

CITY OF KIRTLAND
PLANNING AND ZONING COMMISSION

MINUTES OF THE MEETING
DECEMBER 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, Daniel Laux and Joseph Vinciguerra.

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

MINUTES OF THE NOVEMBER 8, 2021 WORK SESSION

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, Laux, Vinciguerra and Denk; Nays – None).

MINUTES OF THE NOVEMBER 8, 2021 MEETING

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

PUBLIC SESSION:

PUBLIC REQUESTS

David Novak, Skintones, Inc. – Application for Sign Permit at 8134 Euclid Chardon Road

David Novak of Skintones, Inc. was present in this regard. It was noted that the application is for a 6.875 inch x 50 inch sign insert (two-sided) on the existing ground sign. It was noted there are four spaces on the existing sign for inserts. Mr. Novak stated that Skintones, Inc. will be operating in the building, but it will not be open to the public. Mr. Novak stated he makes guitar picks, noting it is a proprietary design for stringed instruments, bass guitars and the ukulele, giving a richer and warmer tone to the instrument. He stated that he sells them online and at trade shows, and his largest retailer is Sam Ash Music Stores.

Mr. Blum moved to approve the sign insert on the existing ground sign at 8134 Euclid Chardon Road. Mr. Laux provided the second. Upon roll call vote, the motion passed 5-0 (Ayes – Blum, DeMarco, Laux, Vinciguerra and Denk; Nays – None).

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

Marc Koplow of K & K Barn Sales was present in this regard. Discussion ensued regarding maintenance of the property. Mr. Koplow noted he has been keeping the grass cut, and inquired if there is anything specific the Commission would like done to improve the appearance of the property. Mr. Blum noted that any enhancement to the beautification of the property would be helpful.

Upon discussion, Mr. Vinciguerra moved to renew the conditional use permit until July 31, 2023, with the same conditions prescribed in items (a) through (j) of the original permit approval on April 10, 2017. Mr. DeMarco provided the second. Upon roll call vote, the motion passed 5-0 (Ayes – Blum, DeMarco, Laux, Vinciguerra and Denk; Nays – None).

Edward Bradac – Proposed Accessory Building at 10171 Hillcrest Road

Edward Bradac was present in this regard. Mr. Denk reviewed a memo dated December 3, 2021 from City Engineer Douglas Courtney, noting that the request is for a 30' x 48' building, with a 10' x 48' lean-to (total 1920 sq. ft.); it will be constructed in the location of a previously existing accessory building of approximately 750 sq. ft. Answering Mr. Denk, Mr. Bradac stated that the building will have white siding.

There were no comments from the public regarding the proposed accessory building. Mr. Blum moved to approve the final development plan for the 1920 sq. ft. accessory building at 10171 Hillcrest Road, with the second by Mr. DeMarco. Upon roll call vote, the motion passed 5-0 (Ayes – Blum, DeMarco, Laux, Vinciguerra and Denk; Nays – None).

JoAnn Smith – Proposed Minor Subdivision (Lot Split) at 9600/9630 Kirtland Chardon Road

Debra Smith of 9630 Kirtland Chardon Road was present in this regard. Chairman Denk acknowledged a memo dated November 19, 2021 from City Engineer Douglas Courtney. Mr. Courtney advised that the lot was previously split earlier this year, and this is an adjustment to the prior split. He noted that the parcel at 9600 Kirtland Chardon will be reduced from 5.808 acres to 4.575 acres; and the parcel at 9630 Kirtland Chardon will be increased from 2.753 acres to 3.986 acres, which will make the lot conform to the minimum lot area. Mr. Courtney noted there is a small easement for electric service. He stated that he recommends approval.

Chairman Denk acknowledged receipt of email correspondence from Lisa Schrier (9641 Kirtland Chardon Road) advising they have no objections to the lot split request. There were no comments from the public regarding the proposed minor subdivision. Mr. DeMarco moved to approve the minor subdivision as submitted, with the second by Mr. Vinciguerra. Upon roll call vote, the motion passed 5-0 (Ayes – Blum, DeMarco, Laux, Vinciguerra and Denk; Nays – None).

