

CITY OF KIRTLAND  
PLANNING AND ZONING COMMISSION

MINUTES OF THE MEETING  
MARCH 14, 2022

The meeting was called to order by Richard Blum at 7:01 p.m. Present were Commission members Richard Blum, Daniel Laux and Joseph Vinciguerra; Michael Denk was present by telephone. Richard DeMarco was absent.

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

MINUTES OF THE FEBRUARY 14, 2022 MEETING

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

PUBLIC SESSION:

PUBLIC REQUESTS

Mannik & Smith Group – Application for Conditional Use Permit for Streambank Stabilization and Floodplain Permit at 8851 Chillicothe Road (Church of Jesus Christ of Latter-day Saints)

Greg Buhoveckey of Mannik & Smith Group was present in this regard. Mr. Buhoveckey stated the church has experienced a landslide along the bank of the river, and it is in danger of taking the house that sits at the top of the bank. He noted they did a geotechnical report and boring, looking at different ways they could stabilize the bank. It was determined the only way to fix the issue is to install a drilled shaft retaining structure along the top of the slope. They will drill 30 inch diameter shafts; every other one will be reinforced with a steel I-beam, and they will go between those to form the continuous wall. He stated it will offer stability during construction, and the wall is designed to stand without the passive pressure of the bank in front of it. Mr. Buhoveckey said there is no need to stabilize further down, and they do not need to work below the ordinary high-water mark of the river. However, it is a mess, so they will go in to clean it up. He stated they will restore the grades to what they were pre-failure, and they will do some plantings, as indicated on the plans. They are also proposing an area with rock riprap, depending on the cost of the materials. He noted they are also putting in a couple catch basins at the top to drain the water off the top of the slope.

Mr. Buhoveckey stated they plan to do the work in late summer (August or September), during the dry season and when river levels are low. They will be able to do the plantings in the fall.

Answering Mr. Blum, Mr. Buhoveckey confirmed that the caissons are all filled with concrete, noting that Sheet 8 of the plans shows the detail.

Responding to Mr. Laux, Mr. Buhoveckey said that a larger excavator will be used for the I-beams. Mr. Laux stated concern about noise. Mr. Buhoveckey confirmed there will be some noise, but it should be limited to a few days.

Mr. Blum acknowledged receipt of a letter dated March 8, 2022 from City Engineer Douglas Courtney in this regard. Mr. Courtney reviewed his letter, noting that the conditional use permit is for work within the riparian setback; they will also need a floodplain permit, which he will issue if the Planning and Zoning Commission approves the plan. Mr. Courtney stated the preliminary and final development plan are combined. He noted there are two Environmental Quality Overlay Districts – soil and geological conditions and historic and cultural features. Since they are improving the conditions of the slope, Mr. Courtney does not see any additional conditions needed relating to the overlay districts.

Mr. Courtney stated that he lists a couple recommended conditions for the conditional use permit – plan submittal and approval by Lake County Stormwater Management; plan submittal and approval by Lake Soil & Water Conservation District; and a courtesy set of plans submittal to Chagrin River Watershed Partners. Noting that the submittals have all been made by the applicant, he recommended that Lake County Stormwater Management and Lake Soil & Water Conservation District approvals be included as conditions on the permit.

Responding to Mr. Denk, Mr. Buhoveckey said this solution was chosen because it provides stability during construction. He noted they will have to do the steel reinforced I-beam shafts first. They will likely start at the close side and drill approximately three shafts in one day; they would then lower the I-beams and fill those with concrete. Since they would have to wait a day, they could drill three shafts from the other end and fill those. He noted there are 15 shafts, and they can flop back and forth, so they should have those all done in a few days. When those are done, there will be enough stability to drill the smaller shafts that fill the gaps.

Mr. Blum opened the meeting to the public; there were no comments or questions from the public.

Mr. Vinciquerra moved to approve the conditional use permit and flood plain permit at 8851 Chillicothe Road with the following conditions: (1) approval of the plans by Lake County Stormwater Management; and (2) approval of the plans by Lake Soil & Water Conservation District. Mr. Laux provided the second. Upon roll call vote, the motion passed 4-0 (Ayes – Blum, Laux, Vinciquerra and Denk; Nays – None).

Rebekah Enz – Proposed Minor Subdivision (Lot Split) at 7755 Joseph Street

Chris Barkas of 7763 Joseph Street was present on behalf of the applicant. Mr. Barkas noted that the property line currently jogs around his house, and his neighbors (Mr. and Mrs. Enz) agreed to sell him a small piece of property to straighten out that lot line. He said he would like to wrap a porch around the front of the house and eventually add on to the back. He noted that when the street gets the sewers, he would not have enough property to come around the house on that side; the house is only 1 ft. from the existing side property line. It was noted that the Board of Zoning Appeals granted a variance to the lot frontage and width requirement, because the lot at 7755 Joseph Street will not meet that requirement after the split.

