposition IN REBUTTAL** for the proposal.

Mr. Ron Whitney
34840 Aspenwood Lane
Willoughby, OH 44094

Mr. Whitney stated he wanted to thank this fellow for doing them and big favor. He believes all he wants to do is make money.

Dan Prelee
35400 Aspenwood Lane
Willoughby, OH 44060

Mr. Prelee agreed with Mr. Whitney and this project is all about money with no regard for what it does to the neighboring communities. He is opposed to the zoning changes.

Mr. Thomas Gibson
35055 Aspenwood Lane
Willoughby, OH 44094

Mr. Gibson believes the neighbors want this to be kept residential and not to have the ordinance changed.

Ms. Lori Claire Petrich
38145 Aspenwood Lane
Willoughby, OH 44094

Ms. Petrich stated no one spoke, even in rebuttal for Vista Springs, about having any studies done. She spoke to the Army Corp. of Engineers about Vista Spring's application and they stated to her that their

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application has not been approved and needs to be revised. The E.P.A. will not complete their applications until the Army Corp. of Engineers gives a jurisdictional determination that this area is appropriate for development in accordance with the Clean Water Act. She believes this is about money and the best places for seniors is at home with their families. She asks the Commission to deny any proposed ordinance changes. Ms. Petrich addressed sections of the Comprehensive Plan that she believes are relevant and were not addressed by Parkstone Development Partners.

Mr. Alan Romano
35223 S. Turtle Trail/Unit A
Willoughby, OH 44094

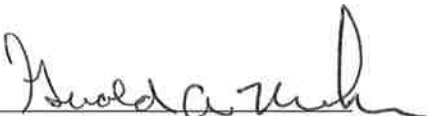
Mr. Romano stated if you look around the city, and not just Willoughby, you see the name Osborne and Millstein and you see parks and schools that are in the community and it's not all about money. He asked the Millstein family trust to deed the property in trust to the City and leave it as it is or be developed into a park.

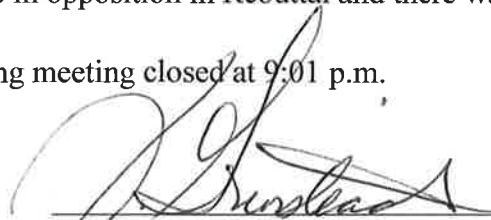
Sharon Hanslik
5370 Karen Isle Dr.
Willoughby, OH 44094

Ms. Hanslik stated the land is zoned residential for a reason and that is to bring families into Willoughby and into the schools. The city has an excess of facilities that care for the elderly and asks how many more do we need.

Chairman Merhar asked if there was anyone else in opposition in Rebuttal and there was no one.

There being no further business the public hearing meeting closed at 9:01 p.m.


Gerald Merhar, Chairman


Vicki Grinstead, Secretary

Remarks by Lori Claire Petrick, Esq. to the Willoughby Planning Commission on the proposed Ordinance Changes by Vista Springs, LLC on September 8, 2016

Good Evening, Commissioners.

My Name is Lori Claire Petrick and I am speaking on my own behalf as an heir to the property at 35145 Aspen Wood Lane, Willoughby, Ohio.

I am in opposition to the proposals brought before you today by Vista Springs, LLC and Parkstone Development Partners, LLC.

First, I would like this packet of information to be entered into the Record for this Public Hearing. Identical copies of this packet were hand-delivered by me to City Hall for the Planning Commission members prior to this Hearing.

Currently, the proposed development of an assisted living facility and skilled nursing facility is barred by City Ordinances. A corporation from Michigan is asking you to make changes to these ordinances. And I, as well as my family and many of our friends, ask you to stand with us, deny these proposed changes, and preserve the residential nature of our neighborhood.

