

CITY OF KIRTLAND  
PLANNING AND ZONING COMMISSION

MINUTES OF THE MEETING  
APRIL 13, 2020

The meeting was called to order by Chairman Michael Denk at 7:12 p.m. Due to the current state of emergency regarding COVID-19, the meeting was held virtually via Zoom. Present were Commission members Richard Blum, Richard DeMarco, Michael Denk, Rick Loconti and Joseph Vinciguerra.

Also present were Mayor Kevin Potter, Law Director Matthew Lallo, City Engineer Douglas Courtney, Zoning Inspector Wayne Baumgart, Economic Development Manager Monica Drake, Councilman Richard Lowery, Councilman Jeffrey Ruple and Councilman Joseph Smolic.

MINUTES OF THE MARCH 9, 2020 MEETING

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

PUBLIC SESSION:

PUBLIC REQUESTS

Mannik & Smith Group – Application for Conditional Use Permit for Streambank Stabilization and Landscaping within Riparian Setback at 10180 Orchard Drive

Greg Buhoveckey of Mannik & Smith Group was present in this regard. Chairman Denk acknowledged receipt and reviewed a memo dated March 25, 2020 from City Engineer Douglas Courtney. Mr. Denk also acknowledged receipt of e-mail correspondence from Mr. Courtney advising that the comments from his March 25, 2020 review have been addressed in the revised plans. Mr. Denk reviewed the application documents submitted.

Responding to Chairman Denk, Mr. Courtney stated that his concerns have been addressed, noting that this will involve improvements to the stream.

Chairman Denk read into the record an e-mail correspondence received from Constantine Konstandas of 10199 Hobart Road. Mr. Konstandas stated his concern about water runoff onto his property as a result of this project, noting that he wants to make sure his home and property are safe from water damage if this project is not handled properly.

Mr. Konstandas was present and stated there are two properties with undeveloped land behind the property; he questioned whether the stream is being pushed further into the back of their properties. He stated that this property is uphill from his home, noting that all the water from those two homes drains into a creek that leads to the middle of his property. Mr. Konstandas stated he wants to make sure the drainage goes toward the creek so it doesn't go toward his home or toward his neighbor's home; he noted that on either side of the creek, there is a home downhill.

Mr. Buhoveckey stated that they are not in any way increasing the flow toward the stream and they are not changing any drainage patterns that exist. He noted they are not adding any extra drainage or taking any drainage away; they are simply going to stabilize the bank along the north side of that drainageway to keep the homeowner's driveway intact and to curb the sediment coming down. He said that the water coming down should not have as much sediment load in it.

Answering Mr. Denk, Mr. Buhoveckey stated that this issue is a little different than the application they had before the Commission at last month's meeting, involving work on a large bend in the stream where the water was not making the corner and it was not lining up to a culvert. He stated in this case, it is simpler, noting that it deals with a straight section of the creek with a steeper channel embankment. Mr. Buhoveckey referred to the plans, which show that the streambank is very steep, and when floods come through, it is eroding the toe of those very steep banks and chunks of the bank are sliding into the water and being carried away. They will cut the very steep bank out of there and lay the slope back to a 4-1 slope, which is a fairly gentle slope; it will support some good plantings and stabilize that bank. He stated there is a little bit of a bend, where they will put some boulders to shore it up.

Responding to Mr. Denk, Mr. Buhoveckey stated it would slow the velocity of the water because they will be increasing the cross-sectional area. He noted that slowing it down has positive benefits; it will not erode and it will somewhat reduce the flashiness of this stream. Mr. Buhoveckey stated that it is very close to their driveway, noting that the property owner is worried about losing their driveway. He noted the property owner will also lose more of their yard if they don't take care of this.

Mr. Buhoveckey stated they applied for an Army Corp permit, which has a lot of restrictions. He noted that everything they are doing is an improvement to the flow of the stream and its erosion potential.

