

CITY OF KIRTLAND  
PLANNING AND ZONING COMMISSION

MINUTES OF THE MEETING  
MARCH 9, 2020

The meeting was called to order by Chairman Michael Denk at 7:00 p.m. Present were Commission members Richard Blum, Richard DeMarco, Michael Denk, Rick Loconti and Joseph Vinciquerra.

Also present were Law Director Matthew Lallo, City Engineer Douglas Courtney, Zoning Inspector Wayne Baumgart and Councilman Joseph Smolic.

MINUTES OF THE FEBRUARY 10, 2020 MEETING

Mr. DeMarco moved to approve the minutes as presented, with the second by Mr. Blum. Upon roll call vote, the motion passed 4-0-1 (Ayes – Blum, DeMarco, Loconti and Denk; Nays – None. Abstaining - Vinciquerra).

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At the request of Chairman Denk, consideration was given to adding to the agenda the application from Thomas Christopher for a temporary construction sign for the future Tall Oaks Event Barn. Mr. DeMarco moved to add this application to the agenda as the third public request. Mr. Loconti provided the second. Upon roll call vote, the motion passed 5-0 (Ayes – Blum, DeMarco, Loconti, Vinciquerra and Denk; Nays – None).

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PUBLIC SESSION:

PUBLIC REQUESTS

Paul Architects – Application for Conditional Use Permit for Proposed Attached Single-Family Dwelling Unit Development at 9327 Chillicothe Road

Thomas Paul of Paul Architects was present in this regard. Chairman Denk acknowledged that the Commission is in receipt of a letter from the property owners, Giglio and Madalena Cocca, authorizing Thomas Paul of Paul Architects as their representative for this application. Chairman Denk acknowledged receipt and reviewed a memo dated February 25, 2020 from Philip Kiefer, noting that he was the consulting engineer for the City. Mr. Denk noted that the new City Engineer, Douglas Courtney, is present at tonight's meeting.

Mr. Paul stated that the proposal is for single-family multi-unit buildings. He noted there is no development proposed beyond the ravine. He noted that Lake County Soil & Water Conservation District has reviewed the proposal. Mr. Paul indicated on the plans the locations of the buildings, the retention pond, the green space and the driveways and access road.

Mr. Paul noted that they are proposing offsets on some of the buildings for architectural purposes. He stated that the materials they are looking to use are brick near the garage doors, vinyl siding, including

an accent color and fiberglass shingles. The garage door will have glass vision of some manner. Mr. Paul noted that there will be doors on the sides of some of the buildings for access to maintenance closets. There will be single-hung Pella windows.

With regard to garbage and dumpsters, Mr. Paul stated each unit will have its own garbage cans for pick-up of trash at each unit; there will be a turn-around for the truck. There will be no dumpsters.

Answering Mr. Denk, Mr. Paul stated that the landscape plan is being developed; he discussed some of the landscaping that will be proposed.

Mr. Paul stated that there will be one owner for all of the buildings; the leases will be handled by a management company. He noted that it will be for ages 55 and older, and all units will be handicap accessible. The large bathroom in the master suite will be fully accessible; the other bathroom will not be accessible because of space constraints.

Mr. Denk inquired about the window treatments. Mrs. Cocca stated they can supply the mini-blinds. Mr. Paul stated that the units will not be furnished. He noted that there is some opportunity for the first tenants to have some modifications done before the units are completed.

Answering Mr. Denk, Mr. Paul stated that the retention pond is required by Lake County Stormwater Management. Mr. DeMarco inquired about the possibility of moving the pond closer to the front of the property, with a landscape buffer. Mr. Paul stated it is his opinion that the buildings, rather than the retention pond, will look nicer closer to Route 306. Noting that the front two buildings are very close to Route 306, Mr. DeMarco suggested some mounding and landscaping to provide some separation, noting that houses fronting on Route 306 seem to have a much greater setback. Mr. Denk noted the importance of fencing to shield from view the patio furniture and grills.

Mr. Paul noted that there will not be sliding glass doors to the back patios, as they tend to become problematic over time. There will be 3 ft. doors in the front and back.

