

CITY OF KIRTLAND  
PLANNING AND ZONING COMMISSION

MINUTES OF THE MEETING  
SEPTEMBER 13, 2021

The meeting was called to order by Chairman Michael Denk at 7:10 p.m. Present were Commission members Richard Blum, Richard DeMarco, Michael Denk, Rick Loconti and Joseph Vinciguerra.

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

MINUTES OF THE AUGUST 9, 2021 WORK SESSION

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

MINUTES OF THE AUGUST 9, 2021 MEETING

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

PUBLIC SESSION:

PUBLIC REQUESTS

Kirtland Christian Fellowship – Revision to Sign Face Replacement at 10001 Chillicothe Rd.

Jamie Jelenic of Kirtland Christian Fellowship was present. It was noted that at its meeting on July 8 the Commission approved a proposed sign face replacement to the existing ground sign. Ms. Jelenic advised that after receiving approval, she discovered that some of the congregation did not like the new logo, so the Church came up with a new logo for the sign. She confirmed that only the sign face would be changed.

There were no public comments in this regard. Mr. DeMarco moved to approve the revision to the sign face replacement on the existing ground sign, as submitted. Mr. Blum provided the second. Upon roll call vote, the motion passed 5-0 (Ayes – Blum, DeMarco, Loconti, Vinciguerra and Denk; Nays – None).

Richards Maple Products – Application for Conditional Use Permit and Preliminary Development Plan at 7955 Euclid-Chardon Road

Chairman Denk acknowledged receipt and reviewed a memo dated September 9, 2021 from City Engineer Douglas Courtney. Fred Ahrens and Jen Freeman of Richards Maple Products were present in this regard. Ms. Freeman confirmed that they received a copy of Mr. Courtney's memo.

Mr. Ahrens stated they are not planning to change any of the lighting, but they would like to take down some of the trees that are close to the building so the lights will shine onto the parking lot. Answering

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Mr. Loconti, Mr. Ahrens confirmed they will not take down any trees in the ravine to the north. Mr. Courtney stated that the trees to be removed should be noted as such on the final development plan.

With regard to parking, Mr. Ahrens advised there are 62 parking spaces existing; they are not adding any parking spaces. It was noted that 59 parking spaces are required.

Chairman Denk noted that the retail use of the property in the Limited Industrial District is a conditional use. It was noted there will be a 4700 sq. ft. retail area for groceries and a 1000 sq. ft. retail area for maple equipment. Mr. Denk read Section 1285.06(b)(1) through (6) relating to standards for evaluating conditional use permits in business and industrial districts.

Answering Mr. Denk, Mr. Ahrens stated that they will work one shift, but hope to expand to two shifts in the future for the meat processing; the food manufacturing will be one shift. Ms. Freeman stated there will be 35 employees initially.

For deliveries, Mr. Ahrens stated there is a truck entrance to the east side of the building; it is existing with four docks. Mr. Ahrens confirmed that deliveries will be during first shift only; there will be no evening deliveries.

Mr. Denk inquired about residual effects of the meat processing, such as loud noises and odors. Ms. Freeman stated they will not be a kill facility, so there will not be a lot of waste. She noted that the meat will already be prepped. It was noted that it would be the same as a meat department in a grocery store.

Chairman Denk acknowledged receipt of correspondence from a neighboring property owner on Gildersleeve.

Responding to Mr. Denk, Mr. Ahrens said the retail store will be open from 8:00 a.m. until 8:00 p.m. With regard to noise, Mr. Ahrens stated there will be external compressors for the coolers; he noted the noise will be similar to an air conditioning unit for a house. With regard to odors, Mr. Ahrens stated there will be no odors from the meat processing. He noted the only smell would be from the meat being smoked, and it is a barbecue smell and is not unpleasant; most of the smoke will be inside.

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

Noting that this is an existing developed site and building with no new site work proposed, Mr. Courtney stated that the Commission should determine if they will require full landscape plans per the code.

In place of the trees that are close to the building that will be removed, Mr. Ahrens stated they can provide hedges, flowers, small trees or bushes. Mr. Courtney advised that the applicant should follow the landscape regulations in the code with regard to plant materials. Mr. Denk noted they would be removing the trees for maintenance purposes and providing other plantings.

Answering Mr. Denk, Mr. Ahrens stated they are still designing their signage.

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Mr. Loconti encouraged the applicant to consider mitigating the overall lighting plan, using cut-off lights so the lighting does not create light pollution on the residential neighborhood. Mr. Ahrens stated the lights are currently 21 ft. in height; they are pointing down but cannot transfer through the trees. Mr. Denk advised the applicant to note any changes to the lighting or to note it as an existing condition.

