

CITY OF KIRTLAND
PLANNING AND ZONING COMMISSION

MINUTES OF THE MEETING
MAY 10, 2021

The meeting was called to order by Chairman Michael Denk at 7:00 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, Joseph Vinciguerra and Michael Denk. Rick Loconti joined later in the meeting.

Also present were Mayor Kevin Potter, Law Director Matthew Lallo, City Engineer Douglas Courtney and Councilman Joseph Smolic.

MINUTES OF THE APRIL 12, 2021 MEETING

Mr. Vinciguerra 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

Kirtland Chiropractic – Proposed Building Sign at 9181 Chillicothe Road

Mr. Denk noted that the proposed sign will be located on the fascia parallel to Route 306. Dr. Emily Butler was present in this regard. She confirmed the sign will be the same font as the other signs on the building; the sign company is Signs PDQ.

There were no public comments regarding the proposed sign. Mr. Blum moved to approve the application for a building sign for Kirtland Chiropractic at 9181 Chillicothe Road, 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).

Church of Jesus Christ of Latter-day Saints – Application for Conditional Use Permit for Proposed Museum Use and Preliminary Development Plan at 8980 Chillicothe Road; Preliminary Development Plan for 8983 Chillicothe Road

Present on behalf of the applicant were the following: Benjamin Pykles and Eric Gustafson of the Church of Jesus Christ of Latter-day Saints; Sonia Jakse Barone, Landscape Architect; Eric Pros of DS Architects; Elwin Robinson, Historical Architecture Consultant; Tom Rice, Historic Kirtland Facilities Manager; and Dan Tupa, Chief Civil Engineer for the project.

Using the screen share function of Zoom, Mr. Pykles gave a presentation regarding the request, and he discussed the properties' significance in the history and heritage of the Church. He stated that a lot of research has been done for the purpose of reconstructing these homes as historically accurate as possible.

Mr. Pykles stated that these properties will be operated very similarly to the rest of the Church's historic sites in Kirtland. Summer hours of operation will be from 9:00 a.m. until dusk; on Sundays the sites are open from approximately 1:30 p.m. until dusk. Like the other historical structures, these structures, both the home and the store, will be used for guided tours. The tours will be limited to 15 people at a time, by reservation only, which will help control the size of the tours and the parking needs. Understanding that the home is in a residential neighborhood, Mr. Pykles said the Church wants to be a good neighbor.

Mr. Pykles stated that they believe most visitors will arrive on foot from the north, on the sidewalk; some will come from a tour of the Temple given by the Community of Christ. They expect a few, especially the handicapped, will drive their personal vehicles; there is a small parking lot proposed north of the home. He noted there are tour buses in the summer for tours of the Temple; they will continue to use the same parking lots they have used for many years. He noted the parking lot will have nine spaces, two of which will be handicap accessible.

Ms. Jakse Barone shared a detailed overview of the project, including the Joseph Smith house and the Smith store. She stated that part of the proposal is to move the store closer to its original location, in relation to the street where the store would have been located (a little closer to the property line).

Ms. Jakse Barone stated they are proposing a crosswalk across Route 306 so the flow of the visitors between the two sites can be facilitated. The Smith house property will have a 4 ft. white picket fence along Route 306, and the remainder of the site will be fenced with an open board horizontal fence. The northern portion of the property (the location of parking area and restrooms) will be screened by a 4 ft. horizontal privacy fence, with additional landscape planting, supplementing the existing landscaping. She noted that anyone arriving by vehicle would access the property from Conley.

Ms. Jakse Barone noted there will be a garden and orchard on the Smith house property, along with pathways to evoke the historic landscape of the site. There will be some interpretive signage on the site, mostly 2' x 3' in size, in key locations. They are not planning to have a monument sign at the street. She stated changes will be made to the front façade of the house, and they are removing much of the rear addition.

