

CITY OF KIRTLAND
PLANNING AND ZONING COMMISSION

MINUTES OF THE MEETING
SEPTEMBER 12, 2022

The meeting was called to order by Chairman Denk at 7:11 p.m. Present were Commission members Richard Blum, Michael Denk and Richard DeMarco. Daniel Laux and Joseph Vinciquerra were absent.

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

MINUTES OF THE AUGUST 8, 2022 WORK SESSION

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

MINUTES OF THE AUGUST 8, 2022 MEETING

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

PUBLIC SESSION:

PUBLIC REQUESTS

Creighton Louis – Proposed Ground Sign for Pumpkinville at 9337 Chillicothe Rd.

Creighton Louis was present in this regard. It was noted that the application is for a 6 ft. x 4 ft. ground sign. Mr. Louis said the sign will be 15 ft. off the road, which is the same location as the previous ground sign. Mr. Louis said the sign will not be illuminated, and it will be 6 ft. in height. He confirmed that the sign he is currently using as a temporary sign will be removed.

There were no comments or questions from the public. Mr. Blum moved to approve the proposed new ground sign at 9337 Chillicothe Road as presented. Mr. DeMarco provided the second. Upon roll call vote, the motion passed 3-0 (Ayes – Blum, DeMarco and Denk; Nays – None).

Dennis DiSanto – Proposed Ground Signs for Angelo’s Pizza at 8162 Euclid Chardon Rd.

In the absence of the applicant or a representative, the Chairman advised this will be addressed later in the public session.

Paul Architects – Proposed Remodeling for Kirtland Shopping Center at 9177-9209 Chillicothe Rd.

Tom Paul of Paul Architects was present in this regard. Mr. Denk noted that the application states the existing use will remain and there will be no change in square footage or building height; they will be adding two new overhead garage doors and two new windows in the existing north wall. Mr. Paul said that the building does not have any overhead doors, making it difficult for the building owner to get maintenance equipment in and out of the building. He said the doors are for the convenience of the property owner and will not be used for deliveries. He explained it is a large area in the middle of the

shopping center that does not currently have an entrance, and the property owner will use it for maintenance equipment. Mr. Paul noted there is a small masonry shed on the side of the building that will be removed. Mr. Paul said there will be no outside lighting added.

Noting that Mr. Courtney and Mr. Loconti visited the site, Mr. Paul stated that some parking will be lost with the addition of the doors, so Polaris will do some surveying for a separate project to regain some parking. Mr. Blum said they should be sensitive to parking in the right-of-way. Mr. Paul stated that once the shed structure is removed there will be an opportunity to pull some of the parking closer to the building so it will no longer be in the right-of-way.

Mr. Paul advised that the doors will be white to match the back of the shopping center, and the windows will be sliders to match the windows on the building.

There were no comments or questions from the public. Mr. DeMarco moved to approve the application as presented, and Mr. Blum provided the second. Upon roll call vote, the motion passed 3-0 (Ayes – Blum, DeMarco and Denk; Nays – None).

Maria Sanchez/Palmetto Solar – Conditional Use Permit Application for Proposed Rooftop Solar Array at 10086 Hillcrest Rd.

In the absence of the applicant or a representative, the Chairman advised this will be addressed later in the public session.

David Maison – Preliminary Development Plan and Conditional Use Permit Application for Outdoor Dining Patio for Casa Rossa Cucina at 9350 Chillicothe Rd.

Frank Wagner was present for Casa Rossa Cucina; Dustin Keeney of Polaris Engineering & Surveying was also present. Mr. Maison of Maison Architecture & Design was not present, but Mr. Keeney advised that his firm did the site plan and the surveying for the project. Mr. Keeney advised they are working on the site plan for the additional parking, the stormwater management and the proposed detention facility that will be installed at the rear of the property. Mr. Keeney noted they received a copy of the City Engineer's review and comments, and they have no issues with the comments.

Chairman Denk noted that the conditional use permit application indicates there will be a 20 ft. x 24 ft. stamped concrete outdoor patio space. Mr. Denk acknowledged receipt of a review memo dated September 8, 2022, from City Engineer Douglas Courtney.

Mr. Courtney advised there are no impacts on the Environmental Overlay Districts, no riparian setback issues, and the stormwater work looks good. Mr. Courtney stated the parcel is assessed at 400 gallons per day for sewer for a single-family home, so the owner will need to purchase additional capacity; he recommended that the property owner look into this soon.

