

CITY OF KIRTLAND  
PLANNING AND ZONING COMMISSION

MINUTES OF THE MEETING  
JULY 8, 2021

The meeting was called to order by Chairman Michael Denk at 7:11 p.m. Present were Commission members Richard Blum, Michael Denk, Rick Loconti and Joseph Vinciguerra. Richard DeMarco was absent.

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

MINUTES OF THE JUNE 14, 2021 WORK SESSION

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

MINUTES OF THE JUNE 14, 2021 MEETING

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

PUBLIC SESSION:

PUBLIC REQUESTS

Marc Koplow – Application for Conditional Use Permit for Continuation of K & K Barn Sales at 8202 Euclid-Chardon Road

Marc Koplow was present in this regard. Chairman Denk noted that the previous conditional use permit approval was for two years, and the request is for the same approval. Mr. Denk noted that one of the stipulations in the last approval related to maintaining the property. He noted that the parking area was to be 60' x 40' and clearly defined. Chairman Denk noted that the applicant was to maintain the premises, including grass and weed control, but it is not being rigidly followed.

Mr. Koplow stated there was a problem with the mower, and it is a little too rough to mow with a regular lawn mower. He now has the part needed to repair the mower, and he will take care of it this week.

Mayor Potter stated that over the past two years, the grass on the property is often higher than it should be and not in conformance with the condition of permit approval. He requested that the Commission take this into consideration when making a decision on this matter.

Mr. Koplow stated that sometimes a building is removed, and there is a lot of growth underneath.

Mr. Loconti stated that when the conditional use permit was granted two years ago, it was his suggestion that the applicant do some minor landscaping to dress up the corner a bit, and organize the sheds so it does not appear they were just dropped. Mr. Loconti noted that at that time, the applicant had commented that he does not own the property and he didn't want to put any money into the landscaping since the property may be sold. Mr. Loconti again requested that this be done, noting that two years later, the applicant is still occupying the property. Mr. Loconti stated that with the applicant being there this long, he could invest something into the property; he noted that a lot of renters maintain the properties they rent. He stated that because this has not been done, he is not in favor of renewing the application as requested. He noted that it is a highly visible lot.

Mr. Koplow stated that as a dealer, he does not move the buildings; Old Hickory moves the sheds on the lot because equipment is needed to move them. Mr. Koplow stated that he believes they do a good job placing them on the lot. He noted that sometimes there may be a "hole" where a shed was removed but there is not yet one to put on that spot. Mr. Koplow stated he does not have control over the sheds being moved. He stated the sheds are always in the same type of grouping.

With regard to improving the property, Mr. Koplow stated that the property owner is listing the property through a different company, and he is there month-to-month.

Chairman Denk stated that the Commission's concern is that the grass needs to be maintained better, and they would like to see some improvement so it does not look like a storage area for sheds. Mr. Koplow stated the sheds are always lined up in a semi-circle.

With regard to the parking area, Mr. Koplow stated it is larger than 40' x 60', and it is marked with wood. He noted that vehicles often cut through the parking lot and knock the wood out.

In discussion, Mr. Loconti stated he would be in favor of granting an approval for only six months, at which time the applicant should come back and be able to show improvement to the lot. Mr. Vinciguerra noted that he would be in agreement, if the Commission can waive the fee. Referring to Section 236.07(a), Mr. Lallo confirmed that the Commission can waive the fee by nature of the application.

Chairman Denk opened the meeting to public comments regarding the conditional use permit application. There were no public comments in this regard.

Mr. Loconti moved to approve the conditional use permit, with the conditions that the approval is valid for six months and shall be based on the applicant's efforts to maintain the property, improve the appearance of the property, and organize the sheds in a more uniform and professional fashion, to be reconsidered on December 31, 2021 with the application fee waived. Mr. Vinciguerra provided the second. Mr. Vinciguerra moved to amend the motion to incorporate the same conditions prescribed in items (a) through (j) of the original permit, approved on April 10, 2017. Mr. Blum provided the second. Upon roll call vote, the motion to amend the original motion passed 4-0 (Ayes – Blum, Loconti, Vinciguerra and Denk; Nays – None). Upon roll call vote, the motion to approve, as amended, passed 4-0 (Ayes – Blum, Loconti, Vinciguerra and Denk; Nays – None).

Kirtland Christian Fellowship – Proposed Sign Face Replacement at 10001 Chillicothe Road

Jamie Jelenic of Kirtland Christian Fellowship was present in this regard. She noted that the application is for a sign face replacement on the existing sign; they are switching the changeable letter portion to the smaller portion at the top of the sign. She confirmed there will be no change to the dimensions of the sign structure.

