

CITY OF KIRTLAND  
PLANNING AND ZONING COMMISSION

MINUTES OF THE MEETING  
JANUARY 11, 2021

The meeting was called to order by Chairman Michael Denk at 7:13 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, Council President Richard Lowery and Councilman Joseph Smolic.

MINUTES OF THE DECEMBER 14, 2020 MEETING

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

PUBLIC SESSION:

PUBLIC REQUESTS

Proposed Parks Farm Subdivision – Pre-application Conference

Chairman Denk noted that the proposed subdivision contains 15 sublots. Mr. Courtney noted that the pre-application conference is an informal discussion required by code before the applicant submits the formal preliminary plat. Mr. Courtney stated that the zoning is R-3B, single-family residential, minimum two acres. He noted that the Environmental Overlay District for Forest Cover will impact Sublots 7 through 12, which will be reviewed in further detail when the preliminary plat is formally submitted. He noted the proposed subdivision does not impact the Soils Overlay District or the Historic Overlay District.

Mr. Courtney noted that the disposition of the existing structures on Sublot 15 will need to be determined, because they will not comply with setbacks from the new roadway. Answering Chairman Denk, Mr. Courtney stated he would be happy to meet with the applicant prior to formal submittal, if they desire.

Using the screen sharing function of Zoom, Chairman Denk shared the drawings submitted by the applicant. In discussion of Sublot 15, which is a corner lot, Dusty Keeney of Polaris Engineering & Surveying stated the setbacks they have platted are not accurate for a corner lot. He stated that pursuant to Section 1268.07, the side yard setback for a corner lot is 40 ft., and they have it shown with an 80 ft. setback on both Billings Road and the new road. He stated with the lot fronting on Billings, the structures would meet the setback of 40 ft. on the new road and 80 ft. on Billings.

With regard to Sublot 1, Mr. Keeney noted that a variance was obtained for the front yard setback.

Carol Parks stated that on Sublot 15, the front of the house faces Billings, and the existing garage is to the side of the house.

Noting that there are some wetlands on the property (shown in green on the drawing), Mr. Keeney stated the delineation has been done and they are working with an environmental consultant to work through this with the Ohio EPA and the Ohio Corps of Engineers. He noted that the wetlands shown in green on the drawing will remain; and the wetlands shown in gray are the wetlands that would be disturbed. He noted there is a small wetland that will be filled for the road crossing. Referring on the drawing to an existing farm pond, Mr. Keeney stated they originally wanted to convert it to a detention basin, but due to possible issues with the EPA, they are proposing an area just to the west of the existing pond for a water quality/detention feature, which would service the entry portion of the road and the first couple lots; an additional detention area is shown on the southern portion of Sublot 7.

Mr. Keeney noted that preliminary septic system areas are shown. He noted that the proposed road is almost 1700 ft. in length from the centerline of Billings to the center of the cul-de-sac. He noted there will be storm sewers and public water.

Mr. Keeney stated that a riparian overlay is shown in blue; he noted this came from a document provided by Phil Kiefer two years ago when the project first started. He noted that a 9-1/2 acre portion of the property to the east, including the farm pond, will remain undisturbed in its natural state, shown on the drawing as Block A.

Mr. Loconti commented that the proposed detention pond next to Sublot 13 is very close to the road; he inquired if anything will be done to keep cars from going into that pond. Mr. Keeney stated it is beyond the underground utility easement; he stated there will be 13 ft. from the edge of the pavement to the right-of-way and another 12 ft. of utility easement, so there will be a 25 ft. flat area beyond the pavement before the slope to the detention pond; he noted they can look into a guardrail or berm.

Answering Mr. Loconti, Mrs. Parks stated that Sublots 13 and 15 have existing septic systems; the building shown on Sublot 14 is an old barn that will be removed.

Answering Mr. Courtney, Mr. Keeney stated the road will have curbed pavement with storm sewers and curb inlets.

Mr. Blum encouraged the Commission members to visit the property and look at the existing building on Sublot 15. He noted the current driveway is approximately 5 ft. from the building, and he questioned the placement of the new road in relation to the current driveway. Mrs. Parks stated that it is a double garage, and they will probably take down a portion of it.

There was no further discussion, and Mrs. Parks thanked the Commission, noting that she will likely contact Mr. Courtney to set up a meeting regarding submission of the preliminary plat.