Mr. Courtney said the plans do not include enough data to determine if there is sufficient parking; he advised that the parking calculations need to be included on the final plans.

Answering Mr. Denk, Mr. Courtney said there will be two detention ponds – one by the street and one in the back. Mr. Keeney stated that the front portion of the property naturally drains toward Chillicothe. Noting that the middle portion of the property drains to the north, Mr. Keeney said they

will take that portion to the basin in the back. He said the front basin will handle the front half of the parking in front, and everything else will go to the basin in the rear. Mr. Keeney said they will be dry basins and will have water only during a rain event. He noted they will likely move the rear basin further toward the back of the lot in the final plans. Discussion ensued regarding drainage.

Noting that the applicant is proposing a gravel parking lot, Mr. Courtney referred to Section 1288.10(a) which states that parking areas must be asphalt or concrete. Mr. Wagner said that is the reason they called a civil engineering firm, noting that the parking lot will be asphalt, concrete, or a combination of both. He noted the driveway will likely be concrete, with asphalt for the parking lot.

With regard to the conditional use permit, Mr. Denk noted that there will be noise with the outdoor patio, and he inquired whether there will be any live bands on the patio. Mr. Wagner said they plan to close by 11:00 p.m., and if there is any live music, it should be done by 10:00 p.m.

Mr. Wagner noted they would like to have an accessory building for storage. Mr. Courtney recommended that it be included on the final plan so it can be approved as part of that plan.

Mr. Lallo noted that another restaurant (Sausalito) in the Historic Town Center recently received conditional use permit approval for an outdoor patio. Mr. Lallo read the conditions that were included in that permit, noting that it specified no live music after midnight on the outdoor patio. Mr. Wagner said he would have no issues with the same condition being placed.

Mayor Potter noted, with confirmation from the Clerk, that all property owners within 500 feet of the property were notified of tonight's meeting and the applications before the Commission; therefore the residents have the opportunity to voice their concerns and questions. The Mayor noted that he believes there will be a lot of community support for this restaurant.

Mr. Blum inquired about lighting on the outdoor patio. Mr. Wagner said the original submission included a lighting plan. He said there will be no large, tall lights; they are proposing lampposts and dim hanging lights around the patio. Mr. Denk advised that it must be zero footcandles at the property lines.

Mr. Denk inquired about the mesh railing on the roof, as shown on the plans. Mr. Wagner advised it is to screen the equipment on the roof.

Chairman Denk opened the meeting to public comments; there were no comments or questions from the public.

Mr. Blum moved to approve the conditional use permit for the outdoor dining patio at 9350 Chillicothe Road, with the condition that there shall be no live or piped-in music after midnight on the outdoor patio, seven days per week. Mr. DeMarco provided the second. Upon roll call vote, the motion passed 3-0 (Ayes – Blum, DeMarco and Denk; Nays – None).

Mr. DeMarco moved to approve the preliminary site plan as submitted, with the second by Mr. Blum. Upon roll call vote, the motion passed 3-0 (Ayes – Blum, DeMarco and Denk; Nays – None).

TABLED REQUESTS

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

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

Courtney Tintor was present on behalf of her parents, Ray and Theresa Tintor. Chairman Denk noted that revised plans have been submitted and reviewed by the City Engineer. The Chairman acknowledged receipt of correspondence dated August 24, 2022 from the City Engineer.

Mr. Courtney advised that the pole barn encroaches upon the Forest Cover Environmental Quality Overlay District by approximately 360 square feet; therefore the Commission may place conditions on the approval.

Answering Mr. Denk, Ms. Tintor said the trees have already been taken down in the proposed accessory building location. She does not believe any more trees will be removed.

With regard to lighting, Ms. Tintor said there will be a few lights on the front of the building; they will likely be motion sensor lights. Mr. Denk advised that the lights should not shine on the neighboring properties.

Responding to Mr. Denk, Ms. Tintor said there will be plumbing in the building, but no toilet facilities. She confirmed that the building will not be used as living space.

With regard to drainage, Mr. Courtney stated there appears to be a swale along the south property line that would likely catch the water from the gutters and downspouts, which outlet to splash blocks. He noted that if necessary, a pipe could be run along the south property line to the ditch. Discussion ensued regarding drainage and the contours of the property.

There were no comments or questions from the public. Mr. DeMarco moved to approve the preliminary and final development plan for the accessory building at 10358 Wilbert Drive. Mr. Blum provided the second. Upon roll call vote, the motion passed 3-0 (Ayes – Blum, DeMarco and Denk; Nays – None).