Aaron Harden – Conceptual Review for Proposed Indoor Golf Facility at 10350 Chillicothe Road

Aaron Harden was present in this regard. It was noted this is the location of the Kirtland Grange. Mr. Denk noted it is currently an existing non-conforming use for assembly. Mr. Harden stated there would not be much construction needed; he noted they would likely remove a few walls to put in the bays. He stated the hours would likely be 9:00 a.m. until 10:00 p.m. Monday through Thursday and until midnight on Friday and Saturday.

Mr. Laux inquired if there are any plans for serving drinks. Mr. Harden said it is his understanding that it is a private building and it has a liquor license, so he would like to utilize that license and serve from a bar. Mr. Lallo recommended that he check with the Ohio Division of Liquor Control for confirmation of the liquor permit.

Mr. Harden advised that he would be leasing the building; it will be purchased by an investor, Jeff Collins.

As the use is existing non-conforming, Mr. Denk stated he does not believe the Commission would be in favor of much change taking place on the property or of a large sign being installed. Mr. Denk noted it presents a challenge since it is in a residential area.

Answering Mr. Blum, Mr. Harden said it would be open year round, including during the summer, noting there is a small patio on the side. He said he anticipates approximately 10 to 20 employees. Noting that there is an industrial kitchen, he stated he would like to serve appetizers.

Responding to Mr. Denk, Mr. Lallo stated that a conditional use permit would be needed for any outdoor serving and consumption of food and beverages. Mr. Lallo advised that, as a similar assembly use, the proposed use would not need to come back to the Planning and Zoning Commission for the indoor golf use of the building; anything proposed to be done on the exterior, including any signs or use of the outdoor patio, would need to come back before the Commission.

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

Mr. Blum moved to remove from the table the application for conditional use permit and development plan for 8980 Chillicothe Road. Mr. DeMarco provided the second. Upon roll call vote, the motion passed 5-0 (Ayes – Blum, DeMarco, Laux, Vinciguerra and Denk; Nays – None).

The Commission acknowledged receipt of a memo dated December 7, 2021 from City Engineer Douglas Courtney regarding the Joseph Smith Store at 8983 Chillicothe Road; and a memo dated December 7, 2021 from City Engineer Douglas Courtney regarding the Joseph Smith Home Renovation and Restroom Building at 8980 Chillicothe Road.

On behalf of the applicant were the following: Sonia Jakse Barone of AECOM; Benjamin Pykles of the Church of Jesus Christ of Latter-day Saints; Eric Pros, a lead architect for the project and Elwin Robison, architectural historian consultant. John Ragowski and Tom Rice, Facilities Managers of the properties, were also in attendance. Mr. Pykles noted that the revised plans have been submitted, and they are requesting final approval of all plans. He noted that their request for variance will be heard by the Board of Zoning Appeals on December 22. Mr. Pykles stated they are hoping to start the project next spring and have it completed in one year, and open to the public by May 2023.

Ms. Jakse Barone noted that the Smith Store has already received approval of the preliminary plan. She gave a presentation of the plans submitted, noting there will not be any tours of the store property at this time; it will be interpreted from across the street at the Smith Home. She noted the only activity will be maintenance of the property. She noted there will be a seeded gravel turn-around for the maintenance vehicles. She stated that the split rail fence will be continued in that area. She stated that the team has been studying historical paint colors that were available at that time, noting they are looking at a Spanish brown color with a traditional red door. Ms. Jakse Barone stated they are seeking a variance for the streetscape landscaping requirement for trees and foundation plantings, which would be in conflict with the historical character of the site.

Dr. Robison advised that the store was originally rotated 90 degrees and sat a little bit to the north; he said it was not in its current location. He stated their proposal is to put it back as close as they can

determine to its original location. Dr. Robison stated they will retain everything in that building that goes back to its time of construction in 1836; they will be strengthening some elements. He noted the existing siding will be removed, but the framing members and flooring will be the original and will be strengthened.