Ms. Jakse Barone stated that the Smith store will be completely rebuilt, using existing components. They had their senior traffic engineers look at providing a safe and appropriate crossing of Chillicothe Road, and they are proposing a new crosswalk in the location indicated on the plans. They reached out to the Ohio Department of Transportation, who indicated they would defer to the City. They are proposing a high visibility crosswalk, with flashing beacons that would be activated by pedestrians, along with advance warning signs to either side. Noting that it would be located on the hill, Ms. Jakse Barone stated they do not want to encourage crossing the street except for at the crosswalk, recognizing that people do cross further south between the Temple and the Community of Christ buildings. They are also proposing a 2 ft. split rail fence adjacent to the sidewalk to reinforce the appropriate place to cross. She noted that the missionaries will be escorting visitors between the two sites. She reviewed the façade of the store as shown on the plans, noting they will be regrading along the new location of the store.

With regard to landscaping, Ms. Jakse Barone stated they are trying to be as historically appropriate as possible, maintaining it to the highest levels. She noted they want to maintain the low lighting levels at night; they want to balance the historic accuracy with a need for low lighting on the site to prevent vandalism. There will be a pole light in the parking lot, which would be turned off after business hours. She noted that illumination studies have been provided; there will not be any glare or light spillage onto the neighboring properties.

At the request of the Chairman, Mr. Courtney reviewed his correspondence dated May 6, 2021 addressed to the Commission. Mr. Courtney advised that both of these sites fall within two of the City's environmental overlay districts, one being soils and geological features district and the historic and cultural features district. He noted it might be appropriate for the applicant to review the intent of these overlay districts.

With regard to setbacks for the store site, Mr. Courtney noted the proposed store would be approximately 42 feet from the road centerline and 12 feet from the front lot line. Section 1275.07 requires 50 feet from the centerline and 20 feet from the front lot line; however Section 1275.07(a) provides the Commission some latitude to modify the setback within the HTC District by up to 50 percent. Given that the existing store sits on the front lot line, pushing it back further on the lot would put it closer to the slope; he believes it would be appropriate for some leniency to be given to the front setback.

With regard to the proposed crosswalk at Conley, just north of the peak of the hill, Mr. Courtney stated he has some hesitation about the location and asked the applicant's engineer to provide, with the final development plans, further study for the City's review with respect to site lines for both vehicles and pedestrians at that location, along with a potential Maple Street location so the best location for that crosswalk from a safety perspective can be determined.

Referring to Section 1284.02(d), Mr. Courtney noted it requires that where a sidewalk or bikeway does not exist in the public right-of-way abutting the applicant's property, a five ft. wide sidewalk shall be provided by the applicant.

With regard to the terrain in the front of the Smith home, Mr. Courtney stated there is a significant grade change between the back of the curb and the front lot line, so installing a sidewalk would be difficult, and no sidewalk exists north of this site on Chillicothe Road. A sidewalk exists on the east side from this property down to the flats. Given the above conditions, he would support the Commission waiving the sidewalk requirement across the frontage of the Smith home.

Mr. Courtney noted that a conditional use permit is needed for the Smith home, because a museum use is a conditional use in the R-1 District. The standards set forth in 1285.03 have been met, but the Commission should consider and evaluate the standards in 1285.06(b)(1) through (6) and 1285.07(c) as part of their review.

Mr. Courtney stated he is recommending approval of the preliminary development plans for both sites, noting he provided comments for the applicants to address when submitting the final development plan. With his hesitancy for the crosswalk, Mr. Courtney would like to address that in the final

development plan review process with the applicant's engineer before he recommends approval of the crosswalk in this particular location.

Answering Mr. Denk, Ms. Jakse Barone stated they sent preliminary plans to the Ohio Department of Transportation, with the location of the crosswalk and intended signalization; ODOT advised they did not need to review it further and they would defer to the City. She stated they are making sure they are compliant with all the ODOT requirements in the design of the crosswalk and ramps; the signal and distancing will be within the ODOT standards.

Referring to the crosswalk recently installed on level ground with the school on one side of the street and the shopping plaza on the other side of the street, Mr. Denk stressed that a great deal of discussion and review was involved over a lengthy period of time. Mr. Blum stated he believes the elevation change in the proposed location is a challenge; he noted that standing on the east side of the proposed crosswalk location and looking south, there is a bend in the road inhibiting the view of oncoming cars. Mr. Blum noted that the elevation extends to Maple, and he stated concern about heavy vehicles coming up the hill being able to stop at the crosswalk.

