

CITY OF KIRTLAND
PLANNING AND ZONING COMMISSION

MINUTES OF THE MEETING
APRIL 11, 2022

The meeting was called to order by Chairman Denk at 7:04 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 MARCH 14, 2022 WORK SESSION

Mr. Blum moved to approve the minutes as presented, with the second by Mr. Laux. Upon roll call vote, the motion passed 4-0-1 (Ayes – Blum, Laux, Vinciguerra and Denk; Nays – None; Abstaining - DeMarco).

MINUTES OF THE MARCH 14, 2022 MEETING

Mr. Vinciguerra moved to approve the minutes as presented, with the second by Mr. Blum. Upon roll call vote, the motion passed 4-0-1 (Ayes – Blum, Laux, Vinciguerra and Denk; Nays – None; Abstaining - DeMarco).

PUBLIC SESSION:

PUBLIC REQUESTS

Agile Sign – Proposed Signage for Honey’s Sandwich Stop at 9264 Chillicothe Road

Cione Belknap of Agile Sign & Lighting was present in this regard. She noted that the proposal is for sign face replacements on the building sign and the ground sign insert, with an opaque background.

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

Carlos Lomanto – Ground Sign for the Blue Anchor at 7930 Euclid Chardon Road

There was no one present on behalf of the applicant. Mr. Loconti advised that the new occupant changed the face on the existing sign; he noted there is no change in dimension and the sign is conforming.

Noting that the sign is 29.5 feet from the right-of-way and 16.4 feet from the driveway, Mr. Blum stated the code provides a required setback from the right-of-way but he does not see anything regarding a required distance from the driveway.

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

Alexa Stefanko – Proposed Accessory Building at 10917 Chillicothe Road

Alexa Stefanko was present in this regard. Answering Mr. Denk, Ms. Stefanko confirmed that she received approval for an accessory building a couple years ago (it was never built). Ms. Stefanko stated the building is slightly different than the previous plan – it is an all metal building and is being moved slightly closer to the neighbor's property, with a 20 ft. side yard setback as required.

Ms. Stefanko said the purpose of the building is for storage and project space; she is hoping to eventually purchase a tractor. She noted she enjoys gardening and has several raspberry plants, and a tractor would be helpful.

The Commission acknowledged receipt of email correspondence dated April 6, 2022 from adjacent property owner, Tom Begovic, stating he is not supportive of the request.

Mr. Denk acknowledged receipt of a memo dated March 31, 2022 from City Engineer Douglas Courtney. Mr. Courtney's memo notes that the building has been moved to the north and meets the required 20 ft. side yard setback.

Mr. Courtney stated he reviewed the previous plan in July/August of 2020 and recommended approval at that time with some minor revisions. He noted the building size is reduced from the prior plan of 2400 square feet to 2150 square feet. Mr. Courtney noted that the prior plan did not show the septic system; the building was likely moved north to avoid the septic system. Ms. Stefanko agreed, and noted she is also trying to reduce the amount of wasted land on the north side of the building because of the shade.

Mr. Courtney stated that based on his prior and current review, he is recommending approval by the Commission. He noted that items from the last review were added to the current plan – a drainage swale on the north side of the building and sediment and erosion controls to be put in place before they being digging.

Answering Mr. Denk regarding the swale, Mr. Courtney stated the property falls to the back, so drainage will flow to the back.

It was noted that the property is 5 acres in area. With regard to the building height, Ms. Stefanko stated the wall height is 16 feet and the peak of the roof is 20 feet.

Mr. Blum inquired about exterior lighting. Ms. Stefanko said she plans to add lighting under the lean-to, along with one or two lights on the front of the building, facing the west. She stated she will comply with the City's code regarding outdoor lighting.

Answering Mr. Denk, Ms. Stefanko said the building will have electricity, but it will not have any plumbing (water or sewer). She said the building will not be heated. She confirmed that although the

plans show a carport, she will add doors after the building is installed. The building will be white, with black wainscoting and a black roof; the building will have windows.

Mr. Laux inquired how the applicant will be certain the building is 20 feet from the property line, without the property line being defined. Mr. Laux stated that a boundary survey should be done, staking the building location, to assure the location of the north property line. Mr. Denk noted that the dimensions shown on the site plan do not seem to add up correctly to the width of the property.

Responding to Mr. Laux, Ms. Stefanko stated the site preparation will include scraping of the topsoil and adding stone for the base; it will be level with the existing gravel driveway. She stated the existing gravel driveway will be extended to the entrance of the building; the building will have a concrete floor.

Chairman Denk opened the meeting to public comment on the matter.