Mr. Blum acknowledged receipt of a letter dated March 7, 2021 from City Engineer Douglas Courtney. Mr. Courtney stated the lot line adjustment will clean up the unusual side lot line but will reduce the frontage at 7755 Joseph Street and will not conform to zoning regulations; however, a variance for the lot frontage and width has been granted by the Board of Zoning Appeals.

There were no questions or comments from the public. Mr. Laux moved to approve the proposed minor subdivision (lot split) at 7755 Joseph Street. Mr. Vinciguerra provided the second. Upon roll call vote, the motion passed 4-0 (Ayes – Blum, Laux, Vinciguerra and Denk; Nays – None).

Innovative Companies – Proposed Conditional Use at 10622 Chillicothe – Conceptual Review

Domenic Manfredi of Innovative Companies was present in this regard. Mr. Manfredi stated he has a landscape business that is centered around the Kirtland, Gates Mills and Chesterland area, and he is looking for a new shop space. He came across this property, noting that the owner is willing to sell it, but he wants to make sure he can run his business before he makes any offers.

Mr. Manfredi reviewed the sketch of the possible layout for the property, which he had provided to the Commission. In discussion, it was noted that the entire parcel is located in the Retail Business District.

Mr. Courtney advised Mr. Manfredi that he needs to make sure there will be space for stormwater management, noting that it may impact his plans; he should make sure his civil engineer is aware of the stormwater regulations.

Answering Mr. Vinciguerra, Mr. Manfredi said there would be palletized material and plants at the front of the property, with rows of organized plants on the ground. He noted there will be no concrete in the landscape material sales and storage area. He stated that he would propose gravel or asphalt parking areas.

Mr. Vinciguerra inquired if Mr. Manfredi intends to park and store all of his landscape business equipment, with trucks leaving from the property in the mornings. Mr. Manfredi replied affirmatively, noting it is a small company with three or four trucks. He noted with the proposed building, he could keep half his equipment inside.

Mr. Loconti noted there is no septic or public sanitary sewers projected for that area, and he inquired if the Commission has approved buildings with offices and warehouses on commercial properties with no sanitary facilities. Mr. Manfredi stated he did not want to put in a septic system, noting it would use up a great deal of usable space on the property. Mr. Lobe advised that if he is planning to have any retail, he will need to have a septic system or sanitary sewer.

Mr. Denk inquired about the “landscape material” mentioned in the proposal. Mr. Manfredi stated it would be plants and hard materials, such as stone. Mr. Blum noted that landscape screening will be needed for the parking areas.

Mr. Blum inquired about exterior lighting. Mr. Manfredi said there would be nothing around the buildings, other than a spotlight for the doors.

It was noted in discussion that the property is next to a residential lot with a house.

Mr. Vinciguerra inquired if the City's ordinances require a septic system or sewer if there are retail sales on the property. Mr. Loconti noted if there is running water in the building, sanitary will be required. Mr. Loconti stated it was his understanding that the EPA put a moratorium on septic systems and package plants in that area, and if so, it is important to determine the extent of the properties affected. Mr. Lobe advised Mr. Manfredi to reach out to the Lake County Health District as part of his due diligence. Mr. Courtney noted that a facility such as the one proposed would need septic facilities, referencing Kirtland Ordinance Section 1042.08 Connection to Sanitary Sewer System Required.

Mr. Courtney noted that he will reach out to Mr. Manfredi once he contacts the Lake County Health District in this regard.

Mr. Laux recommended that Mr. Manfredi reach out to a civil engineering company to get some projected costs.

Mr. Vinciguerra advised Mr. Manfredi that if he submits a preliminary plan, nearby property owners will be notified and will have an opportunity to express their concerns. He noted this may be a concern for the adjacent residential property, although they should be aware they are next to a business district.

Mr. Lobe inquired about the side yard setback, since it is next to a residential property. He noted the building will not be able to be as large as projected on the concept drawing. Mr. Courtney stated he would have to check the code for the side yard setback requirement next to a residential property.

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

None.

#### WORK SESSION:

##### Communications and Bills

1. City Council Meeting Minutes – February 7, 2022 Finance Committee Meeting and Council Meeting; and February 23, 2022 Finance Committee Meeting and Council Meeting.
2. Zoning Permits Report – February 1, 2022 to February 28, 2022.

##### Old Business

1. Alternative Energy Ordinance – Ord. No. 18-O-31. Mayor Potter noted that Mr. Godwin has been focusing on the energy audit, but he has also had some discussion with Mr. Lallo regarding the Ordinance.