Ms. Jakse Barone stated they are continuing to work on the site line study and they anticipate they should have data in a little over a week. She noted they can submit it ahead of other revisions, based on the comments tonight. She noted they can also provide the communication received from the Ohio Department of Transportation.

Mr. Denk inquired if there will be structural changes to the Joseph Smith house. Elwin Robinson advised that he has done most of the research on the home. He noted it was constructed in 1833; in 1891 the size of the home was expanded to make it a full two stories and the original rear wing was removed and another building was moved on site and attached to the back of the house. They have removed the 1891 interior finishes, and they will be using the original framing and putting the home back to its 1833 form. The rear wing will be restored as close as possible to its original form. It will be reduced from a full two stories to one and one-half stories, and the rear wing will be substantially smaller than existing. He noted a couple other additions were appended onto the west end of the house; those will be removed as well.

There was discussion regarding the proposed restroom building. Mr. Gustafson stated they are trying to minimize its impact; neutral colors will be used.

Mr. Blum noted that the existing fence on the east side of Chillicothe Road is a three-rail split-rail fence, from the historic village to the store. He inquired about the reason for the change to a two-rail fence. Ms. Jakse Barone stated she believes the existing fencing is set back behind the sidewalk; the proposed two-rail fence would be between the sidewalk and the street for safety purposes, and it would be 24 to 30 inches in height to provide an indication to remain on the sidewalk. Mr. Blum stated concern about the fence being so close to the road. Ms. Jakse Barone confirmed that the fence would be in the right-of-way, but the Church is offering it as a safety measure. She noted there is approximately 3 feet between the curb and the sidewalk, and the fence would be between the sidewalk and the street, closer to the sidewalk. The Church would maintain the fence as part of their property.

Mr. Denk inquired about the time duration that visitors would be touring the facility. Mr. Pykles stated that ideally the tours should be kept to under 40 minutes, and certainly not longer than 60 minutes. Noting that reservations are required, he stated there will not be large groups of people congregating on the property at one time. Mr. Pykles stated that during peak season, they are considering running two tours at once, with one starting at the store and the other starting at the home, in order to facilitate more people without overwhelming the site. Ms. Jakse Barone noted that the number of cars entering and exiting the site will not increase with that level of activity, because tour buses will bring people to the Temple and the flats area; therefore the large groups are split up. They anticipate there will be a lot of people walking to the site during the high volume season.

Answering Mr. Denk regarding lighting, Ms. Jakse Barone stated the goal is to provide safety for staff and guests leaving the site at dusk. The pole light in the parking light will shut off after hours. The home will have a gentle wash of light around the walls so the house is visible and to discourage unwanted behavior at the site. The restroom would also have a security light; the store would be treated in a similar fashion, with standard low-voltage landscape lighting or lighting from the structures, directed toward the structures. She noted there may be some subtle path lighting along the fence, which would be turned off after hours.

With regard to the crosswalk by the school, Councilman Smolic stated it was installed in 2019, after being discussed for several years; the cost was approximately \$150,000 to install the crosswalk. Mr. Smolic commented that there is a rather steep hill at the location of the proposed crosswalk. Mr. DeMarco noted that semis struggle getting up that hill, especially in the winter; they would have difficulty in stopping and restarting due to the hill.

Understanding that there is a historical significance to the location of the store, Mr. Loconti inquired if any thought has been given to moving the store to the Smith home property, eliminating the need for the crosswalk. He noted that he is also concerned about the location of the proposed crosswalk and the proximity to the high school crosswalk, given the flow of traffic stopping and starting on the hill and between the two crosswalks. He suggested that the Police Department provide input on the location of the crosswalk.

Noting that the Smith home is not connected to sewers, Mr. Loconti stated that the restroom will have a high volume of sewage at times.

Ms. Jakse Barone stated the reason for moving the store on the site was because it was moved after Joseph Smith's time. Mr. Robinson stated they spent a lot of time trying to determine where the store sat on the site originally. Noting that Chillicothe Road was not as wide at that time, he stated they want to move it back for safety reasons. It is close to the original site; they felt the historic significance was important. He noted that he is not sure that the need for the crosswalk would be eliminated by putting the store on the same side of the road as the home, because pedestrians will be coming up from the flats on the east side because there is no sidewalk on the west side, and they will have to cross somewhere.