Anthony Ventresca of 8290 Bridlehurst Trail stated the rear of his property abuts the Stefanko property. He stated he has no objection to the applicant putting up a building, but he has concerns about drainage. Mr. Ventresca stated that the back of his property used to be dry, but now there is a lot of water. He noted he has cattails at the rear of his property, which were never there before. He noted that he dug a ditch several years ago to handle the drainage, but he can no longer keep it dug out due to his age. Mr. Ventresca said his property gets the overflow of water from his next door neighbors and from the Stefanko property and the Rock's Garden property.

Mr. Denk questioned whether there would be much drainage impact of the 2000 sq. ft. building on a lot that is over 200,000 sq. ft. Mr. Denk inquired if it would be possible to bring the drainage toward Route 306. Mr. Courtney advised that according to the grades shown on the Lake County GIS mapping, it appears that the building location would be too low to be able to direct the stormwater to Chillicothe Road. He noted the property slopes to the east, and it appears that is the natural path of the water along Stefanko's north property line to the rear property lines on Bridlehurst. Mr. Courtney said the most that could be done is to extend the swale from the building location far enough back that it reaches the wood line. Mr. Courtney stated there appears to be a creek far back on the property.

Mr. Ventresca stated there is a ditch on Chillicothe Road north of the Stefanko property, noting he would be happy if the water can be directed to that ditch. Mr. Denk noted that the topography shows that the water flows east. Mr. Ventresca reiterated his concerns about the drainage, asking that the City look at the drainage before the building is built.

Responding to Mr. Denk, Mr. Courtney stated that he does not believe the building roof will add a significant amount of runoff. He noted that drainage from those Bridlehurst properties flows to their south property line, which is Stefanko's north property line; the water runs along that property line to a network of streams in that area. Mr. Courtney noted that watercourses on private property are the owner's responsibility.

Mr. Ventresca stated that he planted 34 arborvitae plants to try to soak up the water, but approximately 40 percent died because of all the water.

Upon further discussion, Ms. Stefanko stated she would be happy to extend the swale all the way back to the wood line, but she does not know that it would help the existing situation. Mr. Courtney noted this would take it back to where a stream has developed, and it would keep her water on her property so it doesn't spread across other properties. Answering Mr. Denk, Mr. Courtney said he would recommend an open swale, noting that piping it back there would create a point discharge and increase the chances of erosion.

Bryan Inghram of 10975 Chillicothe Road said there is a riparian setback in the back of his property. He noted he was trying to build a 2000 to 2500 sq. ft. house back there on his 10 acres, but he was denied because Mr. Rock was worried the topography of the land would flow into his property, and he is sure he has some of the same concerns with his septic tank. Mr. Inghram stated that the riparian setback that runs across his property runs all the way to Bridlehurst, noting that he grew up at 8500 Bridlehurst Trail. He stated that the riparian setback splits his parents' property and the Ridgeway's property and turns north. He stated that once the water gets to Bridlehurst, there is a very old pipe under the road. He stated concern about water issues on Bridlehurst, noting that the drain is in need of repair. Mr. Inghram said there is no ditch on Route 306 on his property, and the water comes down his driveway; there are approximately four properties that do not have a ditch. He stated drainage work was done on the west side of Route 306, along with a couple properties on the east side of Route 306.

Discussion ensued regarding the drainage on Bridlehurst. Mr. Inghram stated that the pipe needs major attention.

Mr. Inghram inquired if there would be livestock in the building. Ms. Stefanko advised there would be no livestock. Mr. Inghram inquired if she would be selling her produce at Rock's, to which Ms. Stefanko replied that she sold a few containers of raspberries there over the summer.

Responding to Mr. Inghram, Chairman Denk advised that the building needs to come before the Planning and Zoning Commission because it exceeds 1000 square feet.

There were no further comments from the public. Upon further discussion, Mr. Laux moved to approve the proposed accessory building at 10917 Chillicothe Road, with the following conditions: (1) applicant shall provide a boundary survey, siting the proposed building; (2) extension of the swale from the proposed building location back to the wood line; and (3) there shall be no trespass of lighting onto adjoining properties. Mr. DeMarco provided the second. Upon roll call vote, the motion passed 5-0 (Ayes – Blum, DeMarco, Laux, Vincierra and Denk; Nays – None).

Meld Architects – Proposed Commercial Building Addition at 7637 Euclid Chardon Road

Edward Parker of Meld Architects was present in this regard. Mr. Parker stated the proposal is for a 1500 sq. ft. addition to an existing building being used for business by Essentialware, at 7637 Euclid Chardon Road. He noted that the existing structure operates as the company's headquarters for distribution of their product; it is approximately 30 to 40 percent office area and 50 to 60 percent storage inventory area. He stated their product is received, stored and shipped as is. Mr. Parker stated that their business is growing, and they want to stay in Kirtland; they want to double the inventory/shipping area. Mr. Parker noted that the west wall of the existing building is 13.6 ft. from the side property line, but the addition is aligned to meet the 15 ft. side yard setback.