Mr. Loconti inquired if fire hydrants have been discussed with the Fire Department. Mr. Paul stated that the Fire Department indicated they will make their comments during plan review. Mr. Loconti stated that he believes the proposed turn-around will be a problem for the fire trucks, and he suggested that the applicant discuss this with the Fire Department before the plans are finalized. Mr. Paul stated there is room for a larger turn-around. He noted that the road width will be 22 feet.

Mr. Denk noted there should be some consideration of the effect that mechanical equipment will have on the appearance from the street. Mr. Paul confirmed that each unit will have its own utilities. Mr. Loconti stated that the Commission will need to see the screening plan for all of the mechanical equipment. There was discussion regarding the curb appearance of the buildings and street lighting.

Mr. Courtney stated concern about the proximity of the retention basin to the street for the development, in the event that there should be any slope failure at the edge of the basin. He noted that the top edge of the basin is less than 5 feet from the edge of the road, and he recommended that a guardrail be installed. Mr. DeMarco suggested the possibility of having two separate smaller ponds, one on each side of the street, to maximize the distance from the street.

Mr. Loconti inquired if the construction would be done in phases, noting concern about other developments done in phases that were never completed. Mr. Paul stated that they would install the infrastructure and start with the two buildings in the rear. Commission members expressed concerns about phasing the development.

There was discussion regarding the 55 and older designation. Mr. Paul noted that the units are designed for two people.

David Fulton of DaVinci Fine Homes, 9237 Chillicothe Road, stated that he is the real estate broker in the current building. He stated that the bedrooms will dictate how many people can live in the units; the units would not support a family with several children.

Mr. Denk noted that Mr. Kiefer's memo states that the proposed residential buildings do not meet all the setback requirements. Mr. Paul stated that he believes Mr. Kiefer is looking at this as a single-family home development, but this is a multi-family development, a commercial project with residential use. Mr. Paul believes the development meets the setback requirements for the use.

In discussion, Mr. Loconti clarified that the development is a residential project that would be built under the commercial building code because of the multiple units. Mr. Loconti continued to state concerns about allowing the development to be phased, in the event that it is never completed. Mr. Denk noted that the plans do not indicate phases. Mr. Cocca stated that he would be responsible to build the entire development.

Mr. Denk inquired about parking. Mr. Paul stated there would be room for parking only on one side of the street. Answering Mr. Loconti, Mr. Paul confirmed that there are no plans for extra parking for guests. It was noted that each unit will have a two-car garage, and there is room for two cars in every driveway.

With regard to reducing the size of the retention pond, Mr. Loconti asked about the possibility of diverting some of the stormwater to the riparian area. Mr. Paul replied that he researched this, and it would have to be hard piped down the hill and a lot of work would be needed on the hillside to make it stable. He said it would be very costly; also it requires approval of the Corp of Engineers, which could take a year to receive a response.

Mr. Denk inquired if there will be any amenities, such as a community room. Mr. Paul stated that as of now, the proposal is all single-family units.

Mr. Denk noted that some of the items that need to be addressed include the gas and electric, fencing and landscaping, and mechanical equipment. There was discussion regarding the architectural aspects of the buildings, as they are long and narrow.

Responding to Mr. Blum, Mr. Paul stated that, as of now, there are no sidewalks proposed.

Mr. Paul noted that Polaris Engineering is still looking into the matter of sewer capacity. There was brief discussion in this regard.

There was discussion regarding the use of energy-saving lighting and appliances.

With regard to the retention pond, Mr. DeMarco requested that Mr. Paul look into the possibility of having half on one side of the road and half on the other side, in order to move it further from the road and lessen its depth.

Chairman Denk opened the meeting to public comment on the matter.

Dan Ockuly of 9347 North Star Road inquired about the sewage for the development. Mr. Denk advised that this would be part of the sanitary sewer on Route 306.

There were no further comments from the public.

Mr. Paul showed the Commission physical samples of the materials (brick and siding). There was discussion regarding screening of the utility and mechanical equipment. Mr. Loconti noted that the trash containers must be out of sight. Mr. Loconti noted that the lease agreements would need to meet the City's protocol. Mr. Lallo stated that such an agreement should be incorporated as a condition to approval.

Mr. Denk referred to the memo from Mr. Kiefer, and he requested that the applicant provide a written reply to the issues brought up by Mr. Kiefer. Mr. Paul agreed to provide a response, noting that most of the comments relate to items they are still working on.