## TABLED REQUESTS

### Thomas and Margaret Carkhuff – Proposed New Residence at 10096 Wisner Road – Located in Environmental Overlay District

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

Chairman Denk shared plans submitted in this regard, which were reviewed by the City Engineer. He noted that the City Engineer has provided his site plan review. Noting that this is the third review of the site plan, Mr. Courtney noted that all his previous comments have been addressed. The remaining items concern the Environmental Overlay District related to soils and geologic conditions. Mr. Courtney stated that Items 1 and 2 in his review are his recommended conditions for approval of the site plan. He noted that the first condition reflects notes added to the site plan related to slope and soil protection; the second condition states that no clearing of vegetation shall occur on the slopes west of the new structure and those slopes shall remain undisturbed.

Mr. Courtney stated that after the last meeting he visited the site with Mr. Carkhuff and reviewed the building corners relative to the toe of the slope and discussed methods of construction. He noted that the house will not have a basement, so excavations will be relatively shallow. Based on that meeting and the notes added to the plan, Mr. Courtney stated he has approved the plan as noted, and he recommends the Commission apply these particular conditions to the approval.

There was discussion regarding the downspouts; it was noted that the plans indicate they will drain to daylight. Chip Hess of Hess & Associates Engineering stated that the plan is to have the downspouts all come together just to the right of the driveway, noting there is a natural swale that drains to the ditch. Mr. Hess noted that the French drain will drain to daylight. He noted it was laid out pursuant to the contour lines for elevation, and they could be extended further if necessary. It was noted that there is an existing roadside ditch.

Mr. Loconti inquired about piping all the way to the ditch. Mr. Hess noted it can be done, but that it may introduce a high velocity of flow at a localized area in the ditch. Mr. Courtney stated that if everything is piped to the ditch within the public right-of-way and erosion of the roadside ditch occurs due to an increase in volume and velocity of flow, it is a City issue; if the water flows overland it is a homeowner issue. He noted the path should be protected with stone or matting to allow vegetation to take hold; it will be a maintenance issue for the homeowner. Mr. Hess noted that the stormwater pollution prevention plan points out methods to protect and preserve those areas.

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

Paul Swencki of Wisner Road in Geauga County stated that he is the neighbor to the north. Mr. Swencki stated that the previous property owner dug into the hillside, approximately 15 to 20 years ago, and the whole thing slid. He stated the water goes to the ditch that goes from Lake County to Geauga County, and there is nothing that transports that water from his property across the street. Mr. Swencki stated the proposed leach field is in the location of the old Wisner Road. He stated there is a ditch, but it leads to nowhere and it is a swamp; the water has nowhere to go from there.

Answering Mr. Denk, Mr. Hess stated that soil borings have been done, and the Lake County Health Department has reviewed and approved it.

Alfred Schrier of 9641 Kirtland-Chardon Road stated his thanks for the work that has been done to protect the hillside, noting that he thinks Mr. Carkhuff will be respectful of it. Mr. Schrier stated that he and his wife would like to welcome Mr. Carkhuff and his family and wished them success in building their home.

Chairman Denk stated that he would entertain a motion to approve the zoning permit for the new residence at 10096 Wisner Road pursuant to Section 1222.09 relating to the Environmental Quality Overlay District, subject to the following conditions: (1) Construction shall be performed in strict conformance with the Special Notes shown on Sheet 2 of 4 of the plan set; and (2) No clearing of vegetation shall occur on the slopes west of the new structure; these slopes shall remain undisturbed. Mr. DeMarco so moved, and Mr. Loconti provided the second. Upon roll call vote, the motion passed 5-0 (Ayes – Blum, DeMarco, Loconti, Vinciquerra and Denk; Nays – None).

Appalachian Renewable Power – Application for Conditional Use Permit for Proposed Ground-Mounted Solar Panel Array at 10511 Sperry Road

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

Chairman Denk acknowledged receipt of a memo dated January 7, 2021 from City Engineer Doug Courtney. Mr. Courtney notes in his memo that according to the Ordinance, ground mounted solar energy equipment shall be located in the rear portion of a property unless otherwise approved by the Planning and Zoning Commission. It was noted that the proposed installation is in the front yard. Mr. Courtney further noted that if there will be any work within the public right-of-way of Sperry Road for installation of conduit and wiring to the utility pole, a separate permit will be required under Chapter 1022 of the Ordinances.

Mr. Denk noted that the dimensions of the solar array are 33 ft. 1 in. x 14 ft. Mr. Courtney noted it would be set back approximately 300 ft. from the edge of the road.