With regard to stormwater, Mr. Parker stated that the existing area for the addition is already paved, so they are not increasing the volume or speed of stormwater runoff.

Mr. Parker noted the company would like to include some branding to the front of the building. There is an existing temporary vestibule that will be demolished, and two small roof areas over the window and door will be removed. There will be a panel placed there for future signage. The Commission advised that a separate application will be needed for the proposed signage.

Mr. Blum inquired about the hours of operation. Mr. Parker stated the hours are 8:00 or 9:00 a.m. until 5:00 or 6:00 p.m. He noted there is a need for a receiving area with a secure vestibule area for receiving and pick-ups from UPS during off hours.

Responding to Mr. Blum regarding exterior lighting, Mr. Parker said there is a light on one of the poles, and they want to add a couple exterior lights at the doors at the rear of the property; the lights will be pointed down, with no intent of light spillage onto adjoining properties.

Chairman Denk acknowledged receipt of a memo dated April 5, 2022, from City Engineer Douglas Courtney. Mr. Courtney noted the non-conformity of the existing use with the lot width and side yard setback on the west side; the addition complies with the side and rear yard setback requirements. He noted the existing building is served by a septic system and is not an issue. He stated that maximum lot coverage and building height are not an issue, and none of the environmental overlay districts or riparian areas are impacted. Mr. Courtney noted that no additional parking is required for the addition of the warehouse space. Mr. Courtney stated that the size of the addition does not trigger any requirement under the stormwater ordinance, and the existing area where the addition will be placed is currently paved so there will be no increase to impervious area and no increase in runoff. He stated there is no significant grade proposed; they are matching existing grades.

Chairman Denk acknowledged receipt and read email correspondence received from the following property owners: Tom Dingeldein of 10518 Hobart Road, Rick Melnyk of 10506 Hobart Road and Stephen Tomsic of 10496 Hobart Road. It was noted these are the three property owners to the north of the subject property; all had concerns about drainage, also concerns were stated from one property owner about noise.

Mr. Denk opened the meeting to public comment. There were no comments from the public.

With regard to the email correspondence received, Chairman Denk noted that the area of the proposed addition is currently impervious, and the addition will not create any additional runoff. Mr. Courtney stated that the water runoff goes north through what appears to be a low point on those three properties on Hobart, and eventually runs to Hobart Road through the front yard north of 10496 Hobart.

Mr. Parker stated it is a misconception that a new building creates more stormwater; he noted there is the same amount of stormwater, but the issue is how fast it leaves the site. He noted if it is pervious, the water will go through it; if it is impervious, it will shed water. Because there is currently impervious area in the location of the addition, it simply raises the impervious area to the roof.

Mr. Courtney stated that, similar to the previous matter, these are private property stormwater related issues. He noted that although the City has a stormwater ordinance, the properties pre-date that ordinance, and there is nothing that would trigger the addition of a stormwater basin or stormwater management facility based on a 1500 sq. ft. addition.

Mr. Vinciguerra inquired about the noise, as mentioned in the email correspondence from the adjoining property owner. Mr. Parker stated he is the architect and does not know how much noise is created from their operation. He stated they have forklifts used in shipping and receiving. Mr. Parker stated he has not seen pneumatic tools or air compressors. He noted that there is nothing that will change in their operation as a result of the building addition.

Answering Mr. Vinciguerra, Mr. Parker stated there is an existing overhead door and man door that face north; with the addition, there will be two overhead doors and one man door. He stated the man door is for egress, one overhead door is to access the dumpster, and the other overhead door is for receiving. Mr. Vinciguerra commented that this would be going from one overhead door being open to two overhead doors being open. There was discussion regarding the zoning and use of the commercial property. Mr. Parker questioned whether the noise is actually coming from this particular business.

Upon completion of discussion, Chairman Denk stated he would entertain a motion to approve the addition for Essentialware at 7637 Euclid Chardon Road. Mr. Vinciguerra so moved, with the second by Mr. Laux. Upon roll call vote, the motion passed 5-0 (Ayes – Blum, DeMarco, Laux, Vinciguerra and Denk; Nays – None).