There were no public comments regarding the proposed sign face replacement. Mr. Blum moved to approve the proposed sign face replacement on the existing ground sign, as shown on the plans submitted, with the second by Mr. Vinciquerra. Upon roll call vote, the motion passed 4-0 (Ayes – Blum, Loconti, Vinciquerra and Denk; Nays – None).

CESCO Imaging – Proposed New Building Sign and New Ground Sign for Mr. Excavator at 8616 Euclid-Chardon Road

George Dragon of CESCO Imaging was present in this regard. Chairman Denk noted there are two applications – one for a 4' x 16'-8.25" building sign and one for a 6'-7" x 10'-5" ground sign. Mr. Denk acknowledged a copy of the Board of Zoning Appeals Notice of Decision regarding variances granted for these two signs, including the stipulation that the building sign shall be allowed only on the center building and no signs shall be allowed on the other buildings, and the ground sign must meet the required front yard setback.

Mr. Denk inquired about equipment that contains signage. Mr. Lallo stated there is an old tractor, with the Mr. Excavator name and logo, parked in the front. He noted it does not appear to be operable, and there was discussion at the Board of Zoning Appeals meeting that it would constitute a sign since it is an unmovable object with no other useful purpose, and that it should be moved to another location.

Mr. Dragon stated that no one is present tonight from Mr. Excavator, but they would be willing to move the equipment since they have put so much effort, time and money into the proposed signs.

Answering Mr. Loconti, Mr. Lallo stated that a variance from the Board of Zoning Appeals would be needed for the equipment with the Mr. Excavator name to remain, since they granted a variance only for the two signs.

There were no public comments regarding the proposed signs. Mr. Vinciquerra moved to approve the application for the 4' x 16'-8.25" (66.75 sq. ft.) building sign, with the condition that the piece of equipment with the sign ("Mr. Excavator" name) be removed. Mr. Loconti provided the second. Upon roll call vote, the motion passed 4-0 (Ayes – Blum, Loconti, Vinciquerra and Denk; Nays – None).

Mr. Vinciquerra moved to approve the application for the 6'-7" x 10'-5" (68.58 sq. ft.) ground monument sign, with the condition that the piece of equipment with the sign ("Mr. Excavator" name) be removed. Mr. Blum provided the second. Upon roll call vote, the motion passed 4-0 (Ayes – Blum, Loconti, Vinciquerra and Denk; Nays – None).

Village Outdoors – Proposed Commercial Building at 7910 Euclid-Chardon Rd. – Preliminary/Final Plan

Chuck Szucs of Polaris Engineering & Surveying was present in this regard, along with Jim Fantozzi of Infinity Construction. Mr. Szucs noted that the property is 7 acres plus, zoned Limited Industrial in the front and Residential in the rear; he noted they are only dealing with the Limited Industrial zoned property in the front. He noted he worked with Mr. Courtney on the preliminary and final design.

With regard to parking, Mr. Szucs noted that 11 parking spaces are required by code; they provided 8 spaces based on his previous conversation with Mr. Baumgart. Being advised that this would require a variance, Mr. Szucs stated they will offer 3 more parking spaces in order to meet the minimum requirement rather than going through the variance procedure, in the interests of time. He provided a revised site plan showing the 3 additional spaces, for a total of 11 parking spaces as required.

Mr. Blum inquired if the existing structures will remain. Mr. Szucs stated they would like the house to remain if possible, noting that it will continue to be rented. Mr. Fantozzi said the two old sheds will be removed. He stated there is one building in the corner of the commercial property that will remain, noting they plan to install a new roof and new garage doors.

With regard to the existing residence, Mr. Fantozzi said the same resident has been there for 18 to 20 years. He noted that the residence is served by its own water, septic and utilities. Mr. Szucs noted there will be only one driveway, with access to the residence off that driveway. Mr. Lallo confirmed that the residence is allowed to remain.

Answering Mr. Blum, Mr. Szucs stated that the future parking shown on the site plan will be for the future building, noting that additional spaces will likely be provided at that time.

With regard to the septic system, Mr. Fantozzi stated it has been submitted to the County for approval, along with the SWP3 plan. He noted they have discussed keeping the septic system in the center of the rear property, away from the surrounding residents. Mr. Fantozzi stated the septic system is designed for both buildings.

Chairman Denk acknowledged receipt and reviewed a memo dated July 8, 2021 from City Engineer Douglas Courtney.

With regard to the proposed outdoor sales of landscape materials, Mr. Lallo stated the applicant indicated yesterday that they desire to perform outdoor storage and sales of some of the materials. Mr. Szucs stated that he misspoke, noting that it will be wholesale landscape products, and it will be stored indoors. He stated if there is a desire in the future for outdoor sales of landscape materials, they will come back to the Commission to request a conditional use permit. Mr. Szucs confirmed that all storage of materials and equipment shall be in enclosed buildings. Mr. Lallo stated if there are to be outdoor sales of plants and landscape materials, they must obtain a conditional use permit.

