

CITY OF KIRTLAND  
PLANNING AND ZONING COMMISSION

MINUTES OF THE MEETING  
JULY 18, 2022

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

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

MINUTES OF THE JUNE 13, 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 3-0 (Ayes – Blum, Laux and Denk; Nays – None).

MINUTES OF THE JUNE 13, 2022 MEETING

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

PUBLIC SESSION:

PUBLIC HEARING

Proposed Amendment to Section 1462.26 Abatement of Violations (P&Z Resolution No. 22-PZ-1)

Chairman Denk opened the public hearing and read the proposed amendment to Section 1462.26. He noted that the amendment would increase the additional cost charged to the owner/occupant from 15 percent to 25 percent. Mr. Denk advised that if the Commission approves the amendment, a recommendation for that change will be sent to City Council.

Mr. Loconti noted that the proposed increase is based on administrative cost increases since the ordinance was first written (in 2004). Mr. Loconti noted that addressing private properties with high grass has been taxing the Service Department, and this is an effort to address the residential properties where the grass is not being cut regularly, without using the Service Department. He stated that a contractor would be hired to cut the grass on residential properties that are not properly maintained, and the cost would be charged to the property owner.

Chairman Denk opened the meeting to public comments. There were no questions or comments from the public and the Chairman closed the public hearing.

TABLED REQUESTS

William Johnson – Proposed Minor Subdivision (Lot Split) at 9034 Coudry St.

Mr. Blum moved to remove the matter from the table, with the second by Mr. Laux. Upon roll call vote, the motion passed 3-0 (Ayes – Blum, Laux and Denk; Nays – None).

William Johnson of 9034 Coudry was present in this regard. Chairman Denk noted that the proposed minor subdivision will create a vacant parcel. Mr. Denk acknowledged receipt and reviewed a letter dated June 7, 2022 from City Engineer Douglas Courtney, recommending approval of the minor subdivision.

There were no questions or comments from the public in this regard. Mr. Laux moved to approve the proposed minor subdivision at 9034 Coudry Street, with the second by Mr. Blum. Upon roll call vote, the motion passed 3-0 (Ayes – Blum, Laux and Denk; Nays – None).

### PUBLIC REQUESTS

#### Jason Snider – Proposed Ground Sign at 7856 Euclid Chardon Rd.

Jason Snider and Christina Hertel were present in this regard. Chairman Denk noted that the proposal is for a 4 ft. x 6 ft. ground sign. He noted it is a two-sided, internally illuminated sign. Answering Mr. Denk, Mr. Snider said his business, Tiger Exteriors, is a construction company. He noted he has a tenant, NEO Estate Sales. It was noted that the sign will use the existing pole, base and landscaped area, with an aluminum skirt between the ground and bottom of the sign. Mr. Snider explained there was a pole sign, and the pole had a connection point 4 ft. from the ground; the new sign will be bolted to that mount, with a skirt around the pole.

Mr. Loconti noted that the applicant removed the pole sign, and it would be a hardship to move the sign back because of the existing conditions; he recommended that the applicant be allowed to leave the sign in the existing location. He noted that many signs on Route 6 do not meet the setback because of the land conditions. Mr. Loconti stated there is still a sign violation on the property, noting he would like to see a time frame for correcting that violation; it is a short pole sign, and the applicant had indicated he would repair the base to meet the code. With regard to the tenant listed on the proposed sign, Mr. Loconti said that tenant has not applied for a business license or for a sign permit for a building sign that was recently installed. With regard to responsibility for the building sign with no permit, Mr. Lallo advised that both the property owner and the occupant could be cited.

With regard to the shorter pole sign, Mr. Snider stated it is on a separate property, at 7852 Euclid Chardon Road, with a separate business. He stated he does not yet technically own that property, as it is in his father's estate. Mr. Lallo advised that this does not relate to the current application, since it is on a separate property, and he recommended that it not be tied into approval of the application before the Commission.

Mr. Loconti confirmed that separate violation notices were issued for both the pole sign and the shorter pole sign.

Mr. Loconti discussed a previously approved site plan for expansion of the storage buildings on the property at 7852 Euclid Chardon; it was partially constructed and the remainder of the expansion will move forward.