In an effort to move forward, Mr. Denk stated that a landscape plan is needed, possibly including some fencing. The gas and electric should be shown on the plans, including transformers and communication equipment; site lighting should also be included. Mr. Denk noted that the Commission would like to see a rendering of the buildings.

There was discussion regarding the sewer assessment for the property. There was also discussion regarding signage for the site.

Mr. Blum requested that the applicant summarize any deviations from the Ordinances; Mr. Paul responded that they are in compliance and not looking for any variances. With regard to the square footage, Mr. Paul stated it is his understanding the maximum size restriction was put in place to restrict "big box" stores. Mr. Blum noted that the Ordinance refers to the ground floor area.

Upon completion of discussion, Mr. DeMarco moved to table the matter, with the second by Mr. Blum. Upon roll call vote, the motion passed 5-0 (Ayes – Blum, DeMarco, Loconti, Vinciguerra and Denk; Nays – None).

Mannik & Smith Group – Application for Conditional Use Permit for Streambank Stabilization at 10901 Lakebrook Drive

Greg Buhoveckey of Mannik & Smith Group was present in this regard. Chairman Denk acknowledged receipt and reviewed a memo dated February 25, 2020 from Philip Kiefer. It was noted that per Section 440.01(b), trucks importing material shall meet the load limits as specified in paragraphs (1) and (2).

Mr. Buhoveckey stated that they will be flipping the sandbar to the other side, which is where it was originally located. He reviewed the plans with the Commission and explained the work that will be done, noting that they will be planting and seeding the area with native wetland-type vegetation after the work is done. Answering Mr. Denk, Mr. Buhoveckey said the work will be done by Z-scape and River Reach Construction; he noted that he will be out to make sure everything is done according to plan. Mr. Buhoveckey stated that the slope is very steep right now, noting that they will stabilize it and it will be a gentle slope.

City Engineer Doug Courtney inquired about the drainage area of the culvert. Mr. Buhoveckey stated that they do not have that information; they know the velocity of the water that passes through there. He said the design flow rate is 75 cubic feet per second, noting that erosion is caused by the velocity.

Responding to questions from Mr. Blum regarding the culvert, Mr. Buhoveckey stated that the culvert is not part of their project, but based on the erosion damage that they have seen here, the City will probably want to walk through and inspect that culvert.

Answering Mr. Denk, Mr. Buhoveckey stated they will be working to the south of the headwall; he noted that a big chunk of the embankment is gone.

Chairman Denk opened the meeting to comments from the public.

Greg Ihnat of 10901 Lakebrook Drive (property owner) stated that the river is coming around the culvert and they lost approximately 18 feet of dirt from his yard; if it goes any further it will start taking away the embankment on the road and will get under the concrete culvert. Mr. Ihnat stated he has been working with Chagrin River Watershed Partners, and the Army Corp of Engineers is also involved. Mr. Ihnat said they have talked to Roger Gettig of the Holden Arboretum, who also came and looked at it. Mr. Ihnat stated that the water will be properly directed rather than eating away at the dirt, his driveway and the road.

Mr. Blum moved to approve the conditional use permit for the streambank stabilization, with the second by Mr. DeMarco. Upon roll call vote, the motion passed 5-0 (Ayes – Blum, DeMarco, Loconti, Vinciguerra and Denk; Nays – None).

#### Thomas Christopher – Temporary Construction Sign for Tall Oaks Event Barn

Laura Teigeler, Marketing Manager of Thomas Christopher Group was present in this regard. Ms. Teigeler noted that the proposed sign is 8' x 4' and will be placed behind, and to the side, of the sign for Wrap Shack; it is a one-sided sign and will be placed parallel to Route 306 in the grass area next to Wrap Shack. She stated they will be applying for a permanent sign by December.

Answering Mr. Loconti, Ms. Teigeler indicated they had not talked to the owners of the Wrap Shack. She stated that it will not block the Wrap Shack sign.

A question arose as to the ownership of the property where the sign is proposed to be located. Ms. Teigeler stated that they want to put the sign in a location that is visible from Route 306. Mr. Loconti noted that the Commission cannot give approval for them to put their sign on someone else's property

without written consent. Mr. Lallo noted that the Lake County Auditor's website shows that the grass area is on the adjacent property owned by Ken Mitchell.

