

CITY OF KIRTLAND  
PLANNING AND ZONING COMMISSION

MINUTES OF THE MEETING  
JUNE 14, 2021

The meeting was called to order by Chairman Michael Denk at 7:05 p.m. Present were Commission members Richard DeMarco, Michael Denk, Rick Loconti and Joseph Vinciguerra. Richard Blum was absent.

Also present were Mayor Kevin Potter, Law Director Matthew Lallo, City Engineer Douglas Courtney, Service Director Joseph Fornaro, Zoning Inspector Wayne Baumgart and Councilman Joseph Smolic.

MINUTES OF THE MAY 10, 2021 MEETING

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

MINUTES OF THE MAY 24, 2021 SPECIAL MEETING

Mr. Vinciguerra moved to approve the minutes as presented, with the second by Mr. Loconti. Upon roll call vote, the motion passed 3-0-1 (Ayes – Loconti, Vinciguerra and Denk; Nays – None; Abstaining – DeMarco).

PUBLIC SESSION:

PUBLIC REQUESTS

Blink Signs – Proposed Building Sign at 9500 Sperry Road for Holden Arboretum

Philip Swan of Blink Signs was present in this regard; he confirmed that the sign will be placed on the existing Visitors Center. It was noted that the sign will be 39.4 square feet. Mr. Swan advised that the sign will not be illuminated; the sign will be stand-alone black aluminum letters, flush-mounted to the brick.

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

Matthew Blair – Proposed Building Sign at 8281 Euclid Chardon Road for Your Fitness

Matthew Blair of Your Fitness was present in this regard. It was noted that the sign will consist of black letters and be placed on the fascia; it will be approximately 7.5 sq. ft. in area. Mr. Blair stated it will be the same type of lettering and the same font as the signs for the other tenants in the building.

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

Village Outdoors – Proposed Warehouse Building at 7910 Euclid Chardon Rd. – Concept Plan

Chuck Szucs of Polaris Engineering & Surveying was present in this regard. Noting that Village Outdoors is currently located on the north side of Euclid Chardon Road, Mr. Szucs stated they purchased the property on the south side at 7910 Euclid Chardon Road.

Mr. Szucs stated that the proposed building will be located on the portion of the property zoned Limited Industrial; there will be 2100 sq. ft. of office space and 4900 sq. ft. of warehouse space. Mr. Szucs requested some direction regarding the parking requirements; he noted there will be only four employees, and if possible they would like to land-bank some of the parking.

Answering Mr. Denk, Mr. Szucs stated that Village Outdoors does hydroseeding. He noted that for the preliminary plan, he will confirm whether any type of sales are done on the property.

Mr. Szucs stated there is an existing home on the property, along with an existing building in the back, which will remain. He noted there are also plans for a duplicate building, and he questioned the required distance between the buildings. Mr. Szucs noted that the property owner would like the house to remain on the property for a while; he confirmed that the existing use is a residence, and it appears to be occupied.

With regard to parking requirements, Mr. Lallo referred to Section 1288.05(c)(3) which addresses parking for offices and Section 1288.05(d) which addresses parking for service and manufacturing. He noted that 1288.05(e) addresses parking for specific buildings or uses not in the schedule, and states that the Zoning Inspector shall apply the unit of measurement set forth in the schedule which is deemed to be most similar to the proposed building or use. Mr. Lallo suggested that the applicant review these sections with the Zoning Inspector.

Mr. Loconti noted that a large part of the existing business is landscape supply and equipment supply, noting that there have been wholesale sales. He noted there is a lot of traffic entering and exiting the property for pick-up of landscape supplies.

Mr. DeMarco stated that the Commission would be interested to know whether the business will still have all the supplies and equipment outside.

Mr. Szucs stated that they will prepare preliminary plans for submission to the Commission.

TABLED REQUESTS

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

Mr. DeMarco moved to remove the matter from the table, with the second by Mr. Vinciquerra. Upon roll call vote, the motion passed 4-0 (Ayes – DeMarco, Loconti, Vinciquerra and Denk; Nays – None).

Present on behalf of the applicant were Benjamin Pykles, Curator, of the Church of Jesus Christ of Latter-day Saints and Sonia Jakse Barone, Landscape Architect, of AECOM. Mr. Pykles reminded the Commission that these areas are sacred and fundamental to their theology, faith and history.