Mr. Blum inquired about exterior lighting. Ms. Jakse Barone stated there will be one security light on the back of the building. She noted there is a street light directly across the street that provides enough light on the street side.

Ms. Jakse Barone then addressed the Joseph and Emma Smith Home site. She noted they came to the Commission in September with a revised conceptual plan; they have been working on the details of that plan but there have been no significant changes to the layout of the site as discussed at that time.

Reviewing the plans, she noted there will be a path through the orchard to the parking area. She noted there will be a stop on the tour to interpret the Smith Store across the street, and a similar stop to interpret the Smith property to the north. She noted there will be a foundation corner to show where the home to the north used to be located. She noted that tourists will be able to go through the fence to that property to the north if they desire, noting there will be a sign and interpretation on the south side of the fence line between the two areas; there will be two fences.

Ms. Jakse Barone said there will be a maintenance drive where the drive for the home was located, to allow access for maintenance and parking for staff only during the summer when the parking area is full; there will be no public access to that drive, which will be gravel with an overseed of grass.

With regard to the parking area, Ms. Jakse Barone stated that nine spaces total are provided, two being handicap accessible. The parking area will be located near the restroom building, outside of the fence area. She stated that most of the walkways will be wax polymer; they are looking at an earth color consistent with the 1830's. There will be typical asphalt and concrete in the parking lot and around the restroom.

She advised that the fence will be a horizontal board fence, 4 ft. in height, with a 4 ft. white picket fence in the front. She noted they discussed screening with the residents of Conley Road, and they have made that a priority on the exterior of the property; outside of the fence there will be screening pursuant to the landscape ordinances. She stated there will be 6 to 10 ft. evergreens. She stated the lighting on the house will be minimal.

Mr. Blum inquired about lighting by the visitor parking area. Ms. Jakse Barone stated the lighting will be mostly from the restroom building.

Stephen Sparks of 8959 Conley Rd. stated that, if possible, it would be greatly appreciated if they can increase the height of the 4 ft. fence on the north side, noting that it would deter his children from trying to climb the fence. Mr. Sparks stated he understands if it can't be done in order to provide consistency.

Mr. Loconti inquired how they propose to keep the public out of the maintenance and staff parking area to the north. Ms. Jakse Barone said the parking area will appear to be grass, and there will be a locked gate at the entrance.

Mr. Denk inquired about a “level spreader” shown on the site plan near the parking area. Ms. Jakse Barone advised it is a drainage component. Noting they are trying to minimize the piping, she stated this will spread out the drainage to infiltrate through the yard. She noted there are catch basins and underdrains to the north to catch drainage that runs in that direction.

Dr. Robison noted that Kirtland resident Littleton Kirkpatrick will be functioning as the construction manager; he brings a great deal of expertise in historic buildings.

Dr. Robison stated that the fence intentionally does not follow Chillicothe Road; he noted that the road previously had a different alignment, and they are trying to respect the historical alignment.

Mr. Courtney stated that the Joseph Smith Home also falls within two of the City’s environmental overlay districts – soil and geological features and historic cultural features. He stated that he has reviewed that issue and recommends no conditions relating to the overlay districts. With regard to the sidewalk along Chillicothe Road, Mr. Courtney stated that as discussed previously he supports the Commission waiving that sidewalk requirement along the frontage for various reasons, including the topography, and because no sidewalk exists on that side of the road.

Mr. Courtney stated there are no outdoor trash enclosures for either site; the applicant has addressed that issue and trash will be disposed of at their main facility in the flats.

Mr. Courtney stated he mentioned a few recommended conditions in his memo, one being the granting of the variances from the Board of Zoning Appeals. He noted that he received the stamped site plans today, which also include the zoning information and parking calculations on the title sheet. He stated that the Lake County Department of Utilities needs to approve the connection from the restroom to the sanitary line.