Mr. Konstandas stated his home is set very far back, 500 yards off the street, and that water from the subject property all flows to the back toward his property and his home. He stated his concern was that any watershed being pushed back would eventually lead downhill to his property. He stated there is a creek that is supposed to manage that waterflow, and it goes right between his property and his neighbor's house. Law Director Lallo uploaded an aerial photo of the property and Mr. Kostandas' house, showing the location of the creek. Mr. Konstandas stated he just wants to make sure that all precautions are taken to protect his home and property, and that the water will track toward the creek. Mr. Buhoveckey stated that he should not realize any difference after the work is done.

Chairman Denk inquired when the work will start. Mr. Buhoveckey stated they are still waiting on the Ohio EPA to authorize this work. He stated he is hoping to get the work done within the next two to three weeks, noting that the weather is favorable for planting.

There were no additional public comments regarding the application. Mr. Blum moved to approve the conditional use permit application as presented. Mr. DeMarco provided the second. Upon roll call vote, the motion passed 5-0 (Ayes – Blum, DeMarco, Loconti, Vinciquerra and Denk; Nays – None).

TABLED REQUESTS

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

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

Thomas Paul of Paul Architects was in attendance. Dusty Keeney of Polaris was also in attendance. Chairman Denk acknowledged receipt of revised drawings and plans in this regard, along with a memo dated April 1, 2020 from Mr. Paul regarding previous comments from the City. He acknowledged receipt and reviewed a memo dated April 8, 2020 from City Engineer Doug Courtney regarding the revised plans. Mr. Denk noted that sewage capacity will need to be determined. Mr. Courtney notes in his memo that all setbacks comply with Section 1275.07, although there is a concern about the 12 ft. building separation that should be reviewed by the Fire Department. It was noted that a landscape plan compliant with Section 1275.09 should be submitted with the final development plan. Mr. Courtney notes in his memo that the hammerhead turnaround has been revised, which can be reviewed by the Police Chief and Fire Chief at submittal of the final development plan. It was noted that four parking spaces are provided at each dwelling unit, which exceeds the ordinance requirement of two spaces.

In his memo, Mr. Courtney also advised that a stormwater management plan meeting the requirements of Chapter 1466 shall be submitted with the final development plan. Noting that the eastern portion of the site falls within the Soil and Geology Overlay District, Mr. Courtney recommends that geotechnical investigations be performed and submitted with the final development plans. Mr. Denk also reviewed Mr. Courtney's comments regarding the Layout and Utility Plan and the Grading Plan.

Mr. Paul stated that they revised the drawings based on the comments they received from the City. He noted that some of the big issues were the size of the retention pond and its proximity to the access drive, the closeness of the front buildings to Route 306, and the amount of screening that would be needed. Mr. Paul stated they addressed all those concerns.

Mr. Paul stated that another issue was the five-unit building, which was outside the 10,000 sq. ft. limit; they eliminated it and they have all three and four-unit buildings. He noted that all buildings are now below the 10,000 sq. ft. limit. He noted that they lost one or two units, but this helps with the massing.

With regard to the retention ponds, Mr. Paul stated that they split the retention pond into two smaller retention ponds and moved them to the front of the property, allowing them to push the buildings off the streetscape and put more of the landscaping and buffer up front. He stated that pond No. 1 is just over 7 ft. from the access drive and 11 ft. 3 in. on the north side; pond No. 2 (on the south side) is 10 ft. from the road. They added fuller, larger landscaping around the sides to help buffer it. He stated this is as small as they can make the ponds; he noted they are not as deep and they are farther off the access drive now.

Using a screen share, Mr. Paul shared the drawings so they could be viewed while being discussed.

With regard to utilities, Mr. Paul stated they are showing gas meters and electric meters between the buildings; he is showing one extra condenser on the north and south of the back of the buildings. For the front two buildings, there are three condensers on the back by the patios and the fourth unit going east would be in between the buildings. Going east, each of the buildings would have two condensers at the back for the middle units; the rest of the condensers would be tucked to the side of the buildings so they are out of the way.