At this time, the Commission returned to the “Public Requests” portion of the agenda.

PUBLIC REQUESTS (continued)

Dennis DiSanto – Proposed Ground Signs for Angelo’s Pizza at 8162 Euclid Chardon Rd.

Dennis DiSanto of Angelo’s Pizza was present in this regard. Chairman Denk noted there are two applications – one for the new proposed ground sign and one for an existing ground sign.

Referring to Application No. 14852, Chairman Denk noted it is for a proposed 4 ft. x 6 ft. ground sign, with two faces. He noted the setback is shown as 6 ft. from the curb, noting it is proposed at the jog on the patio. Mr. DiSanto said the overall height of the sign will be 7 ft. 4 inches. It was noted that this sign will be in addition to the existing cone sign that was removed from the utility pole. With regard to

the sign setback, Mr. DiSanto said the building is less than the 25 ft. specified for a sign; he noted the sign will extend 3 ft. onto the patio.

Mayor Potter noted that Mr. DiSanto had a pole sign that was not in conformance. It was brought to his attention, and the Mayor thanked him for taking the pole sign down and coming to the Commission for approval of a new ground sign.

There were no comments or questions from the public regarding the proposed sign. Mr. Blum moved to approve the new 4 ft. x 6 ft. ground sign at 8162 Euclid Chardon Road, as presented on Zoning Permit Application No. 14852. Mr. DeMarco provided the second. Upon roll call vote, the motion passed 3-0 (Ayes – Blum, DeMarco and Denk; Nays – None).

With regard to Application No. 14853, Chairman Denk noted this refers to a sign that is already existing, which is an ice cream cone sign. Mr. Denk noted that because the sign is on a single post, it does not conform to the sign ordinance requirements. Mr. Lallo advised that the sign ordinance states 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. In discussion, Mr. Lallo confirmed that it is not a pole sign, but it is a ground sign that does not meet this specific requirement. Answering Mr. Denk, Mr. Lallo advised that the variance granted by the Board of Zoning Appeals did not address this specific requirement; the variance determined that the applicant can have this additional ground sign in its present location.

Discussion ensued on how the applicant can make changes to the sign so that it will conform to the sign ordinance. Mr. DiSanto stated he can come up with something that will look nice and make the sign conform to that requirement.

There were no comments or questions from the public regarding the proposed sign. Mr. DeMarco moved to approve Zoning Permit Application No. 14853 for the ice cream cone sign at 8162 Euclid Chardon Road, with the condition that a base in compliance with the sign ordinance be added to the sign. Mr. Blum provided the second. Upon roll call vote, the motion passed 3-0 (Ayes – Blum, DeMarco and Denk; Nays – None).

Maria Sanchez/Palmetto Solar – Conditional Use Permit Application for Proposed Rooftop Solar Array at 10086 Hillcrest Rd.

Neither the applicant nor a representative was present in this regard. Mr. Lallo noted that an application for rooftop solar panels was approved at the last meeting without the applicant being present; however, if the Commission has questions that need to be addressed, the application should be tabled until the next meeting.

Chairman Denk noted that one set faces the south, and another faces the west, which is the rear of the property. Mr. DeMarco noted that the roof-mounted arrays blend in better than free-standing arrays. Mr. Denk noted that at least a portion of the roof is metal; he noted that the front porch does not appear to be finished. Mr. Lallo said it appears the entire house has been re-sided; he noted it has no bearing on this application.

In discussion, it was noted that the solar panels will not be on the portion of the roof facing the street. It was noted that the application includes a structural report.

There were no comments or questions from the public regarding the proposed solar panels. Mr. DeMarco moved to approve the conditional-use permit for the roof-mounted solar panels at 10086 Hillcrest Road as presented. Mr. Blum provided the second. Upon roll call vote, the motion passed 3-0 (Ayes – Blum, DeMarco and Denk; Nays – None).

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

David Faulstich of 9057 Kirtland Chardon Road advised that he is the Director of Red Oak Camp and is here to answer any questions in advance of submitting an application for a conditional use permit. He advised that the camp recently received a transfer of property, Lantern Court, from the Holden Arboretum. He said he can answer any questions the Commission has about their intended use and current use of the camp. Mr. Faulstich said the camp gained about 26-1/2 acres in the real estate transfer.