Ms. Jakse Barone presented a few slides showing some changes since the last meeting. She stated at the last meeting they noted concerns about the parking area in the north and west boundaries of the site, and the crosswalk on Route 306. She noted they have provided sight line studies for both Conley and Maple, and they meet the standards; however, the Church is considering removing the crosswalk from their proposal for the time being. She noted they would like to study it further before making it part of their formal proposal.

Ms. Jakse Barone stated they increased the fence height surrounding the parking area to 6 feet, and pulled it back in order to increase the vegetation between the property line and the fence to provide additional screening. They have moved the parking lot from 25 feet to 30 feet from the property line. Noting that concerns were expressed about car headlights, Ms. Jakse Barone stated that the building will close at dusk; she noted that since the driveway will be aligned with the driveway across the street, there will be very little light penetration to that house. She noted that when the museum is not in operation, they will have a 6 ft. high gate to provide screening.

Chairman Denk stated that he has driven back into that neighborhood a few times since the last meeting, and it is a very unique neighborhood. He stated he has concerns about putting the parking lot and public restroom in the residentially zoned area, especially with the extremely narrow street. Mr. Denk also stated concerns about the proposed crosswalk.

Mr. DeMarco stated that he also has driven into that neighborhood a couple times since the last meeting. Now that he has been back there, Mr. DeMarco stated he has strong feelings that there should not be a bathroom or parking lot back there; it is a very tight neighborhood, and he does not believe it is an appropriate use to burden the current homeowners. He stated he has no issues with converting the current home to a museum, but although the Church is making great efforts to try to minimize the effect on the neighbors, he does not believe there should be a parking lot and public restroom separate from the house.

Mr. Loconti said that he is in favor of preserving the history and faith, but he has strong feelings about the parking lot, the restroom and the crosswalk. He stated concern about people being able to safely cross, due to the hill and the bend, noting it is an unstable area for a crosswalk. He does not believe the restroom should be located by anyone's house, and he does not think it would be fair to the existing residents to inject a parking lot into that area. He stated that those three components need to be seriously looked at by the Church and from a design perspective before moving forward.

Mr. Vinciguerra stated that he is a little more tolerant of some of the issues, noting that the house is on Route 306, next to commercial property; however, he noted that he is opposed to the proposed crosswalk.

Mr. Lallo stated that the Ohio Revised Code gives the power to City Council to designate crosswalks. If Council so chooses, they can designate the Director of Public Safety to authorize the cut-ins of

crosswalks, but the City of Kirtland has not done that. Mr. Lallo stated that because the City is silent on that, the power rests with City Council to approve crosswalks.

Ms. Jakse Barone stated they are pulling back on the crosswalk, and they are interested in seeing if there is any way to make a crossing in the future that is as safe as possible.

Ms. Jakse Barone reiterated that they are attempting to preserve the historic and religious significance of the home. She noted that the Church acquired the additional property to try to allow for some parking on the site. Noting that they discussed with Mr. Courtney the minimum parking requirements for a museum, she stated it is somewhere between 7 and 13 spaces, based on the interpretation. With 9 spaces, she noted they are trying to reduce the number of spaces with the intent and understanding that higher attendance seasons will encourage people to walk from Historic Kirtland to this site and from the Temple to this site. She noted that in January of 2019, during the off-season, there was an average of 13 people visiting the historic area in the flats, so there is a wide range. There will be higher traffic in the summer months, and very low traffic in the winter months.

With regard to the restroom, Ms. Jakse Barone stated that the original home did not have a restroom in the home, and they were not planning on plumbing the home. She inquired about the parameters in terms of balancing the needs of the museum use with the desire to have that use on this particular property.

Mr. Denk stated that the restroom and the parking lot are the difficult pieces to fit into that residential neighborhood, noting that they do not fit the character of that area. He stated that a pull-off and drop-off area, without getting deep into the neighborhood, would be his preference.