Referring to the dedication of Historic Kirtland in 2000, Mr. Pykles stated the Church went to great lengths to reconstruct buildings on their original foundations; he stressed the importance of the accurate historical setting.

Mr. DeMarco noted that the closest existing crosswalk is at the traffic light (Joseph Street) near the Sunoco gas station; he inquired whether it would be feasible to use that crosswalk instead of placing one on the hill. Ms. Jakse Barone stated they looked at that option, but it is several blocks away. She stated if they do not provide a crosswalk close to the site, people will cross wherever they choose; they have observed that happen across from the Temple, which is even closer to the crosswalk at the traffic light.

Discussion ensued regarding the possibility of providing a crossing over or under Chillicothe Road. Ms. Jakse Barone stated the cost would be substantial to provide a crossing over Chillicothe Road; she also noted there are high-tension lines and the utility was not interested in providing changes to the infrastructure. Mr. Pykles stated they are also interested in preserving the view of the Temple, and a vertical structure on Chillicothe would interfere with the view of the Temple. He noted a crossing under Chillicothe Road is not feasible due to existing utilities.

Mr. DeMarco suggested that consideration be given to moving the proposed crosswalk a little further south, away from the hill.

With regard to the proposed fence, Mr. Lallo pointed out that Section 1290.04 of the fence ordinance prohibits construction of a fence in the road right-of-way.

Answering Mr. Loconti's inquiry, Ms. Jakse Barone stated their intent is to connect the restroom to the sewer; she noted there will be no restroom facilities in the Smith home after the transition. There was discussion regarding the location of the proposed sewer connection.

Regarding landscaping in the Historic Overlay District, Ms. Jakse Barone requested that the Commission consider alternatives to the specific requirements to allow for a more historically appropriate landscape around the store.

Mr. Vinciguerra noted that if the Commission approves a conditional use permit tonight for the museum and the preliminary development plan, he believes it should be stated that there will be a safe place for people to cross the street, even if the location is not yet determined.

Mayor Potter noted he appreciates the level of planning of the Church in their proposal. He discussed the crosswalk installed by the City, noting that part of the reason for length of time involved funding.

Mr. Baumgart stated that the problem with a crosswalk is that it gives pedestrians confidence that they can cross the street, when it is not really safe; he noted that it shifts the blame to the driver. He stated concern about the proposed location due to the grade; he noted it will give pedestrians a false sense of security in crossing the street. Mr. Vinciguerra stated concern that a driver may not be able to respond in time due to the existing speed limit coming up the hill. Mr. Loconti suggested that signage with flashing lights could be utilized to warn drivers coming up the hill that they are approaching a crosswalk.

It was noted that the speed limit heading north on Route 306 is 25 mph, and the speed limit heading south is 40 mph until reaching the corner of the cemetery and the Temple at the top of the hill. Mr. Courtney advised that changing a speed limit on a state route would require a warrant study and ODOT

approval. Ms. Jakse Barone stated that she does not believe this would meet the criteria for having a warrant study done.

Discussion ensued with regard to a line of sight study for the crosswalk at Conley, including what that study would provide. Mr. Denk stated that the Commission would be interested in the results both at Conley and Maple Street.

Answering Mr. Loconti, Ms. Jakse Barone stated that the rustic pathways will be an impervious surface. Mr. Loconti inquired about stormwater runoff due to the impervious surface, including the parking area. Mr. Courtney stated he does not believe they would be increasing the impervious surface much, noting they are accounting for stormwater on the north side of the parking area. He stated that the stormwater management design and calculation is expected with the final development plan. Brief discussion ensued regarding drainage.

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

Stephen Sparks of 8959 Conley Road stated that he has no objection to the property looking a lot nicer, but as the owner of property directly adjacent, he stated that having a parking lot and a restroom facility in a residential area, 10 ft. away from where his son plays in his side yard, is not desired. He stated he recently purchased this property, noting that Conley Road is barely wide enough for one car.