Mr. Paul stated they also added some additional parking between building No. 1 and No. 2, and across the street between building No. 7 and No. 8. Each area is 16 ft. x 22 ft. wide for additional off-street parking.

With regard to the condensers between the buildings, Mr. Loconti asked if there are windows in proximity to those condensers. Mr. Paul indicated there are windows near them, but not in front of them; he noted the condensers can move toward the corner of the building. Mr. Loconti stated he would like to see them moved as far away from those windows as possible, noting that those are bedrooms and the condensers will be noisy. Mr. Denk noted that he would like them to be out of the view of the public.

There was discussion regarding the landscaping plans. Mr. Paul showed the location of the various plantings.

Noting its closeness to the street, Mr. DeMarco questioned whether there is any need for protection around the retention ponds, such as a guard rail. Answering Mr. Denk, Mr. Keeney stated that the ponds will have a component that is wet most of the time. He noted that with the current EPA regulations, even if designed as a “dry” detention basin, a component is required that holds approximately three feet of water all the time. Mr. Denk inquired if they need to be circulating. Mr. Keeney noted they have not been set up to be fully wet basins; they are set up to have a wet component where the water comes in and right before it leaves, which is an area for settlement of the sediment per EPA requirements. He stated there is no circulation of the water; it is more of a pocket. Mr. Keeney stated the basins will serve a dual function of water quality per the EPA requirements to settle any sediment and grit that comes off the roofs and dirt or grime that comes off the roadway or driveways. From the aspect of detention volume, Mr. Keeney stated they will meet the City’s criteria for stormwater detention so as to not overburden the City’s stormwater system. He noted they will hold the water in the bigger storms and release it slowly.

Mr. Denk inquired about the possibility of burying the retention pond. Mr. Keeney stated that they looked into it, noting that it would have been the owners’ preference; however, to come up with the volume they need, it would require approximately 8,000 feet of 48 inch pipe. He stated it is cost prohibitive and there is not sufficient space on the site to install all the pipe.

Mr. Loconti inquired if the southern pond drains into the northern pond, and then goes into the stormwater system. Mr. Keeney stated that the pipe between the ponds acts as an equalizer pipe. He said the yard drains on the south side drain to the south pond; the stormwater that runs down the road would enter into the north pond as well as the yard drains along the north side. He noted that the outlet would be out of the north pond to the City’s stormwater system. Answering Mr. Blum, Mr. Paul confirmed that the downspouts drain to those pipes; no water will run over the ground. It was noted

there will be catch basins in the street. Answering Mr. Denk, Mr. Paul noted that snow plowing of the access drive will be taken care of by the property owners; it is not a public street.

With regard to the hammerhead, Mr. Denk noted that the Fire Department and Police Department should be consulted. Mr. Paul noted they talked to the Fire Department, and they indicated they will address everything when they see the completed plans for plan review.

With regard to landscaping, Mr. Denk stated it would be helpful to have something showing quantities of the plantings. Mr. Paul stated that the numbers of plantings shown on the plans are the numbers they plan to put in; he stated they can put those numbers on the drawing.

With regard to the retention basins, Mr. Denk stated there may need to be some protection along the access drive as well as along Route 306, especially in the area that is 7 ft. from the drive. He noted that additional landscaping in that particular area may make it less accessible.

Mr. Denk noted that the Fire Department will need to look at the fire hydrant.

Referring to the grading plan, Mr. Blum stated there appears to be a 5 ft. drop from the buildings to the property line; he inquired if it will shed water onto the City property. Mr. Keeney stated there will be yard drains that are lower than the City property to catch the water, noting that the only water that would run north would be on the north side of the berm they create.

Responding to Mr. Denk, Mr. Keeney stated that the access drive follows the existing topography. There was discussion regarding some of the grading that will be done on the property.

