

CITY OF KIRTLAND
PLANNING AND ZONING COMMISSION

MINUTES OF THE MEETING
JULY 15, 2020

The meeting was called to order by Chairman Michael Denk at 7:07 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 and Joseph Vinciguerra. Rick Loconti joined the meeting shortly after it commenced.

Also present were Law Director Matthew Lallo, City Engineer Douglas Courtney, Zoning Inspector Wayne Baumgart and Councilman Joseph Smolic. Economic Development Manager Monica Drake was present for a portion of the meeting.

MINUTES OF THE JUNE 8, 2020 WORK SESSION

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

MINUTES OF THE JUNE 8, 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 (Ayes – Blum, DeMarco, Vinciguerra and Denk; Nays – None).

PUBLIC SESSION:

PUBLIC REQUESTS

Be Next Awnings & Graphics – Proposed Building Sign at 9183-B Chillicothe Road

There was no one present on behalf of the applicant. Chairman Denk noted that the application is for a new building sign for a new tenant (Fresh Bowl) at the shopping center. The application indicates the unit has 23 ft. frontage, and the proposed sign is 22 sq. ft. The sign will be black lettering, which is the same as the others in the shopping center, and has been approved by the property owner. It was noted that it meets the sign requirements.

There were no public comments regarding the proposal. Mr. DeMarco moved to approve the proposed building sign, as presented. Mr. Blum provided the second. Upon roll call vote, the motion passed 4-0 (Ayes – Blum, DeMarco, Vinciguerra and Denk; Nays – None).

FastSigns – Proposed Building Sign and Ground Sign (Replace Sign Face) at 9328 Chillicothe Road

Chairman Denk noted that the application is for a proposed new building sign and replacement of the sign face on the existing ground sign. Grace Himmelright was present on behalf of the new business, “How Money Works”; it was noted that the proposed signage has been approved by the property owner, Betsy Hoffman. Ms. Himmelright confirmed that the existing sign face will be replaced, using the existing posts. Ms. Himmelright stated that the building sign will be placed near the peak. Answering Mr. Denk, Ms. Himmelright stated there is currently no sign on the building; it was removed when the former tenant moved out.

The Commission members discussed prior signage on the property; it was noted there was some concern about the number of signs on the building in the past. Councilman Smolic stated it is his recollection that the bakery had to remove a wooden sign that was over the door, because the number of signs exceeded what is permitted. Mr. Vinciguerra noted there was also an issue with lights on the bakery sign, which also had to be removed.

Chairman Denk referred to Section 1286.09(a) relating to building signs, which indicates that one building sign per occupant is allowed.

Mr. Blum stated that the “open” flag (shown on the photograph of the sign) is a prohibited sign. Ms. Himmelright stated that the bakery owner put that out when businesses were reopening after the shut-down. She noted it is not part of the permanent sign, and that she will let the bakery owner know that it needs to come down.

There were no public comments regarding the application. Mr. Vinciguerra moved to approve the proposed building sign and ground sign at 9328 Chillicothe Road. Mr. DeMarco provided the second. Mr. Blum inquired about the “open” flag sign, which is prohibited. Mr. Denk noted that the flag sign would be excluded from approval, and suggested that it should be mentioned in the motion for approval. Mr. Vinciguerra noted that the application is for the building sign and ground sign only; they are not asking for approval of the flag sign, so he does not believe it needs to be mentioned in the motion for approval. Mr. Blum disagreed, noting that the flag sign is depicted on the photograph submitted. Discussion ensued in this regard.

Mr. Lallo advised that a motion to amend can be offered by any member of the Commission, noting that it would need to pass by a majority vote of the Commission. Mr. DeMarco moved to amend the original motion to exclude the “open” flag sign from the approval of the new sign. Mr. Blum provided the second. Upon roll call vote, the motion to amend the original motion passed 4-1 (Ayes – Blum, DeMarco, Loconti and Denk; Nays – Vinciguerra).

Upon further discussion, voting began on the original motion, as amended to exclude the “open” flag sign. Upon roll call vote, the motion passed 5-0 (Ayes – Blum, DeMarco, Loconti, Vinciguerra and Denk; Nays – None).

TABLED REQUESTS

Andrew Loncar, Loncar Quality Construction – Application for Conditional Use Permit for Streambank Stabilization at 9199 Chillicothe Road
The matter remains tabled.

Tim and Carol Parks – Proposed Subdivision at 8743/8787 Billings Road – Preliminary Plan and Request for Variance Relating to Open Space
Carol Parks was present to update the Commission in this regard. Mr. DeMarco moved to remove the matter from the table, with the second by Mr. Vinciguerra. Upon roll call vote, the motion passed 5-0 (Ayes – Blum, DeMarco, Loconti, Vinciguerra and Denk; Nays – None).

Mrs. Parks stated that in their original submittal, they had many lots that did not meet the two-acre requirement; they have made revisions and now only five lots do not meet the two-acre minimum requirement, but they are at least 1-1/2 acres. She stated there are two lots that are three acres or more, and three lots that are more than two acres. Mrs. Parks stated they would like to go to the Board of Zoning Appeals for the five lots that don't meet the zoning requirements. She noted they tried to do a conservation development, but the 60 percent open space requirement was very cost prohibitive as it would allow for only five or six lots.

Chairman Denk noted that Mrs. Parks had submitted an application for a variance from the 60 percent open space requirement for a conservation development. Mr. Denk noted that the review and consideration of that variance request was within the purview of the Planning and Zoning Commission. He noted that a variance request relating to lots that do not meet the zoning requirements for minimum lot size and/or frontage would need to be considered by the Board of Zoning Appeals.