Raymond Fox of 8968 Conley Road stated his concern is the location of the parking lot. He stated it is a very small street, and adding access to a parking lot of 9 spaces is challenging because of the narrowness of the street. In addition, he stated the quiet and serenity they enjoy in this area is the reason all of the residents purchased homes in this area. He stated that having at least 300 people per day coming onto a property across from his residence is very concerning. He stated he is excited that the home will finally be fixed up and represent its place in the history of the Church. Mr. Fox stated concern about the pole light in the parking lot, noting that the residents like it being dark there. Mr. Fox stated there is another place for this parking lot on the property, to the south side of the home, where there is plenty of space. He noted that the street could be used as an access point to the parking area, which would eliminate the need for vehicles to travel down the narrow street. He requested that this location be considered for the parking lot, suggesting that the area to the north could be made into a park-like setting.

Aaron Godwin of 10299 Longview Drive stated he has experience in sight line studies and as an historic preservationist. He stated that as a Kirtland resident he is excited to see the proposal; they have done a good job presenting the plan. With regard to the crosswalk issue, Mr. Godwin stated people will cross, with or without the crosswalk, so although it is not the ideal situation, it needs to be addressed and a sight line study needs to be done to maximize safety and compare the cost benefit analysis and safety of a crosswalk vs. no crosswalk. He encouraged that inter-linked lighting be approached for the crosswalk.

With regard to lighting on the site, Mr. Godwin stated he would like to see a lighting ordinance in Kirtland. He noted that the light path of headlights from cars pulling in and out of the parking area should be addressed. Mr. Godwin agreed that relocating the parking lot should be considered. He suggested that a lighting plan be requested as part of the final approval, including the timing of those

lights. He inquired about the original outbuildings of the structure, including outhouses and small barns.

With regard to the sidewalk, Mr. Godwin suggested that the sidewalk be shifted over a few feet to the east, which might solve some problems and allow more room for a fence or plantings to create a barrier for people crossing there. Mr. Godwin noted that taking on the crosswalk shows that the Church is concerned about safety. He stated that he believes the more the crosswalk is shifted to the south, the more people will cross outside of that crosswalk. He also noted that the Church would not be able to provide the safety barriers if the crosswalk is moved further south.

Answering Mr. Denk, Ms. Jakse Barone stated the proposed crosswalk is located to the south of Conley because they felt there was a better sight line on that side of Conley.

Nancy Cervi of 7788 Maple Street stated that because of the noise of the traffic, she would like anyone making the final decision to spend an hour on a summer day watching some of the cement trucks trying to get up that hill; she does not believe they could stop. She stated that in 2019 the Kirtland Temple had 11,000 visitors during the month of July. She believes people will walk to the grounds of the Smith home, even if they are not able to get in for a tour.

Responding to Mr. Denk, Ms. Jakse Barone stated the primary reason the parking lot is on the north side of the house as opposed to the south side of the house is the intrusion into the historic and sacred site. She stated they do feel the need to accommodate some minimal vehicular traffic relative to accessibility for the staff and those with handicaps; they tried to size the parking lot as minimally as possible. She stated that the setbacks required by the City for parking lots would not be able to be accommodated easily on the south side of the site. She stated if they had not combined the two properties and used the lot to the north for parking, the parking lot would have been closer to Mr. Sparks' property; she noted the parking lot and restroom are 30 ft. from his property. She noted the restroom building is smaller than a home, which could have been built on this property. With regard to car headlights, Ms. Jakse Barone stated that it would be mostly obscured behind a combination of high vegetation and the 4 ft. privacy fence to the north. She stated it would be only a few cars exiting at the end of the day. She stated they are doing everything they can to make it as unobtrusive as possible. Mr. Godwin suggested that the Church could offer to do some plantings on the properties opposite the parking lot exit onto Conley.

Mr. Denk inquired about the requirement for the number of parking spaces. Mr. Courtney stated it will be reviewed as part of the final development plan. Ms. Jakse Barone stated if they are over the requirement, they will reduce the parking to the minimum.

Although he appreciates the historic nature of the site, Mr. Loconti stated that he likes the idea of locating the parking lot off of Conley at the south end of the property. He noted that the existing residents have a right to their privacy.

