

CITY OF KIRTLAND
PLANNING AND ZONING COMMISSION

MINUTES OF THE MEETING
NOVEMBER 13, 2023

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

Also present were Law Director Matthew Lallo and City Engineer Douglas Courtney.

MINUTES OF THE OCTOBER 9, 2023 WORK SESSION

Mr. DeMarco moved to approve the minutes as presented, with the second by Mr. Laux. Upon roll call vote, the motion passed 5-0 (Ayes – DeMarco, Laux, Laven, Vinciguerra and Denk; Nays – None).

MINUTES OF THE OCTOBER 9, 2023 MEETING

Mr. DeMarco moved to approve the minutes as presented, with the second by Ms. Laven. Upon roll call vote, the motion passed 5-0 (Ayes – DeMarco, Laux, Laven, Vinciguerra and Denk; Nays – None).

PUBLIC SESSION:

PUBLIC REQUESTS

Payne & Payne Builders – Proposed New Residence at 10171 Quarry View Lane – Located in Environmental Overlay District

David Hess of Payne & Payne Builders was present in this regard. The Commission acknowledged receipt of City Engineer Douglas Courtney's site plan review dated 9/29/23.

Mr. Courtney advised that Chapter 1222 addresses Environmental Quality Overlay Districts and establishes procedures and regulations for protecting natural resources within the City. This property is in the Forest Cover Overlay District. He noted that the Ordinance allows the Planning and Zoning Commission to impose conditions on any site development within that area. Mr. Courtney stated that he has reviewed the site plan and is not recommending any conditions be placed on this site plan. It is a single-family home, and the impact on the Overlay District is minimal.

Mr. Denk noted that Mr. Courtney's review memo comments include: orange construction fence shown to protect wetland areas shall be installed prior to any land clearing activities on the site; all silt fence shall be installed prior to any earth disturbance on the site; and premium backfill should be utilized where storm lines cross drive pavement. Mr. Courtney said he has approved the site plan as noted with his review comments.

Mr. Courtney noted there are some wetlands that are being avoided, per the site plan. He noted they need to be fenced so the contractors know the location.

Ms. Laven noted that the site plan indicates directional drilling for the septic, which will be going through those wetland areas. Mr. Hess advised they have obtained an Army Corp. of Engineers permit, and they were told that a septic pipe placed in those areas is not considered a disturbance.

Answering Chairman Denk, Mr. Hess said there is one area that is wet. He said it is a hilly, forested area, with a lot of plant life. He noted there is a pond on the next property that tends to overflow. Mr. Hess said the placement of the house is not in a wetland.

There were no public comments in this regard.

Answering Chairman Denk, Mr. Courtney said he has approved the site plan as noted with his review comments, noting that they do not need to be conditions of the Commission's approval. Mr. Hess confirmed that they are shown on the site plan.

Mr. DeMarco moved to approve issuance of a zoning permit for the new residence at 10171 Quarry View Lane, with the condition that the approval is as noted in the City Engineer's site plan review. Mr. Laux provided the second. Upon roll call vote, the motion passed 5-0 (Ayes – DeMarco, Laux, Laven, Vinciguerra and Denk; Nays – None).

ProBuilt Homes – Proposed New Residence at 10117 Parks Farm Road – Located in Environmental Overlay District

Bob Myers of ProBuilt Homes was present in this regard. The Commission acknowledged receipt of City Engineer Douglas Courtney's site plan review dated 10/27/23.

Mr. Courtney advised that for the prior application, the home was entirely in the Forest Overlay District; however, for this application, approximately one-fourth of the home is located in the Forest Overlay District, so the impact is even less on this property. Mr. Courtney said there are no recommended conditions of approval. He noted that in the Overlay Districts, the City Engineer and Planning and Zoning Commission can evaluate whether conditions should be met relating to the disturbances (steep slope, poor soils area, forest area or historic area) to help preserve those features.

Responding to Chairman Denk, Mr. Myers advised that the wetland areas are way in the back of the property. Mr. Courtney noted that Sheet 3 of the site plan indicates the location of the wetland areas relative to where the home will be built. He said the site plan shows the riparian area, noting that the edge of the wetlands can be seen in the riparian area.

There were no public comments in this regard. Mr. Laux moved to approve issuance of a zoning permit for the new residence at 10117 Parks Farm Road. Mr. DeMarco provided the second. Upon roll call vote, the motion passed 5-0 (Ayes – DeMarco, Laux, Laven, Vinciguerra and Denk; Nays – None).

