

CITY OF KIRTLAND
PLANNING AND ZONING COMMISSION

MINUTES OF THE MEETING
APRIL 12, 2021

The meeting was called to order by Chairman Michael Denk at 7:04 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 and Michael Denk. Joseph Vinciguerra joined shortly after the meeting commenced. Rick Loconti was absent.

Also present were Mayor Kevin Potter, Law Director Matthew Lallo, City Engineer Douglas Courtney and Councilman Joseph Smolic. Economic Development Manager Monica Drake joined later in the meeting.

MINUTES OF THE MARCH 8, 2021 MEETING

Mr. Blum moved to approve the minutes as presented, with the second by Mr. DeMarco. Upon roll call vote, the motion passed 3-0 (Ayes – Blum, DeMarco and Denk; Nays – None).

PUBLIC SESSION:

PUBLIC HEARING

Proposed Amendments to Sign Ordinance – Sections 1286.08, 1286.09 and 1286.14

Chairman Denk advised that there are 11 amendments, clarifying language and providing consistency. It was noted that no inquiries were received by the Zoning Office regarding the proposed amendments, following the required publication of the legal notice. Chairman Denk opened the public comment portion of the public hearing at 7:09 p.m.; there were no comments or questions from the public and the Chairman closed the public hearing at 7:09 p.m.

PUBLIC REQUESTS

Jubilee Auto Sales – Proposed Refacing of Existing Ground Sign at 8134 Euclid-Chardon Road

David Novak was present in this regard. Mr. Novak stated that currently there is a blank insert in the sign; the application is to replace that with the proposed new sign face. Answering Chairman Denk regarding the additional blank slots on the sign, Mr. Novak stated he holds the master lease on the property, noting that there are four units in the building; he stated those spaces on the sign would be available if he were to sublease the other units.

Upon review, Mr. Vinciguerra moved to approve the application for sign face replacement on the existing ground sign, with the second by Mr. Blum. Upon roll call vote, the motion passed 4-0 (Ayes – Blum, DeMarco, Vinciguerra and Denk; Nays – None).

Sausalito – Application for Conditional Use Permit for Outdoor Patio at 9270 Chillicothe Road

Chairman Denk noted that the proposal is to construct an outdoor dining patio, which is a conditional use in the HTC District. Present on behalf of the applicant were Saravanan Chandrababu and Carlos Chinchilla of the Sausalito Group, shopping center/property owner Joe Castrataro and Architect Joseph Myers.

Mr. Denk acknowledged receipt and reviewed a memo dated April 6, 2021 from City Engineer Douglas Courtney in this regard. Mr. Denk stated that Mr. Courtney indicates this is a preliminary development plan, and that a final development plan must be submitted, with recommendations as noted in his memo. Mr. Courtney stated he recommends a soil boring because the corner of the patio will be 3 to 5 feet from the top of the bank of the ravine; it is a sizeable patio, and with the soil conditions in those areas, adding weight at the top of the bank could create an issue on the slope. It was noted that the final development plan will come back before the Commission.

Answering Chairman Denk, Mr. Myers stated that other than seating, the patio will contain a fireplace.

Chairman Denk noted that property owners within 500 feet of the property boundaries were notified, according to code requirements. He noted that an e-mail correspondence was received from a resident stating concern because of noise that carries across the ravine. The resident inquired about the average event size and if there will be music and a disc jockey outside. In response, Mr. Chandrababu stated that the restaurant will be open 7 days a week for lunch and dinner; they plan to close the restaurant by 10:00 or 11:00 p.m., but if there is a private event on the patio, they would like to be open until midnight. He stated the restaurant is high-end casual dining, with soft music. He stated that live bands or a disc jockey would be used only for special events.

Mr. Denk inquired if there would be a barrier. Mr. Myers advised there will be only a decorative fence. With regard to lighting, Mr. Myers noted there will be lighting on top of the fence posts, landscape lighting, and sconces on the building.

Mr. Myers noted that Sausalito does a lot of catering, which will be used for the party center; the restaurant is to supplement the party center.

Mr. Chandrababu inquired about a sign. Mr. Lallo stated that the sign is a separate application; tonight's review relates only to the conditional use permit for the outdoor dining. Mr. Lallo requested that Mr. Myers call him to discuss the proposed signage.

Noting that he has been at many events at the Kirtlander, Mr. Blum commented that live music and disc jockeys were there on the weekends for weddings and other events; he stated he does not believe there is any change in use, only the addition of the outdoor patio.

Mr. Denk read Sections 1285.06(b)(1) through (6) relating to conditional use permits. He noted that he believes the use is a good fit for the HTC District.

Mayor Potter stated that his property is in direct line with the patio; he noted that during the summer, with the foliage on the trees, the sound is minimal and should not be an issue. He stated that regular restaurant activity should not cause any concern for neighboring properties. The Mayor noted that this

is a tremendous opportunity for the City to have a nice, new restaurant, with the type of dining that residents would love to have in downtown Kirtland. Mayor Potter stated that he looks forward to supporting their business.

Councilman Smolic inquired whether the applicant needs to establish their business hours before Commission approval. Mr. Chandrababu stated that as a sit-down restaurant, they do not intend to have late hours; they would like to be open until midnight for special events only. Mr. Lallo advised that the Commission's only jurisdiction relates to the outdoor dining; the Commission can restrict hours applicable to outdoor dining only, not the hours of the restaurant or party center.