Mr. Fox stated his main concern is that the road is so narrow, and people will not be familiar with the situation. He requested that consideration be given to moving the parking lot to the south end of the lot.

In addition to the historic significance, Ms. Jakse Barone noted that the view to the Temple is also an important aspect in the layout of the site. She stated another reason they placed the parking area to the north is to maintain the visual and spiritual connection between the Joseph Smith home and the Temple. Mr. Pykles reiterated that they expect very few visitors using that parking lot; they will be encouraged to arrive at their tour on foot.

Further discussion ensued regarding the possibility of relocating the parking lot. Mr. Courtney noted that if the parking lot is moved to the south end of the site, the spaces are not large enough to allow for backing out onto Conley.

Mr. Pykles noted they looked into shuttling visitors to the site, but there is greater liability and would require specially trained staff to address the needs of the handicapped.

Ms. Jakse Barone stated they can ask the Church to consider reducing the number of cars that would access the parking lot, by including it in a reservation for those with special needs or by reducing the number of spaces in the parking lot. She noted they could consider having the cars in the parking lot face the Smith house rather than Mr. Sparks' property.

Mr. Sparks noted that his kitchen window will face the restroom, and the 4 ft. privacy fence will not shield it from his view. Ms. Jakse Barone stated the narrow side will be facing the neighboring property; she noted the building is a small footprint. Mr. Gustafson stated the restroom building will be similar to that seen at a national park; it is rustic but will not look shabby. He noted it will be situated so the neighbor is not looking into the restroom.

Upon further discussion, Commission members agreed that the request should be tabled for the applicant to provide further information regarding parking lot options, possible relocation of the sidewalk on the east side of Chillicothe, and the sight line study for the crosswalk. Mr. DeMarco moved to table the application for conditional use permit for the proposed museum use and preliminary development plan at 8980 Chillicothe Road, and the preliminary development plan for 8983 Chillicothe Road. Mr. Vinciguerra provided the second. Upon roll call vote, the motion passed 5-0 (Ayes – Blum, DeMarco, Loconti, Vinciguerra and Denk; Nays – None).

TABLED REQUESTS

None.

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

None.

WORK SESSION:

Communications and Bills

1. Correspondence dated May 5, 2021 from Carol Parks Re: Parks Farm Subdivision. Chairman Denk advised that Mrs. Parks is requesting that the Commission schedule a special meeting for presentation of the final development plan for Parks Farm Subdivision. Upon discussion and agreement of the Commission members, a special Planning and Zoning Commission meeting was scheduled for Monday, May 24, 2021 at 7:00 p.m. to consider the Final Plat and final development plan of Parks Farm Subdivision, along with the final development plan for the outdoor dining patio at 9270 Chillicothe Road for the Sausalito Group.
2. City Council Meeting Minutes – April 5, 2021 Work Session and Council Meeting; and April 19, 2021 Work Session and Council Meeting.
3. Zoning Permits Report – April 1, 2021 to April 30, 2021.

Old Business

1. Alternative Energy Ordinance (No. 18-O-31) – Chairman Denk acknowledged that Aaron Godwin is present to discuss this Ordinance with the Commission. Mr. Godwin introduced himself and provided background information regarding his professional experience.

Mayor Potter requested that Mr. Godwin provide some input regarding areas where the City's alternative energy ordinance is lacking and some improvements that can be made.

Mr. Godwin stated that his biggest concern with the ordinance as it stands is the need for a conditional use permit for alternative energy, noting that it is treated as something that does not have a permanent approval, and due to the manner in which it is written, the City could come back and tell someone to remove their equipment. He stated it is out of alignment with the manner in which most communities are managing alternative energy; Kirtland's fees are considerably higher than other cities. He noted that many communities handle alternative energy under the guideline of an Architectural Review Board.

With regard to language in the ordinance, Mr. Godwin stated it appears that language was cut and pasted from other cities' ordinances, so there are conflicts of terminology. It is not in alignment with the national verbiage or the national ways of governing these types of applications. He noted that the national electric code is referenced in a couple places, but those could be referenced by stating that state and national electric codes must be met, whichever is used by the county.