Answering Mr. Loconti, Mr. Fantozzi stated they will continue to sell the lawn mowers, but they will be kept inside.

Mr. Loconti inquired if there has been consideration for a fire hydrant on the property for future development, noting the large distance from the road. Mr. Fantozzi stated it will be looked at when the Fire Department performs their review; he noted there is room to run a fire line if needed.

Discussion ensued regarding stormwater maintenance and the easement over the stormwater management pond.

Councilman Smolic stated concerns about the condition and use of the residential property in the rear.

Ron White of 10630 Angela Drive stated the original owner put in pine trees for screening, but those pine trees have started dying. He stated the property became a mess with Gornick's there.

Mr. Fantozzi said Mr. Gornick has dumped trees, rocks, etc., against their wishes. Noting that he was contacted last fall by Mr. White; Mr. Fantozzi noted he provided two dumpsters and a lot of debris was removed, although there has likely been more encroachment since then. Mr. Fantozzi stated that Mr. Gornick has been served with an eviction notice. Mr. Fantozzi advised that once Mr. Gornick vacates, they will clean up the property. He noted he would not object to planting some trees if that will help the adjoining property owners.

Sue Grman of 10646 Angela Drive stated concern about trucks coming in and out of the property, noting that there is currently a noise issue from 6:00 a.m. until 8:00 or 9:00 p.m., seven days a week.

Mr. Fantozzi stated their hours of operation are 7:30 a.m. until 4:30 or 5:00 p.m., Monday through Friday, and on Saturday from 7:00 a.m. until noon; they are not open on Sunday.

Mrs. Grman stated concern about the ditch at the back of her property and the runoff from the applicant's property that comes into that ditch. She stated there is always an issue when there is a lot of rain or melting snow. She stated that clearing the trees will cause more problems for the drain.

Mr. Szucs advised that the drainage from the new development will go toward Euclid-Chardon Road. He stated that runoff from the parking lot, roof, etc. will go into a storm system that will go towards the road into a retention basin, then to the roadside ditch.

Mrs. Grman stated that it appears the septic tanks will be butting up to her property. Mr. Fantozzi responded that they are shown in the middle of the property. He stated there will be a path of only 5 to 8 feet in width for the force main; he noted that he only has to clear for the second mound if the first mound fails.

Mrs. Grman stated concern about the property being an eyesore and reducing her property value. Mr. Fantozzi stated he would have no problem planting additional trees in the area she is referencing.

Mrs. Grman inquired about reassurance from the city relating to noise. Mr. Lallo advised they are subject to the noise violation code. He noted the front portion of the property is zoned Limited Industrial. Mr. Fantozzi stated that they will not be conducting the same type of business as Gornick's; there will not be trucks being loaded at 6:00 a.m.

Chairman Denk noted that there have been some issues regarding use of the property, and he requested confirmation from the applicant that the front portion, zoned Limited Industrial, is the only portion of the property that will be used for the commercial use. Mr. Fantozzi provided that confirmation.

Marin Grman of 10646 Angela Drive stated that he was also concerned about noise, with trucks coming onto the property. He said the problem now is the bulldozers and backhoes are backing up and beeping, they are loading trailers. He stated he does not believe it will bother him much if the activity is on only the front portion of the lot. Mr. Grman stated he is concerned about the water drainage on the back of the property, because there is a lot of water coming into their ditch from that property.

Mr. Fantozzi stated that for the work they are doing, the drainage will flow to the front; he noted they are following the City's guidelines.

Mrs. Grman inquired how far they will be from her pine trees. Mr. Fantozzi indicated on the map the area of the improvements.

Ms. Markulin of 10662 Angela Drive (S/L 3) inquired about the proposed hydroseeding operation. Mr. Fantozzi advised they have a hydroseeder, which will be parked inside; he noted it is a tank truck that is filled with water, the seed is mixed in, and it is sent out to properties to hydroseed (spray) the lawn.

There were no further comments or questions from the public. Mr. Blum moved to approve the Village Outdoors development plans (preliminary and final) for the proposed 7,000 sq. ft. building at 7910 Euclid-Chardon Road, with the following conditions: (1) approval of the on-site septic system by the Lake County General Health District; (2) approval of the SWP3 by the Lake County Soil & Water Conservation District; (3) approval of the Comprehensive Stormwater Management plan by the Lake County Stormwater Management Department; and (4) approvable easement documents shall be provided for the easement over the stormwater management pond. Mr. Loconti seconded the motion. Upon roll call vote, the motion passed 4-0 (Ayes – Blum, Loconti, Vinciguerra and Denk; Nays – None).