Discussion ensued regarding the possibility of placing a restriction on the approval of the ground sign relating to the tenant needing to obtain a business permit and a permit for the building sign already placed on the building. Mr. Lallo stated concern about the pole that is currently on the side of the road.

Mr. Lallo stated that the tenant needs to apply for a sign permit for their building sign and for their portion of the ground sign, along with applying for a business permit; until then the top portion of the ground sign will need to be blank.

Mr. Laux moved to approve the structure for the proposed new ground sign at 7856 Euclid Chardon Road, with the address numerals and the “Tiger Exteriors” logo and sign face only. Mr. Blum provided the second. Upon roll call vote, the motion passed 3-0 (Ayes – Blum, Laux and Denk; Nays – None). The tenant will need to apply for a business permit and for the remaining sign face on the ground sign and any signage on the building.

Ray & Theresa Tintor – Proposed Minor Subdivision (Lot Split) Billings Rd./Wilbert Dr.

Ray Tintor was present in this regard. Chairman Denk acknowledged receipt of a letter dated July 7, 2022 from City Engineer Douglas Courtney. Mr. Courtney stated that the proposed lot split would take approximately one acre from the Billings Road parcel and combine it with the Wilbert Drive parcel. He noted that the Billings Road parcel and the Wilbert Drive parcel lie within separate zoning districts; therefore the combined parcel will have split zoning. The Wilbert Drive parcel lies within the R-3A District, and the Billings Road parcel lies within the R-3B District.

Mr. Courtney stated that the lot split plat needs to show the location of all watercourses within 100 feet of the new property line, and it needs to show proposed building setback lines for the combined parcel. Mr. Courtney said he recommends approval of the lot split with those two conditions, noting that the applicant will need to submit a revised plat.

Mr. Tintor said the referenced watercourses are not streams, but someone dug an illegal ditch that should not be there. Mr. Courtney confirmed that because it is in existence now, it must be shown on the plat.

Christina Hoge of 10384 Wilbert Drive stated that she wants to make sure there is no additional water coming onto her property as a result of the proposal. It was noted that her concern relates to the proposed accessory building, which is the next item on the agenda.

Mr. Laux moved to approve the application for minor subdivision, contingent upon the applicant’s submission of a revised survey plat showing the location of all watercourses within 100 feet of the new property line pursuant to Section 1244.03(b)(9), and showing the proposed building setback lines for the combined parcel pursuant to Section 1244.03(b)(12), as outlined in Mr. Courtney’s letter. Mr. Blum provided the second. Upon roll call vote, the motion passed 3-0 (Ayes – Blum, Laux and Denk; Nays – None).

Ray & Theresa Tintor – Proposed Accessory Building at 10358 Wilbert Dr.

Ray Tintor was present in this regard. Chairman Denk noted the application is for a 2400 sq. ft. storage building to be installed on the combined parcel of the approved lot split. Mr. Tintor noted that the building will be located on the R-3B zoned portion of the lot, but it will be on the same lot as the house, once the split property is consolidated with the Wilbert Drive property.

Chairman Denk acknowledged receipt of a letter from City Engineer Douglas Courtney. Mr. Courtney advised that the plan submitted does not meet the plan content requirements for a preliminary plan

submission. Mr. Courtney advised that preliminary and final development plan requirements are set forth in Section 1262.04(d) and (e); he reviewed the items that still need to be addressed, as noted in his letter.

Mr. Loconti inquired about the potential use of the proposed building. Mr. Tintor responded that it will be used for storage of vehicles, and a portion will be used for a small workshop for woodworking; he confirmed it will be for personal accessory use.

Chairman Denk said he would entertain a motion to table the application, pending the submittal of the additional required information. Mr. Blum so moved, and Mr. Laux provided the second. Upon roll call vote, the motion passed 3-0 (Ayes – Blum, Laux and Denk; Nays – None).

David Maison, Architect – Proposed Restaurant at 9350 Chillicothe Road – Conceptual Review

Frank Wagner was present in this regard, along with Architect David Maison. It was noted that the property is zoned HTC. The Chairman reviewed the drawings provided.