Holden Arboretum – Proposed Minor Subdivision (Lot Split and Consolidation)

Kathy Heflin was present on behalf of the Holden Arboretum; she advised that after a thorough strategic asset review process, their Board of Directors voted to divest of the Lantern Court property located on Kirtland Chardon Road. She stated the property was originally gifted to the Arboretum in 2006 from the American Foundation Trust, and they thought it to be in their best interests, and in the best interests of the community, to donate that property to Red Oak Camp. Ms. Heflin stated that four parcels will be split into two parcels, Parcel A and Parcel B – Parcel A will go to Red Oak Camp if the transaction is approved, and Parcel B will remain with Holden Arboretum. She stated there is a conservation easement that will sit on the entire Parcel A, noting that the conservation zone is more restrictive than the residential zone. She noted that the Arboretum will conserve Parcel B, as they do with their remaining 3600 acres. Ms. Heflin stated that the conservation easement on Parcel A was part of the negotiation with Red Oak Camp; it is the same easement that would be in place for any other divestment, so there are no structures that can be added to the conservation zone.

Chairman Denk acknowledged receipt of a memo dated March 31, 2022 from City Engineer Douglas Courtney. Mr. Courtney stated he reviewed the lot split, noting that his memo gives a description of the existing parcels and the parcels after the consolidation/lot split, along with the size of the residential zone easement and the conservation zone easement.

There were no comments from the public. Mr. DeMarco moved to approve the application for minor subdivision, with the second by Mr. Blum. 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 – March 7, 2022 Finance Committee Meeting; March 9, 2022 Work Session and Council Meeting; and March 21, 2022 Finance Committee Meeting and Council Meeting.
2. Zoning Permits Report – March 1, 2022 to March 31, 2022.

Old Business

1. Alternative Energy Ordinance – Ord. No. 18-O-31. Mr. Lallo noted he is working on this with Mr. Godwin.
2. Review of Zoning Ordinances. It was noted that the Commission members read through and familiarized themselves with Ordinance Chapters 1292, 1294 and 1299 for discussion at tonight's meeting.

Chapter 1294 – Riparian Setbacks. In discussion, Mr. Denk noted that this chapter was adopted in 2002. Answering Mr. Denk, Mr. Courtney stated that some cities have these regulations, and some municipalities choose not to adopt them. He noted that the regulations came from the regional stormwater groups, performing their service for the communities and trying to protect the natural resources. Mr. Courtney stated that Kirtland is a prime candidate to have these regulations in place. Mr. Courtney said the regulations prevent development right up to the stream and prevent creation of impervious areas too close to a stream. He noted that development right up to a stream tends to destabilize the network. Mr. Courtney stated there is a map of the riparian areas, noting that when reviewing a development application he makes sure they are not encroaching on a setback. Mr. Courtney noted that the more water the stream carries, the wider the setback.

Responding to Mr. Lallo, Mr. Courtney said he has not reviewed the chapter for any potential changes, although he has reviewed it on several occasions. He noted that he can review it to determine whether he would recommend any changes.

It was noted that Chagrin River Watershed Partners has made presentations to the Commission in the past; Mr. Lallo noted there were some amendments in 2017.

Chapter 1299 – Amending Procedures. In discussion, Mr. Denk noted that the ordinance addresses amendments initiated by Council, by a property owner, or by the Planning and Zoning Commission. Mr. Lallo stated that property owners can initiate a change through the map amendment. He referred to the initiative petition provision in the Charter, noting that is

how a citizen can initiate an ordinance amendment. Mr. Lallo stated that Section 1299.03 relates to the zoning classification of the property; Section 1299.04 addresses changes to the text of the ordinances or the zoning map, following the procedures through the Planning and Zoning Commission. There was discussion regarding the process for initiating changes.

Chapter 1292 – Wireless Communication Facilities. Mr. Blum questioned how 5G relates to the current ordinance. Mr. Lallo referred to the definition of “telecommunications” in the ordinance. Mr. Denk reviewed the permitted locations, noting that they must provide for co-locators.

Mr. Denk noted the ordinance provides for a height of 200 ft., unless a lesser height is technically feasible. Mr. Vinciguerra noted that 5G uses a lesser height.

Mr. Denk noted that Section 1292.06 cites the 2017 Ohio Building Code. In discussion, Mr. Lallo recommended this be changed to refer to the “current Ohio Building Code.”

It was noted that Chapter 1275 Historic Town Center District, Chapter 1277 Retail Business Districts and Chapter 1279 Limited Industrial Districts will be discussed at the next meeting.

There was discussion regarding the proposed Charter amendment that would have eliminated mandatory referendum zoning for rezoning of properties.

New Business

None.

Adjournment

There was no further business before the Commission, and Mr. Vinciguerra moved to adjourn. Mr. DeMarco provided the second, and the motion passed upon unanimous vote. The meeting adjourned at 9:01 p.m.

CHAIRMAN

SECRETARY