Mr. Blum moved to approve the conditional use permit and the preliminary development plan for 7955 Euclid-Chardon Road, with the second by Mr. DeMarco. Upon roll call vote, the motion passed 5-0 (Ayes – Blum, DeMarco, Loconti, Vinciguerra and Denk; Nays – None).

Ruff Neon & Lighting – Proposed Signage for Sausalito at 9270 Chillicothe Road

Jessica Ruff of Ruff Neon & Lighting was present in this regard. She noted there are a total of four proposed signs. Referring to the plans submitted, she noted that Sign 1 is the monument sign in the front; Sign 2 is a replacement of the sign face on the existing wall sign on the front of the building; Sign 3 is in the rear of the building and will be placed on the existing canopy; and Sign 4 is a directional sign to direct traffic to the rear of the building for the restaurant.

Ms. Ruff noted that the monument sign is being enlarged; it was noted that a variance was granted by the Board of Zoning Appeals. Answering questions from the Commission, Ms. Ruff stated that Signs 1, 2 and 3 will be illuminated.

There were no public comments regarding the proposed signs. Mr. DeMarco moved to approve the proposed signage for Sausalito as presented, at 9170 Chillicothe Road, with the second by Mr. Vinciguerra. Upon roll call vote, the motion passed 5-0 (Ayes – Blum, DeMarco, Loconti, Vinciguerra and Denk; Nays – None).

TABLED REQUESTS

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

Mr. Blum moved to remove the matter from the table, with the second by Mr. DeMarco. Upon roll call vote, the motion passed 5-0 (Ayes – Blum, DeMarco, Loconti, Vinciguerra and Denk; Nays – None). Steven Jewell of 101 Mobility was present in this regard. Mr. Jewell stated that his boss and another co-worker installed the ramp in July, but he went out and took the pictures that were provided to the Commission. It was noted that it is fastened to the concrete by tap cons.

Mr. Jewell stated that the ramp is intended to be permanent for the school/church. He noted their ramps are designed to be permanent or temporary, depending upon the application of the end user.

Mr. Denk inquired if there was another way to make a more permanent installation. Mr. Jewell stated the only option would be to add more tap cons to the legs and bottom transition plates. Mr. Jewell confirmed that the ramp was a typical installation, noting that the same ramps have been installed at Amazon in Toledo.

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Answering Mr. Blum, Mr. Jewell stated that previously the church had cement stairs; he noted that each landing is approximately 5 ft. in height. He stated that each section of ramp is 5 ft. in length and 4 ft. wide to meet the commercial code.

Mr. Loconti inquired if a rise calculation was done over the length of the ramp. Mr. Jewell stated that would have been done by the salesperson.

Mr. Jewell stated that the temporary ramps they use for residential installations are 3 ft. wide and are not as sturdy; the ramp installed at the church is their commercial line.

Answering Mr. Denk, Mr. Lallo confirmed that the City would not assume any liability by giving zoning approval for the ramp.

Mr. Loconti stated in his opinion this is a temporary structure, and he suggests that it be approved as a temporary structure with a time limit. He noted that a permanent structure would have compliance with the rise and run and be placed on footers. Mr. Denk noted that there is nothing that shows that this meets the ADA requirements for rise and run. Mr. Vinciguerra questioned whether those are issues that would be addressed by the zoning code or if they should be reviewed by a building inspector; he questioned what the Commission is being asked to approve.

Answering Mr. Loconti, Mr. Jewell stated he was unsure whether a building permit has been obtained.

Referring to Section 1262.03(f)(2)A., Mr. Lallo noted that the Planning and Zoning Commission shall approve any construction, alteration, change or modifications to the exterior of the premises or structures thereon including parking, landscaping, or ingress or egress; he stated that the ramp is a modification of the ingress/egress to the structure and falls under the purview of this Commission. He noted it does not give specific direction for something of this nature.

Mr. Loconti stated that for permanent structures in the jurisdictions he works with, drawings are required that meet ADA requirements. Footers and railings must meet ADA specifications, along with the rise and run and the turning radius.

Answering Mr. Vinciguerra, Mr. Jewell stated that two of these ramps have been placed in outdoor settings; one is at a school in University Heights and it has already been through two winters. He noted both of those aluminum ramps are permanent. Mr. Jewell noted that they advise their customers to use only calcium for de-icing rather than rock salt.