2. Review of Zoning Ordinances. It was noted that the Commission members read through and familiarized themselves with Ordinance Chapters 1282, 1288 and 1296 for discussion at tonight's meeting. Mr. Denk noted that any chapters or sections that the Commission believes may need to be addressed will be tagged for further review

Chapter 1282 – Non-Conforming Uses. In discussion, Mr. Denk referred to Section 1286.01, noting that one of the purposes is to bring eventual conformity. Answering Mr. Denk regarding the greenhouse building on Route 6, Mr. Loconti stated a notice was sent last week regarding blight, along with a notice to Rock's Landscaping and to Licursi for the property at the corner of Route 6 and Route 306. Mr. Loconti stated that the Police Department went out and spoke to the people at the junkyard for parking in the right-of-way, noting that the next move is to contact the EPA to see what is being done close to the river. With regard to the non-conforming buildings that are blighted, Mr. Loconti stated the intent is to get them demolished. He noted that Mr. Licursi indicated he will clean up the corner by April 30; it was noted the property is for sale.

Chapter 1288 – Off-Street Parking and Loading. In discussion, it was noted that the ordinance sets the requirement for parking spaces for various uses, along with setting the requirements for parking lots. It was noted that this chapter does not relate to the changes recently made in Chapter 1268 relating to off-street parking in residential districts.

Mr. Blum referred to Section 1288.11 relating to landscaping adjacent to residential districts, noting that the conceptual use discussed tonight would be subject to this section.

Mr. Denk read the purposes of the chapter in Section 1288.01.

Chapter 1296 – Outdoor Lighting. Mr. Denk noted that he believes there will be more of a transition to LED lighting. He noted that the ordinance could be changed to require that all lighting is cut-off lighting. In discussion, the Commission members agreed this chapter needs further review.

It was noted that Chapter 1292 Wireless Communication Facilities, Chapter 1294 Riparian Setbacks and Chapter 1299 Amending Procedures will be discussed at the next meeting. The Clerk distributed printed copies of these three chapters for the Commission members to review before the next meeting.

3. Mr. Loconti provided the Commission with an update on the sign ordinance enforcement. With regard to the pole signs, there are six that have been cited. He noted he met with the Mayor, Law Director and Planning and Zoning Commission Chairman, and it was agreed that the properties with pole signs be given an extended period of time to take those signs down, so they were notified they have 90 days to come into compliance. Mr. Loconti stated that of the 40 notices sent out, 30 properties have come into compliance with regard to temporary signs and flag signs. He noted that a few of those not yet in compliance for various reasons were given more time to come into compliance. Mr. Loconti stated there has been a positive reaction to the enforcement.

Mr. Loconti stated there are approximately six signs in the commercial district that meet the height requirements but are on single poles. He inquired if the Commission's intent was that all signs on single poles be prohibited, or was the Commission considering the height of a pole sign? It was noted that, in Section 1286.09 relating to signs in business and industrial districts, a paragraph was added last year requiring that ground signs that exceed four square feet in area shall be erected with a minimum of two supporting posts or on a solid base. This provided consistency with the same requirement already in place in Section 1286.08 relating to signs for residential uses and signs in residential districts. Mr. Loconti inquired to what extent the Commission would like this to be enforced. He provided some examples of signs that are on single poles but do not exceed the height requirement for ground signs.

Mr. Blum read the definition of a pole sign, noting that it states it is supported entirely by a pole, poles or posts and so designed as to permit pedestrian or vehicular traffic thereunder. Discussion ensued regarding the lower height signs that are on a single pole. Mr. Loconti suggested a sunset clause could be put in place for this type of sign. In discussion, it was noted that a solid base could be added that would bring these signs into conformance, such as brick or skirting below the sign to cover the single pole.

Mr. Blum inquired if pole signs create a safety issue, or if cities are no longer allowing them only because of aesthetics. Mr. Loconti stated they are no longer allowed because of aesthetics, and cities enacted sunset clauses in their ordinances so that all pole signs were removed and replaced with ground signs. Mr. Loconti noted there are safety issues relating to driver distraction for scrolling signs, flag signs and waving signs, but the change from pole signs to ground signs was mostly for aesthetics.

There was discussion regarding whether these signs would be considered pole signs or non-conforming ground signs. The Commission again referred to the definition for pole signs, noting that it states a pole sign is designed to permit pedestrian or vehicular traffic thereunder; therefore these signs cannot be considered pole signs, but they are non-conforming ground signs. Discussion ensued regarding bringing these signs into compliance and how to proceed with enforcement. Mayor Potter suggested that the sign owners be given 90 days to bring the signs into conformance, which can be done by adding an appropriate solid base to the existing sign.

Noting that there was some pushback after the notices of violation were sent out, Mayor Potter said he met with Mr. Loconti, Mr. Lallo, Mr. Denk, and Council President Ruple, and they came up with the 90-day directive for the pole signs. The Mayor noted that he mentioned to Council the possibility of requesting the Commission to look into amending the sign ordinance, but that it should not be a hasty reaction. Noting that he has spoken with at least one business owner regarding non-conforming signs, the Mayor said there may be a request for a conditional use permit for a sign.

#### New Business

None.

Adjournment

There was no further business before the Commission, and Mr. Vinciguerra moved to adjourn. Mr. Laux provided the second, and the motion passed upon unanimous vote. The meeting adjourned at 7:55 p.m.

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CHAIRMAN

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SECRETARY