#### Scott Scheel – Application for Grading Permit at 9830 Foxwood Trail

John Kasmerski, of 9345 Regency Woods Drive, was present on behalf of Scott Scheel, who was unable to attend tonight's meeting. Chairman Denk acknowledged receipt of a copy of correspondence dated July 6, 2021 from Attorney James Aveni regarding non-permitted grading on this property. The Chairman also acknowledged receipt and reviewed a memo dated July 6, 2021 from City Engineer Douglas Courtney.

It was noted that the property owner began clearing and grading work in June without the appropriate grading permit; the work has been stopped and the property owner installed the necessary erosion and sediment control measures and applied for the grading permit. Mr. Courtney notes in his memo that the grading regulations have been met, the grading plan includes sediment and erosion control Best Management Practices (BMP's), and the abbreviated stormwater pollution prevention plan (SWP3) has been submitted to Lake County Soil & Water Conservation District for review.

Mr. Kasmerski stated they did not realize they needed a permit when they began work. He noted that when the street was installed, all the soil was mounded on this property, and according to the original

drawings, it was to be removed. He stated that the previous homeowner and the builder had an argument, and the soil was left there. He stated there was approximately 400 yards of soil, and when they removed most of that soil they graded the tracks, noting they couldn't grade the entire property because of the trees. Noting that there is some soil left, Mr. Kasmerski said the property owner purchased some large shrubs and would like a two foot mound in the rear of the property.

Mr. Kasmerski stated that the mounded soil was an eyesore. He noted that Mr. Scheel lives next door, and he bought the property as a guest house.

Referring to the correspondence from Mr. Aveni, Mr. Denk stated there may be a civil issue regarding the pond. Mr. Lallo advised that if there is an approval of the grading permit, the Commission should indicate it does not reflect approval of any past work; it is approval of the plans submitted.

Chairman Denk opened the meeting to public comments. There were no comments from the public; however Mayor Potter advised there was some runoff from the property heading downhill and may have caused some issues. Mr. Denk noted that the Commission's approval this evening, if granted, is for the plans submitted and does not reflect approval of the prior work.

Answering Mr. Blum, Mr. Kasmerski stated that the water will flow to the north; he said there is an existing curtain drain from each property. Mr. Denk noted that they are not adding any new impervious surfaces. Mr. Kasmerski stated they contacted the County regarding the SWP3, but there is less than one acre involved.

Mr. Blum inquired where the soil was relocated. Mr. Kasmerski said soil was hauled offsite, but there is still 200 to 300 yards onsite. He said they took out the old equipment track marks. He stated that most of the soil will be removed, and a small 2 ft. mound will be placed in the rear for the shrubs.

Mr. Courtney stated that the plan restores the original grading of the property, which was there before the mound was put on the property.

Mr. Loconti moved to approve the grading plan for 9830 Foxwood Trail, as submitted. Mr. Blum provided the second. Upon roll call vote, the motion passed 4-0 (Ayes – Blum, Loconti, Vinciguerra and Denk; Nays – None). As noted, the approval does not reflect approval of any past work.

#### 101 Mobility – Application for Ramp at Willo-Hill Baptist Church, 4200 State Route 306

It was noted that the applicant advised they were unable to attend tonight's meeting and requested that the matter be tabled. Mr. Blum moved to table the matter, with the second by Mr. Vinciguerra. Upon roll call vote, the motion passed 4-0 (Ayes – Blum, Loconti, Vinciguerra and Denk; Nays – None).

#### 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

The matter remains tabled.

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

None.

WORK SESSION:

Communications and Bills

1. City Council Meeting Minutes – June 7, 2021 Council Meeting.
2. Board of Zoning Appeals Notices of Decision – Appeal No. 21-5 and Appeal No. 21-6.
3. Board of Zoning Appeals Minutes of May 19, 2021
4. Zoning Permits Report – June 1, 2021 to June 30, 2021.

Old Business

1. Alternative Energy Ordinance (No. 18-O-31) – No discussion in this regard.

New Business

1. Mr. Blum inquired about the status of the Cocca development. Mr. Lallo advised that the developer spoke at yesterday's Council meeting regarding fees and deposits. Brief discussion ensued.
2. Mr. Blum inquired if a new zoning inspector has been appointed. Mayor Potter advised that Mr. Fornaro has been appointed as interim zoning inspector at no additional cost to the City, until the time that a permanent zoning inspector is appointed. The Mayor noted he expects to have legislation on Council's agenda when they return from summer recess. Mayor Potter noted that in the interim, Mr. Loconti has agreed to provide feedback when needed, and Mr. Lallo and Mr. Courtney will also provide assistance as needed.

Adjournment

There was no further business before the Commission, and Mr. Blum moved to adjourn. Mr. Vinciguerra provided the second, and the motion passed upon unanimous vote. The meeting adjourned at 8:39 p.m.

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CHAIRMAN

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SECRETARY