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Chairman Denk noted that he was anticipating someone coming to the meeting regarding a potential application for cross-fit use at the Grange property. Discussion ensued regarding the existing non-conforming use and how that affects potential use of the property. Mr. Lallo noted that any future use must be similar to the existing assembly hall Grange use; otherwise, it would have to be a residential use.

WORK SESSION:

Communications and Bills:

1. City Council Meeting Minutes – October 2, 2023 Finance Committee Meeting and Council Meeting; October 16, 2023 Council Meeting and Special Committee Meeting.
2. Board of Zoning Appeals Meeting Minutes – September 25, 2023.
3. Board of Zoning Appeals Notices of Decision – No. 23-12 and No. 23-13.
4. Zoning Permits Report – October 1, 2023 to October 31, 2023.

Old Business:

With regard to the Court case for the accessory building on Singlefoot Trail, Mr. Lallo provided the Commission with an update, noting that he filed a brief, and they filed a reply; it is in the Judge's hands.

Review of Zoning Ordinances – Chapter 1275 (HTC District)

Chairman Denk referred to the Word document provided by the Law Director for review. Mr. DeMarco noted that the Commission had discussed that the many uses in the Historic Town Center were different than in the Retail Business District, and that it would be better to reference one section to another.

Mr. Lallo reviewed the proposed revised language in 1275.03(a), noting that it references the permitted uses set forth in the Retail Business District, and that a similar use shall require a conditional use permit. He noted that 1275.03(b) references the permitted uses in Institutional and Office Districts, and a similar use shall require a conditional use permit. Mr. Lallo said that 1275.03(c) would allow any other use declared to be a similar use by the Planning and Zoning Commission and approved as a conditional use.

Referring to 1275.04(h), Mr. Lallo noted it addresses any use similar to the listed conditional uses, declared as a similar use by the Commission and approved as a conditional use. For landscape regulations, Mr. Lallo noted that it references 1284.04.

Mr. Lallo noted that the purpose of the proposed changes is simply to clean-up the ordinances and make them easier to navigate.

Referring to 1284.04(b), Mr. Courtney said it states that landscaping shall be compatible with the City's Streetscape Plan. He noted he has not found that document. In discussion, it was noted that there does not appear to be a streetscape plan document, other than a mention of streetscape improvements in a past comprehensive plan document. Upon further discussion, the Commission members agreed that paragraph 1284.04(b) should be eliminated.

The Commission reviewed 1273.03 relating to permitted uses and 1273.04 relating to conditional uses in Institutional and Office Districts. It was noted that 1273.04 references 1277.03(a).

There was discussion regarding presenting the proposed changes to Council. Mr. Lallo said he would have to create new ordinances for every section being proposed for amendment. The Commission agreed that the combined meeting in January would be a good time to discuss this with Council.

Referring to a memo sent to Council from Planning and Zoning on May 23, 2023, Mr. Denk noted there are some other areas for possible amendment, one of which is the riparian ordinance. Mr. Courtney said that the last riparian ordinance was passed in 2002, noting there are more current model ordinances through Chagrin River Watershed Partners.

Mr. Lallo noted that in his proposed edits, he did not make any changes to Chapter 1285 Conditional Uses. He included that chapter for reference in the document he provided to the Commission. He noted that he reorganized and cleaned up the other sections, but the Commission should review Chapter 1285 to determine if they would like any changes.

Discussion ensued regarding uses in the Limited Industrial District. Mr. Vinciguerra stated concerns about the permitted uses when the Limited Industrial property abuts residential property. He stated concern about noise from activity taking place outside of a building, noting that all permitted uses should be inside a building. Referring to a recent matter before the Commission, Mr. Vinciguerra also stated concern about additional uses on a property, when the final development plan for the initial applicant had not yet been approved. There was discussion regarding noise.

The Commission reviewed 1277.03 related to permitted uses and 1277.04 related to conditional uses in the Retail Business District. There was discussion regarding legal non-conforming uses and properties.

Chairman Denk said that a presentation will be put together for the combined meeting, summarizing the proposed changes in the ordinances. He noted that for the most part, the proposed changes are housekeeping.

Mr. Denk suggested that the Commission review the definitions at the next meeting, noting that some are outdated.

New Business:

Upon discussion, the Commission suggested Tuesday, January 16 or Wednesday, January 17 for the combined meeting with Council. It was noted that January 16 is preferred, as all Commission members will be available on that date. The Clerk was instructed to present these dates to City Council for consideration.

Adjournment

There was no further business before the Commission, and Mr. Laux moved to adjourn. Ms. Laven provided the second, and the motion passed upon unanimous vote. The meeting adjourned at 9:06 p.m.

CHAIRMAN

SECRETARY