Mr. Godwin stated it could be pulled into a greater ordinance relating to managing any type of equipment at a residence. He stated that pulling out alternative energy, and making it different than air conditioning units or other outside accessories opens up potential problems with interpretation. Noting that geothermal is a heat pump, Mr. Godwin questioned why it is being treated differently than any HVAC unit.

Noting that architectural issues are important, Mr. Godwin stated they should be dealt with as architectural issues, not as alternative energy issues. Giving an example of a wind turbine, Mr. Godwin stated the issues of noise, fall zones, setbacks, etc. are real and should be addressed.

Mr. Godwin stated that the ordinance needs to be reviewed and pulled in line with the established standards, taking into account the real concerns. He noted some of the language in the code is too broad, and there are other items missing from the code that should be there, such as requirements for materials and colors.

While solar panels on a house have almost no impact on neighboring properties, Mr. Godwin stated there should be more concern with wind turbines, which have a visual element. He noted that geo-thermal systems should be covered under normal setbacks.

Mr. Godwin suggested that the City look at the County code requirements, and focus on aesthetics, setbacks and impact to other residents. Mr. Loconti noted that the County follows the latest edition that has been adopted by the State of Ohio; it becomes law under the Ohio Revised Code. Mr. Loconti agreed that the City should be concerned only with the aesthetics, colors, permitted locations and setbacks, etc., but not the manner in which the equipment is constructed.

Discussion ensued regarding wind turbines. Mr. Godwin stated the height limit in Kirtland's ordinance would affect the ability of the wind turbine to work. Mr. Godwin stated setbacks are important, and there should be a separation between commercial and residential. He noted that most lots in Kirtland are not large enough to sustain a wind turbine with the standard setbacks.

There was discussion regarding solar equipment, and Mr. Godwin stated he believes Kirtland needs an Architectural Review Board. Noting that the Commission recommended a draft Ordinance to City Council a few years ago, Mayor Potter stated that Council tabled the ordinance, but an expert was not consulted. He noted that a couple changes were made, and now there is a resident expert in the City that can help with this ordinance. The Mayor stated he would like to discuss this further with Mr. Godwin, and potentially seek his assistance in developing a variation of the ordinance for Kirtland, and bring it back to the Commission. The Commission was in agreement with this approach.

Bob Weinberg of 10467 Gaitside Trail stated he moved to Kirtland approximately six years ago, after living in Kirtland Hills for over 20 years, where he was on Council and chaired the Architectural Review Board. He noted he has worked with Mr. Godwin on a lot of his projects, including installation of solar equipment on his residence. He stated there are a lot of economic factors at work in determining whether it makes sense to install solar or wind equipment; however, many people believe it is the right thing to do. Mr. Weinberg stated that in his case, the payback period will be approximately 15 years to break even. He noted that his neighbors have not commented on the solar panels on his house.

Mr. Weinberg stated that the technology is getting better and more efficient, increasing the economic viability of installing solar equipment. He noted that many people have back-up generators for their homes. Mr. Weinberg stated there are safety considerations, but there are codes in effect that address these issues.

With regard to local authorities, such as Lake County, and the Ohio Building Code, Mr. Weinberg stated it is up to the local authority to decide which version of the code they are

using, and there are usually two or three versions of the code. He noted that the municipalities and local authorities are way behind with regard to the codes.

Mr. Weinberg stated he will help in any way he can, noting that he is in agreement with Mr. Godwin's statements regarding the ordinance.

Mayor Potter stated he will work with Mr. Godwin and Mr. Lallo in this regard, with Mr. Weinberg's help as well, and bring it back to the Commission. Mr. Godwin requested that any specific concerns of the Commission members be sent to the Mayor so they can be addressed.

New Business

With regard to special meetings, Mayor Potter inquired if the Commission would like Council to look into creating an additional fee. Noting that the Commission has not held a special meeting since last year, Mr. Denk stated that they have been scheduled for projects that are close to completion, but with issues relating to timing. In discussion, it was noted that there are no direct additional costs for the Commission, but there may be costs associated for the City's consultants.

Adjournment

There was no further business before the Commission, and Mr. Vinciguerra moved to adjourn. Mr. Loconti provided the second, and the motion passed upon unanimous vote. The meeting adjourned at 10:58 p.m.

CHAIRMAN

SECRETARY