Answering a question from the Commission about having people use the restrooms in the Visitors Center on the other side of the cemetery, Mr. Pykles explained that the Community of Christ owns the Visitors Center and the Temple, and sold them the Smith home in 2012 hoping they would restore it. Mr. Pykles noted that most of their property is down in the flats. He noted that part of the problem with sharing the restrooms is that the Temple and Visitors Center have different operating hours than their facilities and are open limited hours and days of the week. Mr. Pykles stated that the restroom building is designed to look like a garage, recognizing the setting in which it is placed.

Understanding the historic significance of the home and the desire to keep the public restroom out of the home, Mr. DeMarco inquired if there is any way to add the restroom to the back of the home so it is not a stand-alone building. Mr. Pykles stated that with historic homes, there is usually a separation of the historic area and the visitor services. He noted they are also trying to preserve the landscape around the home as it would have been in the 1830's. He stated that attaching something that is not historical to the back of the home would be a violation of best practice.

Mr. DeMarco inquired if the Church can locate the historic location of the original outbuilding, and possibly use that location for the restroom. Mr. Pykles indicated they can look into it.

Mr. Loconti stated that he is concerned about the egress to the proposed parking lot, and he suggested a driveway parallel to the street exiting onto the first side street off Route 306, with a 6 ft. fence to screen the driveway from the street. He noted this would eliminate traffic on the narrow street, and it

would block headlights from shining onto neighboring properties. Mr. Loconti noted he would also like to see the restroom building relocated.

As an alternative, Mr. Pykles inquired about the Church possibly widening the road to a traditional two-lane road. He stated that a challenge to Mr. Loconti's suggestion is that there are a lot of beautiful mature trees in that area, and they are trying to preserve as many trees as possible.

Chairman Denk opened the meeting to public comment.

Stephen Sparks of 8959 Conley Road stated that his property is directly to the north of this site. He stated it is a very unique and quaint neighborhood. He stated concern about widening the road or doing anything that takes away from the tranquility of that area, including the introduction of traffic on the street and people that may be curious and want to explore the neighborhood. He stated that he is in favor of the museum use and the cleaning up of the property, noting that a shuttle service would solve a lot of issues and eliminate people coming down into their neighborhood. Mr. Sparks noted that placement of a parking lot and restroom as proposed could potentially affect the residential property values in that area.

Ray Fox of 8968 Conley Road stated concern about the parking lot and the pole lights, noting that there has to be a better solution.

Joe Gabriele of 8960 Conley Road stated that he owns the house at the end of the street on the west side; he noted that a shuttle service might solve the crosswalk issue and the parking lot issue. He noted that some buses have bathrooms in them, which would solve another issue. Answering Mr. Denk, he stated there are four houses on the street.

Mike Dzera of 6738 State Route 193 in Andover stated that the property owner at the corner has a swimming pool, and the shuttle would disrupt her privacy. He noted that a fence would block the airflow in that area.

Answering Mayor Potter, Mr. Pykles stated that the Church previously looked into providing shuttle service, and there were concerns about vehicle maintenance expense and liability; since most of their tour guides are volunteers and are senior citizens, they may not be qualified to drive a commercial vehicle.

Mr. Pykles reminded those present that, in recognition of the sensitivity of the area, tours will be by reservation only and limited to 15 or fewer per tour, so there will not be large numbers of people on the property at one time. There will not be more than 17 people on the property at any one time.

Mr. Lallo advised that there is a requirement for parking for a museum. Answering Ms. Jakse Barone, Mr. Lallo stated he does not find anything in the ordinance that allows the Commission to vary from that requirement. He noted they could seek a variance from the Board of Zoning Appeals.

There was further discussion regarding the parking area and its access, following Ms. Jakse Barone's request for clarification of concerns and what may be acceptable. Mr. Denk suggested some creativity in providing for parking while addressing the concerns that have been stated. He noted that the

Commission would like to see less penetration of the neighborhood. The relocation of the restroom was also suggested by the Commission.

Ms. Jakse Barone inquired about the possibility of having the conditional use permit approved, subject to the parking. Upon discussion, the Commission members agreed that the parking issues should be resolved before the conditional use permit is issued. Commission members expressed their support of the museum use, subject to resolution of the concerns that have been mentioned.

Discussion ensued regarding the proposed location of the restroom. Commission members stated concern about placing the restroom so close to the adjacent residential property. Mr. Loconti stated that the venting of the one-story bathroom facility will be an issue around that building, which will be a problem for the neighbor with the bathroom in such close proximity to their home. He stated that relocating the bathroom closer to the Smith house would be in the best interests of everyone.