There was discussion regarding procedure, and Mr. Lallo recommended that the applicant submit her request for a variance to the Board of Zoning Appeals; then the plans can be developed and submitted to the Planning and Zoning Commission for review and approval. It was noted that since the applicant will not be proceeding with the conservation development, the application for variance currently before the Commission, relating to the 60 percent open space requirement, should be withdrawn by the applicant. Mrs. Parks withdrew her application for variance relating to the open space requirement.

Chairman Denk stated that he would entertain a motion to dismiss Mr. and Mrs. Parks' proposed subdivision, noting that a new plan will be submitted to the Commission in the future. Mr. DeMarco so moved, and Mr. Loconti seconded. Upon roll call vote, the motion passed 5-0 (Ayes – Blum, DeMarco, Loconti, Vinciguerra and Denk; Nays – None).

Lynn Zivko – Preliminary Grading Plan for 8588 Billings Road

The matter remains tabled. Responding to the Chairman, Mr. Lallo stated he has not heard anything regarding this matter, which has been tabled for quite some time. Upon Mr. Lallo's suggestion, Chairman Denk directed the Clerk to contact the applicant and advise that this matter will be removed from the table and addressed at the next meeting. If the applicant is not present, the request can be denied or dismissed by the Commission due to failure to pursue.

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

None.

WORK SESSION:

Communications and Bills

1. City Council Meeting Minutes – June 1, 2020 Work Session and Council Meeting and June 15, 2020 Council Meeting and Finance Committee Meeting.
2. Board of Zoning Appeals Notice of Decision – Appeal No. 20-4.

3. Board of Zoning Appeals Minutes of May 12, 2020.
4. Zoning Permits Report – June 1, 2020 to June 30, 2020.

Old Business

1. Sign Ordinance – Prohibited Signs & Sign Inventory Review/Update

Mr. Denk stated that he would like to discuss portions of the sign ordinance at each meeting, with the goal being to send recommended changes to City Council.

Mr. Denk referred to Section 1286.10 Prohibited Signs, noting that 13 types of signs are listed as prohibited, but the language states “not limited to the following”. Mr. Denk read the list of prohibited signs, and discussion ensued.

Mr. Vinciguerra stated that he likes the flag signs and the “open” signs, and he believes these are good for businesses.

Mr. Loconti stated that the language referring to flag signs eliminates the American flag as being used for advertising or commercial purposes, noting that a comment was made at the last meeting about the American flags on Route 306. Mr. Loconti stated that in most other jurisdictions it is common language that if the sign is not specifically listed as allowed, then it is prohibited. Mr. Denk noted that the language for prohibited signs states “such signs include but are not limited to the following”. Mr. Lallo noted that subsection (a) states “all signs not expressly permitted shall be prohibited in the city.”

Referring to the flags at the Kirtland Creamery, Mr. Blum noted there are several violations, including that they are too tall, they are in the right-of-way, and one blocks the view of traffic. He noted they are out every day from open to close.

Mr. Denk stated that the Commission should determine if the sign ordinance should be amended to allow any of the currently prohibited signs. Discussion ensued regarding prohibited signs, specifically the flag signs. The Commission discussed the possibility of allowing flag signs on a limited basis.

Mr. Vinciguerra suggested that the Commission consider making the sign ordinance more lenient to allow businesses to properly advertise that they are open. He noted that the 15-day temporary sign limit is not sufficient.

Ms. Drake suggested having a group of business owners involved in this conversation, since they are the ones affected. With regard to businesses in the Kirtland Plaza, Ms. Drake said that traffic coming from the north cannot see that they are open. She suggested an annual authorization to allow “open” signs, with control on the size and location, as a sub-category to the temporary signs for daily signs.

Mr. Loconti stated every jurisdiction that he comes across, even on a national level, are tightening their sign regulations, rather than loosening them.

Ms. Drake stated that if it is the City's desire to bring in business and encourage growth of business, consideration should be given to responsibly loosening the regulations. She suggested a pilot program, which could be discontinued if it becomes problematic. She stated she has met with business owners and owners of the plaza, and she stressed the need to find ways to be more business friendly and still achieve the control needed. She suggested a round table discussion with business owners to discuss their challenges. Mr. Loconti stated that business owners will always want more exposure, with more signs and bigger signs.

Ms. Drake stated that many businesses attract customers on impulse as they are driving by, noting the importance of being visible and showing that they are open. She stated it is easier for motorists to see an "open" flag than to see an "open" sign in the window of a business.

Mr. Denk shared the sign inventory, noting that this can be updated on a continuing basis. He noted that he indicated the type and number of signs. He noted there are 46 monument signs and 9 pole signs. He noted there are 3 or 4 multi-tenant signs along Route 6. He stated that the condition of some of the signs and some of the properties are also a concern.

In discussion, Mr. Lallo stated it is up to the Zoning Inspector to determine whether a sign is in conformance with the ordinance.

Mr. Denk suggested that the Commission discuss temporary signs at the next meeting.

New Business

Mr. Blum inquired if fees are charged for special meetings requested by an applicant. In discussion, Mr. Loconti stated that special meetings usually incur additional costs, and the applicant usually incurs a fee. He noted there are administrative costs, costs for meeting notices, etc., and typically the fee would be established by ordinance. Mr. Loconti stated that typically the fee for a special meeting is \$100 to \$200. It was noted that the Commission has held very few special meetings in the past. Mr. Denk noted that the two recent special meetings were to help facilitate projects that were deep into the process. It was noted that the Commission can consider making a recommendation to Council in this regard.

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 9:22 p.m.

CHAIRMAN

SECRETARY