Mr. Wagner stated he would like to do the paving of the parking area in phases, due to the current high cost of concrete and blacktop. He stated he would like to begin with paving the driveway and apron, and pave a portion of the parking area in approximately 6 months, and finish paving the parking sometime afterward. Mr. Wagner stated he would propose to use gravel for the parking area until the paving is done. Mr. Maison said there are 34 parking spaces proposed, with 2 handicap spots.

Mr. Denk stated concern about phasing of plans, noting that problems may arise that halt the process before phasing is completed.

Noting that a lot of pervious area would become impervious, Mr. Courtney inquired if the applicant has considered how stormwater will be managed. Mr. Wagner stated that he has hired a civil engineer to survey the property and provide suggestions for managing the stormwater. Mr. Courtney noted that the excess water will need to be stored and released slowly. Responding to Mr. Maison, Mr. Courtney said that pervious paving systems are acceptable, as long as they are properly maintained. Discussion ensued regarding drainage and management of stormwater runoff.

Mr. Maison suggested the possibility of having paved parking in front, with gravel parking in the rear which would be used during the summer for the extra patio seating. Answering Mr. Denk, Mr. Wagner advised the building size will not be increased.

Mr. Blum noted that the ordinance requires a percentage of landscaped area for the parking lot. Mr. Loconti noted that a sign could potentially take away a parking spot.

Mr. Denk inquired about the uses on each side of the property. Mr. Wagner said it is residential on one side, and residential and business on the other side.

Mr. Maison advised that a paved seasonal outdoor patio is proposed, and he noted the location on the site plan. Mr. Lallo advised that a conditional use permit is required for the outdoor dining.

With regard to the sewer, Mr. Courtney noted that as a residence, it is currently charged at 400 gallons per day, but there may be additional charges if the discharge increases with the change of use.

Mr. Loconti inquired about the two names on the proposed sign, noting that it appears to be two separate businesses. Noting that the proposed restaurant name is Casa Rossa Cucina, Mr. Wagner said it means “Red House Kitchen”, and the proposal for the sign would contain both names. Mr. Wagner said he is still working on the logo for the sign. He noted the red brick on the house will remain.

Referring to the two proposals for the sign, Mr. Loconti confirmed that one would be considered a pole sign because the base is a single post. Mr. Wagner said the sign company provided different options, and he would use the sign with two posts. Mr. Denk advised that the street address also needs to be included on the sign.

Answering Mr. Laux with regard to the parking area, Mr. Lallo noted that Section 1288.10(a) states that the parking areas and driveways shall be improved with bituminous or Portland cement pavement, in accordance with the standards established by the Building Code. Discussion ensued regarding the parking requirements and the possibility of allowing some of the parking to be banked. There was also discussion regarding the possibility of reaching an agreement with a neighboring property for additional parking. Mr. Denk noted that a variance to the parking requirements could be sought from the Board of Zoning Appeals.

Upon completion of discussion, Mr. Wagner thanked the Commission for their time, and the Commission members noted they look forward to seeing the preliminary development plan.

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

None.

#### WORK SESSION:

##### Communications and Bills

1. City Council Meeting Minutes – May 31, 2022 Work Session and Special Meeting; June 6, 2022 Work Session and Council Meeting; and June 20, 2022 Finance Committee Meeting and Council Meeting.
2. Zoning Permits Report – June 1, 2022 to June 30, 2022.

##### Old Business

1. Comprehensive Plan Review – Dione DeMitra. It was noted that discussion took place in this regard during the work session before the regular meeting.
2. Review of Zoning Ordinances. It was noted that the Commission members read through and familiarized themselves with Ordinance Chapters 1290, 1285 and 1262 for discussion at tonight’s meeting.

Chapter 1290 – Fences. Mr. Laux noted that in many communities the applicant needs to submit a survey or approval from the neighboring property owner, but there is no such requirement in Kirtland's ordinance. Noting that a property survey is costly, Mr. Loconti stated that in other communities he serves, the County Auditor's mapping is used as a general plan. If someone puts up a fence, and the neighbor has a survey done that indicates the fence is encroaching on the neighboring property, then the applicant would have to move the fence. Mr. Laux noted that it puts the onus of the survey on the neighbor rather than the applicant. Mr. Loconti stated that if there is a property dispute, it is the person complaining that bears the cost of pursuing the complaint.