Discussion ensued regarding a time limit for approval of a temporary ramp structure. Answering Mr. Denk, Mr. Jewell stated he believes the ramp is serving a pre-school.

The Commission advised they would like to talk to a representative from Willo-Hill Baptist Church and the sales representative that sold the ramp for this installation. The Chairman requested that Mr. Jewell contact a representative from the church and advise them of the nature of the conversation, and request that they attend the next meeting. Mr. DeMarco moved to table the matter, with the second by Mr. Loconti, Upon roll call vote, the motion passed 5-0 (Ayes – Blum, DeMarco, Loconti, 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

Mr. Blum moved to remove the matter from the table, with the second by Mr. DeMarco. Upon roll call vote, the motion passed 5-0 (Ayes – Blum, DeMarco, Loconti, Vinciguerra and Denk; Nays – None). Present on behalf of the applicant were Ben Pykles, Curator, of the Church of Jesus Christ of Latter-day Saints and Sonia Jakse Barone, Landscape Architect, of AECOM.

Mr. Pykles noted that the last time they were before the Commission, there were some issues raised from the Conley Street neighbors regarding the location of the restroom and parking lot. Mr. Pykles stated they have returned with a conceptual plan as requested by the Commission before they move forward with another preliminary plan and final development plan. Mr. Pykles stated they are making a substantial change to their plan. Based on the feedback they received regarding the proposed crosswalk, Mr. Pykles advised they are no longer proposing a crosswalk. He noted there are consequences for their intended use of the store, which has received preliminary approval; they now intend to restore the exterior of that building only so that it looks like it did historically, but they will not give tours and the building will not be open to the public. It will be part of the tour of the home, interpreted from across the street.

Mr. Pykles stated they listened carefully to the feedback they received and went back to their architects, engineers and design team and tried to accommodate the legitimate concerns that were raised about the location of the parking lot and restrooms.

Ms. Jakse Barone stated that with regard to the store, they will be relocating the building as planned, and the exterior site plan will remain as they presented previously; interior renovations will be excluded at this time.

With regard to the revisions to the plans for the Joseph Smith home, Ms. Jakse Barone advised they have relocated the parking lot to the southwest portion of the site, with the same amount of parking spaces (9 total – 8 plus one ADA space) which is code for the occupancy of the building. She stated they have relocated the restroom and tried their best to consolidate the interior to minimize its footprint. She noted they have relocated the restroom close to the parking lot to consolidate those visitor services and allow a clear view to the Temple, while trying to minimize the impact on the neighboring residential properties.

Ms. Jakse Barone stated they are not anticipating any visitor traffic on Conley Road north/south; they would like to reserve the right to have service access on the northern portion of the Conley property for staff only. She stated that staffing for the facility is intended to be two docents, who will park in the parking lot to the south; however, during high traffic periods (mostly during July), they would like to have them park in the service drive area to allow more spaces for visitors. She emphasized that no visitors would access the service drive.

Ms. Jakse Barone stated that the circulation is still being worked out for the rest of the site. She noted that access to the house will be from the front, with an accessible entrance at the rear of the home.

Answering Mr. Blum, Ms. Jakse Barone stated that the service drive will allow access for service vehicles and lawn equipment for maintenance of the property. She noted that it will not be paved, and

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it will not be used during the winter. She noted it would also serve as overflow parking on the grass for the two staff members during the month of July. Noting that the entire property will be fenced, Ms. Jakse Barone stated there will be a gate in the fence for the vehicles. She stated the dimensions of the service drive are yet to be determined, but they are looking to make it the width of a residential drive, approximately 11 to 14 feet.

Answering Mr. Denk, Ms. Jakse Barone stated they have not yet developed a floor plan for the restroom building, but from a conceptual standpoint it will be a compatible building – they are not trying to make it look historic. It will be a fully functioning restroom building, not an outhouse. She advised that the restroom building will be connected to the sewers on Chillicothe Road. Mr. Pykles noted that the connection is at the southeast corner of the property.

Chairman Denk inquired if the City Engineer has any comments. Mr. Courtney stated that the applicant listened to the comments from the Commission and the residents and came up with a revised conceptual plan that seems to reflect what was requested.

Mr. Pykles acknowledged that variances will be required, noting they are prepared to go before the Board of Zoning Appeals.