Upon further review, it was noted by the Commission that a variance would be needed from the Board of Zoning Appeals to allow the 8' x 4' temporary sign to remain on the property beyond the time period allowed by ordinance. It was noted that the sign exceeds the maximum square footage allowed for a permanent sign in the HTC District.

In summary, Mr. Lallo advised there are two issues that need to be addressed: (1) the proposed location of the sign is on a different property, and there is no authority granted by that property owner; and (2) a variance is needed from the Board of Zoning Appeals to allow the temporary sign for the extended time period and to allow the sign on another property (billboard sign). Mr. Lallo stated that when the application for variance is submitted, it will need to include written authorization from the owner of the property.

Chairman Denk noted that these issues will also need to be addressed when the applicant proposes a permanent sign.

Rather than the Commission denying the application, Mr. Lallo suggested that the applicant withdraw the request. Ms. Teigeler stated that she withdraws the application.

#### TABLED REQUESTS

##### Tim and Carol Parks – Proposed Subdivision at 8743/8787 Billings Road – Preliminary Plan and Request for Variance Relating to Open Space

The matter remains tabled.

##### Lynn Zivko – Preliminary Grading Plan for 8588 Billings Road

It was noted that there has been no recent information on this matter. Upon request of the Chairman, Mr. Lallo agreed to look into this matter. The matter remains tabled.

#### PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Dr. Jefferey Bailey of Kirtland Dental, 9191 Chillicothe Road, addressed the Commission regarding the building sign at the shopping center. He noted a number of the merchants in the shopping center are concerned about the lack of signage on Route 306. He noted there are currently 10 merchants in the shopping center, and there are currently two signs on Route 306. Dr. Bailey said he met with Urban Cornacchione, Jr., who is open to altering those signs. Dr. Bailey stated the hope that all can work together to have a nice sign on Route 306 that represents the merchants in that shopping center. There was discussion regarding the sign requirements for ground signs and the possibilities for this property. Mr. Blum noted that Section 1286.09 allows an additional ground sign for a corner lot; he also referenced 1286.06 regarding secondary building frontage. Mr. Denk advised that to move forward, they should try to design a sign that conforms to the sign ordinance.

At the request of the Chairman, the new Law Director, Matthew Lallo, and new City Engineer, Douglas Courtney, introduced themselves to the Commission.

## WORK SESSION:

### Communications and Bills

1. City Council Meeting Minutes – February 3, 2020 Work Session and Council Meeting and February 19, 2020 Work Session and Council Meeting.
2. Zoning Permits Report – February 1, 2020 to February 29, 2020.

### Old Business

1. Sign Ordinance – There was brief discussion. Mr. DeMarco suggested that a paragraph should be added relating to temporary construction signs, limiting the sign to the duration of construction. There was discussion about reorganization of the sign ordinance, such as combining some of the tables. Mr. Denk noted that an itemized list should be made of the changes desired. Discussion ensued regarding pole signs and the need to enforce the ordinance on the existing pole signs. There was discussion regarding variances that have been granted; Mr. Lallo noted that if there is a variance, then they have the legal right to have that sign.

### New Business

1. Zoning Inspector Baumgart advised that Carol and Ed Bradac will be requesting a lot split on Hillcrest Road. They would like to take their three existing lots and split them into five lots; the lots would be under the required two acres in area once the right-of-way is deducted, as required by ordinance. Mr. Baumgart noted it will need to go before the Board of Zoning Appeals.
2. Mr. Baumgart stated that he received a call from a gentleman who wants to build a “pole” house (similar to a pole barn). Mr. Baumgart noted that this type of house is cheaper to build than a traditional house; they are insulated and can be built on a slab. Noting that he did some research, Mr. Baumgart stated that they look nice. He noted that the gentleman was referred to the Lake County Building Department to determine if this type of house would meet the building code.

Mr. Loconti noted that post and beam construction is allowed by the Board of Building Standards as a viable building method, provided it meets the building code for that type of construction. Mr. Loconti noted they are often used for garages. Discussion ensued in this regard; it was noted that the Commission does not act as an Architectural Review Board.

There was discussion regarding building and developments in general.

Adjournment

There was no further business before the Commission, and Mr. Blum moved to adjourn. Mr. DeMarco provided the second, and the motion passed upon unanimous vote. The meeting adjourned at 10:08 p.m.

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CHAIRMAN

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SECRETARY