Responding to Ms. Jakse Barone, Mr. Lallo explained the process involved in requesting a variance for the parking requirements; he noted that a variance would also be required for the parking requirements for the Smith store. In discussion, Mr. Lallo stated the best course of action procedurally would be to address the concerns of the Planning and Zoning Commission for preliminary development plan approval; then request a variance from the Board of Zoning Appeals regarding the parking requirements before requesting final development plan approval.

Discussion ensued regarding the preliminary development plan for the Smith store at 8983 Chillicothe Road (in the HTC District). Mr. Pykles advised that there will be no merchandise sold in the store. It was noted that the proposed use is a museum, which is a permitted use in the HTC District. Ms. Jakse Barone advised they will be moving the building to the north on the property, and back from the street. She noted that they are requesting the Commission to grant a reduction in the front yard setback, as permitted by the Ordinance. Responding to a question from Mr. Loconti, Ms. Jakse Barone stated they removed the proposed fence from the plan.

The Commission reviewed the City Engineer's May 6, 2021 memo as it relates to the preliminary development plan for 8983 Chillicothe Road. Upon completion of discussion, Mr. Vinciguerra moved to grant preliminary development plan approval for the Joseph Smith Store at 8983 Chillicothe Road. Mr. DeMarco provided the second. Upon roll call vote, the motion passed 4-0 (Ayes – DeMarco, Loconti, Vinciguerra and Denk; Nays – None).

With regard to the proposal for the Joseph Smith House at 8980 Chillicothe Road, Mr. Lallo stated that the next step would be for the applicant to come up with an alternative conceptual plan for the next meeting; once the Commission approves the preliminary development plan, the applicant should apply for a variance from the Board of Zoning Appeals relating to the parking requirements. Responding to Mr. Pykles, Mr. Lallo advised that the conditional use permit is required in conjunction with the preliminary and final development plan.

Mr. Loconti moved to table the application for conditional use permit for proposed museum use and preliminary development plan at 8980 Chillicothe Road. Mr. DeMarco provided the second. Upon roll call vote, the motion passed 4-0 (Ayes – DeMarco, Loconti, Vinciguerra and Denk; Nays – None).

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It was noted that the regular July meeting of the Planning and Zoning Commission will need to be rescheduled because of the City Council summer meeting schedule. Upon agreement of the Commission members, the regular July meeting was rescheduled to be held on Thursday, July 8, 2021 at 7:00 p.m., with a 6:30 p.m. work session.

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

None.

WORK SESSION:

Communications and Bills

1. City Council Meeting Minutes – May 3, 2021 Council Meeting and May 17, 2021 Work Session and Council Meeting.
2. Board of Zoning Appeals Notice of Decision – Appeal No. 21-4
3. Board of Zoning Appeals Minutes of February 23, 2021
4. Zoning Permits Report – May 1, 2021 to May 31, 2021.

Old Business

1. Alternative Energy Ordinance (No. 18-O-31) – Chairman Denk noted that he found information indicating that solar energy should be handled as a conditional use in order for the City to have more control. Mr. Loconti stated that by requiring a conditional use permit, the Commission can better address the applications on a case-by-case basis.

Mayor Potter advised that Aaron Godwin is reviewing the alternative energy ordinance and will make some recommendations. The Mayor noted Mr. Godwin is also working on a sustainability overview of the City to determine if there are some opportunities available to the City relating to heating and cooling efficiency. Mr. Godwin is also looking at solar energy, to determine if there is an opportunity for that use at City Hall or the Community Center, depending on the payback to the City. Mr. Loconti suggested that the City look into grant opportunities for solar energy equipment.

Mayor Potter noted that he recently submitted applications for grant opportunities for the Old Town sewer project, broadband fiber and for solar energy equipment.

Discussion ensued regarding solar energy, regarding feasibility and obtaining a return on the investment.

New Business

1. Summer Meeting Schedule – Rescheduling of July Meeting. It was noted that the July Planning and Zoning Commission meeting has been rescheduled to Thursday, July 8, 2021.

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 9:40 p.m.

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CHAIRMAN

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SECRETARY