Jesse Redwine of Moxie Solar was present on behalf of the applicant. Mr. Redwine advised that he is the sales consultant. He stated it is a 20-panel system, which is fairly small for a ground-mounted system. With regard to the proposed location, Mr. Redwine stated the property owner's meter is on a pole just to the north of the array, and the location of the pole is a factor. Mr. Redwine stated that in order to move the equipment to the rear, they would have to trench to the pole.

Mr. Loconti stated concerns about the location of the equipment in the front yard of the residential district; he suggested that it could be screened from the street with some plantings. Mr. Loconti noted that the equipment could be located in the rear yard.

Mayor Potter stated that it would be set back far from the road, noting that it would be inconspicuous for vehicles coming from the north; it would be more visible coming from the south.

Mr. Blum noted that the proposed location seems to be more of a convenience factor rather than for efficiency in operation.

Mr. Loconti stated that the connection of the system can be made at the pole or it can be made at the first point of entry of the house. He noted it is being run to the street for convenience, not for any advantage electrically. Mr. Loconti stated the connection could be on the side of the house, which would be just as effective, and possibly more effective due to less distance for voltage drop from the array to the service point and back to the house. He stated if the array is placed in the rear yard and connected at the house, it is his opinion that it would be more effective. Mr. Loconti stated the connection can be made at the main disconnect for the house; it does not have to be at the meter on the utility pole.

Chairman Denk inquired if there is a technical person from Moxie Solar that can address the connection of the system at the house as opposed to connection at the utility pole. Mr. Redwine stated he can arrange to have someone who can address this attend a meeting.

Answering Mr. Denk, Mr. Redwine stated the problem with placing the solar equipment on the roof is that east to west solar arrays are lesser performing based on the direction of the sunlight. He noted that it looks like there may be evening shading with the trees to the west and northwest of the house. Mr. Redwine stated the house is far from the road, and the panels would also be far from the road.

Mr. Vinciguerra noted it would be helpful if someone that is familiar with the property can explain why the proposed location was selected and if it is a better location than anywhere else on the property for efficiency of the system. He noted that shading on the property may be a factor.

Mr. Redwine stated that they would still need to connect to the meter on the pole, and with the location of the driveway, moving the equipment to the rear of the house would increase the cost of the project significantly because they would have to bore a certain percentage instead of only trenching. Mr. Redwine noted that the property owner enjoys his back yard and a system of that size is less significant in the front than in the back. Mr. Redwine stated there would probably be some shading issues in the back yard.

Mr. Loconti stated that in his experience, these type of larger ground-mounted arrays are usually on commercial property, and typically the residential arrays are roof-mounted. It was noted that the height of the top array is 7 ft. 4 in. Mr. Loconti noted that some evergreens 10 ft. in front of the array would screen it from the street, without blocking the array.

Answering Mr. Denk, Mr. Redwine stated that a system this size will generate 9285 kilowatt hours in one year. Mr. Redwine stated this is one of their smaller systems, and it will fully offset the resident, who uses very little electricity in relation to the size of the house.

Answering Mr. Vinciguerra, Mr. Redwine stated the system does not have battery storage. Mr. Redwine stated that the excess produced during the day will be stored on the grid, and once the sun goes down it is pulled off the grid. Answering Mr. Loconti, Mr. Redwine confirmed that the system operates only if the utility power is functioning; it does not operate if there is a power outage.

Upon further discussion, the Commission members agreed it would be helpful to have a representative present who can address the technical aspects of the proposal. Mr. Redwine stated that the company will arrange to have someone present at next month's meeting who can address these issues. Mr. Blum stated it would also be helpful to have a site plan showing the entire parcel, noting that the site plan submitted does not show much of the back yard.

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

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

None.

#### WORK SESSION:

##### Communications and Bills

1. City Council Meeting Minutes – December 7, 2020 Work Session and Council Meeting; December 21, 2020 Work Session, Council Meeting and Finance Committee Meeting.
2. Zoning Permits Report – December 1, 2020 to December 31, 2020.

##### Old Business

1. Sign Ordinance – Chairman Denk noted that at the next meeting he would like to discuss sending a memo to Council, providing recommendations.

##### New Business

Mr. Lallo noted that he will follow up with Aaron Godwin regarding the solar energy ordinance. Mayor Potter mentioned another resident, who is an engineer by trade, recently installed a solar panel and might be able to offer some insight as well.

##### 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 8:55 p.m.

---

CHAIRMAN

---

SECRETARY