Back in February, at a Ward 4 meeting, my family and friends were told by City Officials that one of the proposed changes at issue, the one-mile provision, must be removed for legal reasons that we later discovered are demonstrably inaccurate. When my brother, Paul F. Petrick, Esq., asked City Officials to explain or retract these inaccurate statements, City Officials refused to do either. For a complete explanation of how the City handled an honest request from a concerned citizen, please refer to the correspondence contained within the packets I delivered to you.

Needless to say, the lack of transparency surrounding these proposed ordinance changes is concerning and disappointing to us.

I stand in opposition to these proposed Ordinance changes and proposed developments for a number of reasons:

The current definition of an R-100 Senior Citizen Development does not include Skilled Nursing Facilities. Vista Springs and Parkstone would have you add Skilled Nursing Facilities, which would include rehabilitation services, to those that may be developed in an R-100 residential district.

However, Skilled Nursing is not the type of use that should be permitted in a residential area. A skilled nursing facility is much more similar to a hospital than a residence.

The proposal is to build an Assisted Living Facility with 94 units and a Skilled Nursing Care Facility with 100 beds. Parking lots with 98 parking spaces and another 12 land banked spaces are planned.

Remarks by Lori Claire Petrick, Esq. to the Willoughby Planning Commission on the proposed Ordinance Changes by Vista Springs, LLC on September 8, 2016

24 hour care means 24 hour disturbances. From the bright lights illuminating the parking lot, to ambulances transporting patients and responding to emergencies, a Skilled Nursing Facility would destroy the quiet enjoyment that we have maintained for decades.

These proposed developments on Som Center Road will no doubt increase traffic in an already high-traffic area and it is in between two of the busiest intersections in Lake County. Have you ever tried to make a left turn out of Aspen Wood Lane?

I am also very concerned about the additional storm-water run-off that would be created by these facilities. It is well-known that our storm water sewers are aging and insufficient. Many of my friends and neighbors have experienced flooding in their homes, including my own family. And although Vista Springs and Parkstone may assert that they have addressed any and all water concerns, I can tell you that Vista Springs does not have the necessary permits from the Army Corps of Engineers and the Ohio EPA. I spoke with representatives from both agencies, and I was informed that as of today, they have not obtained the necessary approvals to move forward.

I have some maps to illustrate my next point. There is no fact-based need for another Senior Citizen Development in our neighborhood. There are currently three Senior Living Developments within one mile of the proposed development site. These Developments are: Breckenridge Village (~0.8 miles away), Grace Woods (~0.6 miles away), and Brookdale Willoughby (~0.4 miles away).

Moreover, there are at least a dozen other Senior Living Developments nearby, which you can see marked in red on the maps in front of you.

Although the Baby Boomer generation is aging, there is a surplus of nursing home beds in the State of Ohio according to research conducted at the Scripps Gerontology Center at Miami University. According to the Ohio Governor's Office of Health Transformation:

1. Ohio has more nursing homes than all but two states and more specialty care beds than all but one state; and
2. 15% of Ohio nursing home beds are empty on average.

The Governor's Office also stated that "the balance of long-term care in Ohio" is moving "toward more in-home care and fewer placements in nursing homes." Home health care allows seniors to stay in their own homes. No one wants to live in an institution.

It is in the best interests of the citizens of the City of Willoughby that the City Ordinances remain as they are. These ordinances, including the prohibition of a senior living facility being within one mile of another, and the 10 acre minimum requirement per development were enacted with the important purposes to allow for:

1. The preservation of the residential character of R-100 neighborhoods,
2. To prevent the oversaturation of senior citizen developments; and
3. To ensure that senior citizens are integrated within the City of Willoughby.

Remarks by Lori Claire Petrick, Esq. to the Willoughby Planning Commission on the proposed Ordinance Changes by Vista Springs, LLC on September 8, 2016

If these Ordinances are changed, our once desirable residential neighborhoods will be forever changed and property values will decrease. I kindly ask you to stand with us and deny any proposed changes to the City Ordinances because these changes would apply to all Willoughby neighborhoods.

Ask yourselves: if these facilities were built 20 feet from your home, how would you feel?

Thank you for listening.