Mr. Sparks of 8959 Conley Road commented that the plans have come a long way since the first meeting, and he stated his appreciation for the Church working with the neighbors.

Mayor Potter also stated his appreciation for everyone working together to keep this a civil and constructive process. The Mayor thanked the Church representatives for their continued effort to reinvest in the City of Kirtland.

There were no further comments from the public. Mr. Blum moved to grant final development plan approval for the Joseph Smith Store at 8983 Chillicothe Road, with the second by Mr. Laux. Upon roll call vote, the motion passed 5-0 (Ayes – Blum, DeMarco, Laux, Vinciguerra and Denk; Nays – None).

Mr. DeMarco moved to approve the conditional use permit for the museum use at 8980 Chillicothe Road, with the second by Mr. Laux. Upon roll call vote, the motion passed 5-0 (Ayes – Blum, DeMarco, Laux, Vinciguerra and Denk; Nays – None).

Mr. Denk stated he would entertain a motion to grant preliminary and final development plan approval for the Joseph Smith Home at 8980 Chillicothe Road, waiving the requirement in Section 1284.02(d) for a sidewalk; with the approval being contingent upon final approval from the Lake County Department of Utilities and the granting of a variance by the Board of Zoning Appeals relating to landscape screening requirements in Section 1288.11(b) and 1284.04(f), (g) and (h). Mr. Vinciguerra so moved, and Mr. DeMarco seconded. Upon roll call vote, the motion passed 5-0 (Ayes – Blum, DeMarco, Laux, Vinciguerra and Denk; Nays – None).

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

None.

WORK SESSION:

Communications and Bills

1. City Council Meeting Minutes – November 3, 2021 Finance Committee Meeting and Council Meeting.
2. Zoning Permits Report – October 1, 2021 to October 31, 2021.

Old Business

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

New Business

1. Combined Meeting with City Council – January 2022. Upon discussion, the Commission suggested that the meeting be held on Monday, January 10, 2022 at 7:00 p.m., with the regular Commission meeting moved to 6:00 p.m.; or on Wednesday, January 19, 2022, immediately following the regular Council meeting. It was noted that the Clerk will propose both dates to City Council to determine the preferred date.

Discussion ensued regarding topics to be addressed on the combined meeting agenda. Mayor Potter suggested that the 2032 comprehensive plan be discussed, noting that Eddie Eckart (Economic Development Consultant) should be included in the meeting.

Noting that the Charter requires the Planning and Zoning Commission to hold a comprehensive review of the zoning ordinances every five years and recommend to Council any revisions or amendments it deems necessary, Mr. Lallo suggested this topic be included on the agenda. Mr. Courtney noted that both he and Mr. Lallo have found some sections in the zoning code they would like to make more streamlined and user-friendly.

Mr. Loconti noted that the Commission may want to consider whether non-conforming uses are permitted to continue with a change of property ownership. Mr. Loconti also noted that there are no provisions relating to generators or air conditioning units, and he suggested that the Commission consider placing restrictions, such as location as it relates to the visual and sound aspect.

Mr. Loconti suggested that provisions be put in place requiring site plan review from the City Engineer for additions of over 1,000 sq. ft.; he noted that currently the City Engineer reviews site plans for new homes and accessory buildings in excess of 1,000 sq. ft.

There was discussion regarding length of time that zoning approval is valid.

Mr. Denk suggested that alternative energy should also be addressed on the agenda.

2. Mr. Loconti updated the Commission with regard to recent enforcement actions relating to zoning violations. He stated that he reviewed all the open residential violations, noting there were over 20 that had not been resolved. He stated that with Mr. Lallo's help, a procedure has been developed to bring properties into compliance, including court action. Mr. Loconti said that after sending out final letters, approximately half of the cases are now in compliance; he noted that 9 or 10 of the cases will be filed in court this week. He noted that these were all complaint based. Mr. Loconti stated that once these are addressed, enforcement will begin on signs. Discussion ensued regarding enforcement of the zoning code.

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 9:12 p.m.

CHAIRMAN

SECRETARY