Discussion ensued regarding the utilities on the site. Mr. Paul stated that meters are proposed to be on the side, between the buildings. Mr. Paul noted that placement of the transformers has not yet been finalized.

Mr. Blum inquired about street lighting. Mr. Paul stated there will be three light poles on the south side of the access drive; the poles will be decorative fixtures. He noted there will also be lights at the garages and one at the front door.

Mr. Denk inquired about the large space over the garage door below the eave. Noting that the owners want a 12 ft. ceiling inside the buildings, Mr. Paul stated the space will be used to run utilities. Mr. Paul noted that the garage doors, windows and doors will be white.

Noting that this will require a conditional use permit and that the use will be very visible, Mr. Denk inquired about provisions in the lease relating to the appearance of the exterior property areas. Mr. Paul stated that the owners are talking about having some of those controls in the lease. The owners are looking to provide the window treatments, so they are in place when the tenant moves in.

Mr. Paul confirmed that the development is not being phased; the intent is to build it as one project. He noted there is no space for any type of community room. He stated that it is a residential development, owned by a private entity; they are single bedroom units for senior living. He stated that the mix of this type of development with the surrounding business community will be beneficial.

Responding to an inquiry from Mr. Denk regarding fences for screening, Mr. Paul stated that the landscaping will be there year-round and will block the sight lines.

Mr. Denk inquired about addresses for the units and mail delivery. Mr. Paul stated the intent is to have mail delivered to each unit. He stated that for these types of developments, the Building Department wants each unit to have its own identity, so each unit will have its own address. Mr. Courtney noted that the post office may require a centralized location for mail delivery for this type of development; he suggested they check with the postmaster.

Mr. Courtney inquired if they plan to replace the sidewalk across the Route 306 frontage after the development is constructed. Mr. Keeney stated that after installing all the utilities, and with the existing driveway being abandoned, it is likely that most of the sidewalk will be replaced.

Responding to Mr. Denk, Mr. Blum noted that a survey was done in the past identifying the need for senior housing, but he does not believe there was a written report. He noted that it was more of a general survey and did not have a lot of specifics.

Mr. DeMarco reiterated the concern for a possible guard rail on Route 306 due to the location of the detention basins, noting that this is something that should be reviewed. Mr. Vinciguerra also noted concern in the area where the access road widens, noting that there is an area where there are no shrubs; he noted if someone comes down the road too fast, there is only 7 ft. to the edge of the water. Responding to Mr. Denk, Mr. Keeney stated that the street side of the concrete headwalls will be dirt.

Mr. Courtney inquired about the stormwater calculations; he inquired if there is any chance that the basins can be a little smaller to allow more space to the edge of the road. Mr. Keeney stated they will run the final numbers, and if there is any room, he will make sure it is added between the private drive and the basin. Mr. Keeney stated that he believes they are close to where they need to be.

Discussion ensued with regard to the location of the sanitary line in relation to the basin.

Mr. Blum questioned whether there will be concerns due to the proximity to the Police Department. Mr. Denk noted there may be headlights from the police cars shining in the back windows of some of the units.

Mr. Denk inquired if any of the drawings show the Police Department to the north and the existing house to the south. Mr. Paul pointed out the house structure on the plans; he noted that the location of the police station is not shown on the plans. Mr. Denk stated concern that the berm could shed water toward that house. Mr. Keeney stated that the water flows from south to north, so the water from the house sheds toward this property. With regard to the water going toward the Police Department, Mr. Keeney stated there is an existing swale on the City property that goes from east to west into a catch basin by Chillicothe, so any water that would come from the north side of the berm would go into that swale. He stated that the City property will actually receive less water than it currently receives from this site.

Zoning Inspector Wayne Baumgart noted that he spoke to Chief Nosse; when the officers check their cars before they leave for a call, they check their sirens. Mr. Baumgart stated that he will check with Chief Nosse to see if the ponds are a concern.