Mr. Denk noted that in the past, the Commission has discussed the possibility of approval with an opportunity to renew the conditional use permit. Mr. Vinciguerra stated that the Commission should do what is necessary to make sure there is not too much noise late at night; he stated that if the Commission does not put any restrictions on tonight's approval, he believes there should be a review after one year.

Discussion ensued regarding music/noise on the outdoor patio. Mr. Blum stated he believes there should be consistency, referring to a neighboring property with a similar use, which will also have outdoor space. It was noted that restrictions were not placed on that conditional use permit.

Mr. Castrataro stated that the shopping center owners do not want excessive noise, noting that there is a two-family home on the premises. He stated there is verbiage in the lease agreement with the applicant that controls noise levels, to keep it from reaching a level that disturbs others. Mr. Denk noted that there is a noise ordinance in the City.

Chairman Denk opened the meeting to public comment on the application. There were no public comments, and the Chairman closed the public comment portion of the meeting.

Mr. Vinciguerra inquired if the conditional use permit, if approved, will automatically need to be reviewed again in the future by the Commission. Mr. Lallo confirmed that it would be required only if the Commission places that condition on the approval.

Mr. Smolic pointed out that The Well is a bar/restaurant next to this location, and they have longer hours.

Mr. Vinciguerra stated he would like some clarity from the applicant regarding whether they will have loud bands outdoors on the patio. Mr. Chandrababu replied affirmatively, for special events only. Discussion ensued; it was suggested that the approval could include a time restriction for live bands and/or loud music. Mr. Chandrababu stated he has no objections to a restriction prohibiting live music after midnight; he noted it would not occur on a regular basis, but only for special events.

Upon completion of discussion, Mr. DeMarco moved to approve the conditional use permit and preliminary development plan for the outdoor dining patio at 9270 Chillicothe Road, with the following conditions:

1. There shall be no live music after midnight on the outdoor patio; and

2. Final development plans for the proposed patio construction area shall include at minimum the following:
 - a. Dimensioned site plan for the patio area;
 - b. Site grading and drainage plan showing existing and proposed contours and spot grades along with an accurate location of the top of the slope of the ravine; and
 - c. Sediment and erosion control measures to prevent sediment from reaching the waterway at the bottom of the ravine.

Mr. Vinciguerra provided the second to the motion. Upon roll call vote, the motion passed 4-0 (Ayes – Blum, DeMarco, Vinciguerra and Denk; Nays – None).

Mr. Lallo reminded the applicant that the final development plan has not yet been approved; drawings will need to be submitted for the Commission to address the final plan. He noted they cannot yet break ground on the patio.

TABLED REQUESTS

None.

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

None.

WORK SESSION:

Communications and Bills

1. City Council Meeting Minutes – March 1, 2021 Finance Committee Meeting and Council Meeting; March 15, 2021 Finance Committee Meeting and Council Meeting; and March 29, 2021 Finance Committee Meeting.
2. Zoning Permits Report – March 1, 2021 to March 31, 2021.

Old Business

1. Sign Ordinance – It was noted that Planning and Zoning Resolution No. 21-PZ-2 relates to the proposed amendments to Sections 1286.08, 1286.09 and 1286.14 as discussed by the Commission; the three sections to be amended are attached to the Resolution as Exhibit A.

Chairman Denk stated that he would entertain a motion to recommend to City Council approval of the proposed amendments to Sections 1286.08, 1286.09 and 1286.14, pursuant to the Planning and Zoning Resolution No. 21-PZ-2. Mr. Vinciguerra so moved, and Mr. Blum seconded. Upon roll call vote, the motion passed 4-0 (Ayes – Blum, DeMarco, Vinciguerra and Denk; Nays – None).

2. Alternative Energy Ordinance (No. 18-O-31) – Responding to Chairman Denk, Mayor Potter stated that Aaron Godwin is a City resident and expert in the field of alternative energy, who has been before the Commission. The Mayor noted that Mr. Godwin can offer some assistance to the Commission in the review of this ordinance; he does some consulting through his business, so there would be a fee for him to review the ordinance and provide recommendations. Mayor Potter noted that Mr. Godwin may be willing to attend a meeting and provide some general thoughts relating to the existing ordinance. The Mayor stated that he believes it would be worthwhile to engage him informally; the City can decide whether to engage him in a formal review of the ordinance.

Chairman Denk noted that one of Mr. Godwin’s main concerns was the conditional use permit requirement for solar energy equipment; it was noted there is an application fee of \$300 for a conditional use permit. Mayor Potter noted that Mr. Godwin also pointed out that the portion of the ordinance dealing with geothermal systems is not actually alternative energy, and there are building codes that cover those systems.

Mr. Denk agreed that it would be worthwhile to ask Mr. Godwin to attend a meeting and provide some of his thoughts. Discussion ensued regarding some of the requirements and provisions of the ordinance.

Mayor Potter stated he will contact Mr. Godwin to find out if he can attend the next Planning and Zoning Commission meeting.

New Business

There was discussion regarding businesses in the downtown area, including some newer businesses.

Mr. Denk inquired if there is a time frame for resuming in-person meetings. Mayor Potter stated that the City’s IT company is looking into equipment that would offer residents the option of viewing the meetings remotely when the in-person meetings resume. The Mayor noted that residents have become accustomed to accessing the meetings remotely, and it may be difficult for some residents to attend in-person meetings. Mayor Potter stated he would like to resume in-person meetings in June, if possible.

Adjournment

There was no further business before the Commission, and Mr. Vinciguerra moved to adjourn. Mr. Blum provided the second, and the motion passed upon unanimous vote. The meeting adjourned at 8:37 p.m.

CHAIRMAN

SECRETARY