There was discussion regarding existing non-conforming fences.

Chapter 1285 – Conditional Uses. The Commission members reviewed the conditional uses listed in the different zoning districts.

Chapter 1262 – Administration, Enforcement and Penalty. Discussion ensued regarding enforcement, specifically as it relates to administering the proposed high-grass maintenance program. Mr. Loconti stated that initially this type of program would be for the front yards. Answering Mr. Laux, Mr. Loconti said there are approximately 50 properties currently in violation relating to high grass. Mr. Laux noted there could be a large up-front cost to the city, especially in instances where the cost has to be added to the property taxes. Mr. Loconti agreed there would be an up-front cost, but the city would be reimbursed. He noted once the program is in place, it will address these properties; he stated that sending out violation notices and taking property owners to court is not working to address the issue, since the process can take a few months.

With regard to the cost, Mr. Lallo advised that according to the proposed amended ordinance, the cost billed to the property owner would be the actual cost of bringing the property into compliance plus 25 percent for inspections and administration. Upon discussion, Mr. Denk stated that the ordinance can be amended in the future if it is determined the city is incurring more cost than anticipated in administering the program.

General discussion ensued regarding enforcement and compliance.

Referring to Section 1262.04 Applications Requiring Planning and Zoning Commission and Zoning Inspector Approval, Mr. Blum stated that paragraph (a)(3) includes schools. He questioned whether schools are exempt from requiring the approval of the city. Mr. Lallo advised that Lakeland Community College is its own political subdivision and is therefore exempt. Answering Mr. Blum, Mr. Lallo stated that he believes the public schools should obtain city approval for permits. It was noted that the Commission should revisit this section.

3. Alternative Energy Ordinance – Ord. No. 18-O-31. Mr. Lallo stated he expects to have something for the Commission for the next meeting.

New Business

1. Proposed Planning & Zoning Commission Resolution No. 22-PZ-1. Chairman Denk noted this relates to Section 1462.26 Abatement of Violations. He noted that it amends the language in this section to change 15 percent to 25 percent; the amended sentence shall read as follows: “The actual cost of bringing the property into compliance plus 25 percent for inspections and administration shall be billed to the owner and/or occupant.” Mr. Blum moved to recommend to City Council approval of the proposed amendment to Section 1462.26 of the Codified Ordinances, the particulars of which are set forth in Exhibit A attached to the Resolution. Mr. Laux provided the second. Upon roll call vote, the motion passed 3-0 (Ayes – Blum, Laux and Denk; Nays – None).
2. Zoning Inspector – Discussion Re: Airbnb and Internet Cafés/Arcades. Mr. Loconti stated he has received a few calls in the last month regarding internet cafés/arcades, and also Airbnb’s. He inquired if the Commission would like to have some regulations regarding these uses, or if the city has ordinances that address these issues. Mr. Loconti noted that Airbnb’s are becoming popular, and he questioned whether the city wants them in residential areas or whether the city can stop them as a commercial operation in a residential area. Mr. Loconti also inquired whether the Commission would want to allow internet cafés.

In discussion, Mr. Lallo confirmed that if a use is not listed as a permitted, accessory or conditional use, it is not allowed; however, if it is determined by the Planning and Zoning Commission to be a similar use, it would require a conditional use permit.

Mr. Lallo said he does not believe a short-term rental of a residence would be considered commercial use of the property. He noted there is a bill pending before the Ohio House (Bill 563) that prohibits local governments from regulating short-term rentals of 30 days or less. Discussion ensued regarding issues and concerns for residential neighborhoods due to the proliferation of Airbnb rentals.

Mr. Loconti inquired if the city can initiate an ordinance prohibiting the Airbnb rentals. Mr. Lallo advised that for now, the city can regulate short-term rentals. However, the proposed law pending in Ohio would prohibit municipalities and local jurisdictions from regulating them. Mr. Loconti noted that the city could require a registration process.

Adjournment

There was no further business before the Commission, and Mr. Blum moved to adjourn. Mr. Laux provided the second, and the motion passed upon unanimous vote. The meeting adjourned at 9:43 p.m.

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CHAIRMAN

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SECRETARY