Councilman Smolic inquired if there is any concern about someone wandering into the police bay since it would be close to the residential units. It was noted that the building is approximately 120 ft. from the residential units. Mr. Baumgart noted that the doors to the sally port are kept closed.

Mr. Denk inquired if a trail could be developed in the back near the hammerhead. Mr. Paul stated that the property drops off considerably just beyond the hammerhead. Mr. DeMarco noted that with trucks backing and turning around, there may need to be some type of protection back there, such as a guard rail. Mr. Courtney stated it should be addressed in the final development plan.

Mr. Denk inquired about a geotechnical study. Mr. Paul stated that two companies have provided proposals to take samples and look at the hillside stability.

In summary, Chairman Denk noted that items that need to be addressed include the following: the landscape plan; electric and gas (which should be underground) to be shown on site plan; review by Fire Department and Police Department; sewer capacity; conditions included in the leases; mailbox locations. Mr. Denk noted that the sewer needs must be reviewed with regard to the available sewer capacity. Mr. Courtney stated that Phil Kiefer mentioned in his memo that Lake County Department of Utilities sets the capacity for the site, and he mentioned there is some excess capacity that can be purchased from the City. Mr. Denk noted there may be concern about sufficient capacity with regard to current and future development.

Mr. Paul inquired what items the City would like to be addressed in the lease. Mr. Denk stated some of the items would include pets, patio furniture, lawn care, garbage, snow removal, abandoned vehicles, and anything that would detract from the physical appearance. Mr. Denk also questioned how the “senior community living” designation would be addressed and if there will be any subsidies for housing.

Upon completion of discussion, it was noted that there are still some details to be addressed. Mr. DeMarco moved to table the matter, with the second by Mr. Loconti. Upon roll call vote, the motion passed 5-0 (Ayes – Blum, DeMarco, Loconti, Vinciguerra and Denk; Nays – None).

Economic Development Manager Monica Drake stated that in talking with Mrs. Cocca, there is no desire for any rent subsidies.

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

The matter remains tabled.

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

None.

WORK SESSION:

Communications and Bills

1. City Council Meeting Minutes – March 2, 2020 Work Session and Council Meeting and March 23, 2020 Council Meeting.
2. Zoning Permits Report – March 1, 2020 to March 31, 2020. It was noted that a variance request has been submitted for an auxiliary building addition that was denied.

Old Business

1. Sign Ordinance – Chairman Denk noted that a temporary sign application came before the Commission last month; the application was withdrawn, but the sign was erected anyway. Chairman Denk noted that the Commission may be making a recommendation for an amendment to the sign ordinance to address temporary construction signs that would remain on site during construction, which would exceed the current length of time allowed for a temporary sign. Mayor Potter suggested that the sign ordinance should be more accommodating for new businesses that are building or re-building to improve the site, to allow a sign indicating that the business will be “coming soon”.

Discussion ensued regarding the temporary sign application that was before the Commission last month, along with discussion regarding the existing signs on the property. Mr. Vinciguerra expressed frustration concerning the disregard demonstrated by the applicant relating to the City’s sign requirements. Mr. Vinciguerra and Mr. Loconti spoke about the need to enforce the sign ordinance and rules that are in place. With regard to the temporary sign that was put up after last month’s meeting, the Mayor noted that he discussed it with the Zoning Inspector and requested he hold off on enforcement for the time being.

Mayor Potter noted that small businesses are struggling right now, and he suggested that a letter be sent to businesses with non-conforming signs, giving them a time period to bring their signs into compliance before they are cited. Mr. Denk noted that as businesses improve their signs and bring them into conformance, it should encourage other businesses to do the same. Discussion ensued in this regard.

New Business

None.

Adjournment

There was no further business before the Commission, and Mr. DeMarco moved to adjourn. Mr. Vinciguerra provided the second, and the motion passed upon unanimous vote. The meeting adjourned at 9:45 p.m.

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CHAIRMAN

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SECRETARY