Mr. Blum inquired how it will change the camp's operation. Mr. Faulstich stated it will not be a dramatic change, other than allowing them increased capacity. He said it is the 75th summer for the camp, serving principally as a summer camp for young people; although for many years they have done programming and served folks outside of the summer season, including year-round school groups, church groups and adult programming related to their mission of education. Mr. Faulstich stated that Red Oak Camp has a number of constraints that have prevented them from providing programs on a year-round basis, many of which were obviated by acquiring this adjacent property.

Mr. Denk inquired if the building is in good condition. Mr. Faulstich said the systems are all relatively new, noting that the septic system was installed in 2012, and the boilers are relatively new. He stated there will be maintenance and upkeep, but the main house is concrete and steel underneath the stone, so it is very solid. Mr. Faulstich said the acquisition of this property will allow them to serve a broader audience. He stated their intended use is connected with their mission.

Mr. Lallo inquired if there will be any overnight lodging, noting that a permit would be needed. Mr. Faulstich advised that at this time they do not have specific plans for overnight lodging, but they did have a conversation with the Building Department to understand the compliance issues. He said it would be consistent with the overnight lodging they have at the camp, for people who are campers and guests in their programming, if they were to pursue that. Mr. Faulstich stated they took possession in July, and started maintaining the grounds in the beginning of May.

Mr. Denk inquired how many people are on staff at the camp. Mr. Faulstich replied that seasonally there are approximately 60 people on staff; year-round there are six staff members.

Mr. Blum inquired if new signage is anticipated. Mr. Faulstich replied there will be new signage. He noted that the camp sign was stolen in May. Mayor Potter stated that due to the hardship of their sign being stolen, the City would be happy to waive any application fees in replacing the sign.

Mr. Faulstich invited the Commission members to contact him if other questions arise or if they would like to come out and visit the property. The Commission thanked him for attending the meeting and addressing the Commission in this regard.

WORK SESSION:

Communications and Bills

1. City Council Meeting Minutes – July 6 2022 Council Meeting; July 11, 2022 Work Session and Council Meeting; and August 22, 2022 Work Session and Council Meeting.
2. Board of Zoning Appeals Notices of Decision – Nos. 22-4, 22-5, 22-6 and 22-7.
3. Zoning Permits Report – August 1, 2022 to August 31, 2022.

Old Business

1. Comprehensive Plan Review. 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 1263, 1264 and 1268 for discussion at tonight's meeting.

Chapter 1263 – Establishment of Code and Map. It was noted that this chapter establishes all of the districts. There were no recommendations for any changes.

Chapter 1264 – Board of Zoning Appeals. No recommendations for changes were made. Discussion ensued regarding the parameter of a hardship. Mr. Denk read some of the findings for a variance in Section 1264.05.

Mr. DeMarco inquired about a semi-trailer that has been parking on the property adjacent to the Circle K. Mr. Lallo advised that Zoning is working on this issue. Mr. DeMarco inquired about the semi-trailer parking on the Route 306 hill. Mr. Lallo advised that it is not on property in Kirtland; it is in Willoughby, and Kirtland has no jurisdiction to enforce its zoning laws on that property. Discussion ensued. Mayor Potter agreed to reach out to the liaison for CEI to determine if they are aware of the truck being parked on their property.

Chapter 1268 – R-1, R-2 and R-3 Residential Districts. In discussion, it was noted that Section 1268.04(h) needs to be revisited with regard to the definition of a domestic animal.

With regard to Section 1268.04(c), Mr. Denk noted that Mr. Murch had sent him information regarding automatic pool covers in lieu of requiring a fence. It was noted that there is a concern that the cover may not be in place when the pool is not in use.

There was discussion regarding use of a property on Route 6. Mr. Lallo advised that since it was not used in over a year, the legal non-conforming status is gone. He advised that the owner will be cleaning up the property and selling it.

3. Alternative Energy Ordinance – Ord. No. 18-O-31. Mr. Lallo advised he will be scheduling a meeting with the consultant, and this should be in final form soon.

New Business

Mr. Lallo noted that a meeting is scheduled on Columbus Day next month (October 10); he noted that he may not be able to attend that meeting.

Answering Mr. Blum, Mayor Potter advised that the goal is the end of the year for the completion of the comprehensive plan. The Mayor noted that an update will be given to City Council at the next Council meeting. He noted that the survey will likely go out by the middle of October; once that data is compiled, a longer work session can be held with regard to the final product. The Mayor noted that a firm may be hired to prepare a rendering of the downtown historic district.

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 9:15 p.m.

CHAIRMAN

SECRETARY