Answering Mr. Loconti, Ms. Jakse Barone advised that the restroom facility will be accessed from outside the fence. She stated it can be used by the public, such as visitors to the cemetery, noting that it will be maintained to the same standards as the restrooms in Historic Kirtland. Mr. Pykles stated they have people checking the restrooms daily. He noted that the restrooms will be open only during the hours the home is open – 9:00 a.m. until dusk on weekdays and 1:30 p.m. until dusk on Sundays; the restrooms will be locked during non-operational hours of the home.

Chairman Denk opened the meeting to comments from the public.

Ray Fox of 8968 Conley Drive stated that he is pleased with the plan and thanked the Church representatives for working through this. With regard to the proposed fence around the property, Mr. Fox inquired about the height of the fence and what it will look like. As the Church prepares the lighting plan, Mr. Fox noted that the neighbors are concerned and request there be no pole lights; he noted there are many options that are three to four feet in height that will light the parking area. He noted there is already one pole light by the cemetery.

Ms. Jakse Barone stated that the fence will be an open board fence, four feet in height; it is based on historic pictures. With regard to the lighting, Ms. Jakse Barone stated they will be compliant with the code, with light cut-off at the property line; there should be no light extending over the property lines. She noted they are working with lighting designers to make sure the source of light creates no glare. She assured that the lights will not be left on all night.

Stephen Sparks of 8959 Conley Drive stated that he appreciates the Church working with the residents. He inquired if the back section of the fence can be 6 ft. with denser vegetation to provide privacy. He stated he understands the need for the service drive so the property can be maintained. Mr. Pykles inquired if it would be acceptable to Mr. Sparks if they keep the fence height at 4 ft., but greatly

increase the vegetation. Mr. Sparks confirmed it would be acceptable, as long as he has sufficient privacy.

Chairman Denk noted that when the Church returns with the preliminary plan, notification will be sent to property owners within 500 ft. since this is a different plan than previously submitted.

With regard to the process, Mr. Pykles inquired about the possibility of combining preliminary and final approval the next time they come before the Commission, with Commission approval conditioned upon the Board of Zoning Appeals approval. Mr. Lallo advised that if they are in compliance with submitting all items required in the code, the Commission can give preliminary and final approval at the same time. Mr. Lallo stated he believes the only issue for the Board of Zoning Appeals relates to the parking. He noted that he does not believe there would be an issue with the Commission entertaining approval of the preliminary and final plans, subject to any needed variances.

Mayor Potter thanked the residents and the Church representatives for deliberating through this process and exercising civic engagement to reach a plan that is satisfactory for everyone. He thanked the Commission for allowing the discussion. Chairman Denk thanked Mr. Fox and Mr. Sparks for providing their input.

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

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

None.

#### WORK SESSION:

##### Communications and Bills

1. City Council Meeting Minutes – July 7, 2021 Work Session and Council Meeting; July 12, 2021 Work Session and Council Meeting; August 2, 2021 Special Council Meeting and Work Session; August 3, 2021 Special Council Meeting; August 10, 2021 Special Council Meeting; and August 23, 2021 Work Session and Council Meeting
2. Board of Zoning Appeals Minutes of June 23, 2021.
3. Board of Zoning Appeals Notices of Decision – Appeal No. 21-8 and Appeal No. 21-9.
4. Zoning Permits Report – August 1, 2021 to August 31, 2021.

#### Old Business

1. Mr. Excavator – Re: Sign approval condition (approved by Planning & Zoning on 7/8/21). Upon discussion, Mr. Vinciguerra moved to clarify the Commission's intent to indicate that the removal of the sign on the equipment is required, and not removal of the equipment, with regard to the previous approval of the sign permit application. Mr. Loconti provided the

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- second. Upon roll call vote, the motion passed 5-0 (Ayes – Blum, DeMarco, Loconti, Vinciguerra and Denk; Nays – None).
2. Alternative Energy Ordinance (No. 18-O-31) – Chairman Denk noted that the Commission is awaiting input from Mr. Godwin in this regard. Brief discussion ensued regarding the impact of ground mounted solar arrays.

New Business

Mr. Loconti inquired about the status of the Cocca property. Mr. Lallo advised there have been discussions at Council meetings regarding construction, permitting, supervision and costs; he noted that the ball is in the court of the developer. Mr. Denk inquired about time limits on approvals; it was noted that the property has been cleared, but the zoning permit has not yet been issued pending receipt of certain fees.

Adjournment

There was no further business before the Commission, and Mr. Blum moved to adjourn. Mr. DeMarco provided the second, and the motion passed upon unanimous vote. The meeting adjourned at 8:50 p.m.

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CHAIRMAN

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SECRETARY