

CITY OF KIRTLAND
PLANNING AND ZONING COMMISSION

MINUTES OF THE MEETING
NOVEMBER 14, 2022

The meeting was called to order by Chairman Denk at 7:05 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 OCTOBER 10, 2022 WORK SESSION

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

MINUTES OF THE OCTOBER 10, 2022 MEETING

Mr. Blum 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

Ruff Neon & Lighting - Proposed Signage for Craft Hair & Spa at 9264 Chillicothe Rd.

Jessica Ruff of Ruff Neon & Lighting was present in this regard. She advised that the application is for a replacement sign face for the building sign and a replacement sign insert for the ground sign. Ms. Ruff advised that the sign will be internally illuminated; the letters will illuminate but the background will not.

There were no comments or questions from the public. Mr. Vinciguerra moved to approve the proposed signage for Craft Hair & Spa at 9264 Chillicothe Road as presented. Mr. DeMarco provided the second. Upon roll call vote, the motion passed 5-0 (Ayes – Blum, DeMarco, Laux, Vinciguerra and Denk; Nays – None).

Third Sun Kokosing Solar – Application for Conditional Use Permit for Roof Mounted Solar Array at 10644 Rocking Horse Trail

Property owner Dave DiCillo was present in this regard, along with John Wittine of Third Sun Solar. It was noted that the solar panels will be placed on the garage roof. Answering Mr. Denk, Mr. Wittine confirmed that the conduit will be concealed. Mr. Denk inquired about equipment that would be visible. Mr. Wittine said that by the meter on the north side of the property there will be a combiner box and an A/C disconnect on the house.

Mr. Loconti recommended that the Fire Department review the placement of the solar array on the roof. Mr. Wittine said the State code requires they be placed 1-1/2 ft. off the ridge on one part of the roof; the drawings indicate 3 ft. on the southeast portion of the roof for firefighting access.

Answering Mr. Denk, Mr. Wittine said the power can be returned to the grid; he said the utility company will swap out the meter for a bi-directional meter.

There were no comments or questions from the public. Upon completion of discussion, Mr. Laux moved to approve the conditional use permit for the roof-mounted solar array at 10644 Rocking Horse Trail, with the condition that the Fire Department shall approve the accessibility of the array for fire safety purposes. Mr. Blum provided the second. Upon roll call vote, the motion passed 5-0 (Ayes – Blum, DeMarco, Laux, Vinciguerra and Denk; Nays – None).

Paul Architects – Proposed Roof Renovation at Kirtland Shopping Center – 9177 Chillicothe Rd.

Tom Paul of Paul Architects was present in this regard. Mr. Paul advised that the intent is to leave the existing roof in place, and install a hip-style sloped roof with a gray metal-finish, on the back of the building. He advised there will be a gutter along the back, and instead of having to tear up the parking lot, they will be attached to the roof drains already in place.

Mr. Blum asked about load calculations. Mr. Paul advised that the structural engineer will perform the roof calculations for submittal to the Building Department.

There were no comments or questions from the public. Upon review, Mr. DeMarco moved to approve the roof renovation at Kirtland Shopping Center, 9177 Chillicothe Road, as presented. Mr. Blum provided the second. Upon roll call vote, the motion passed 5-0 (Ayes – Blum, DeMarco, Laux, Vinciguerra and Denk; Nays – None).

Paul Architects – Proposed Parking Expansion at Kirtland Shopping Center – 9177 Chillicothe Rd.

Tom Paul of Paul Architects was present in this regard. Mr. Paul stated that since they will be putting in the overhead doors, they will be reworking the parking in the back, expanding to the northeast and paving that area.

Chairman Denk acknowledged receipt of a memo dated November 10, 2022, from City Engineer Douglas Courtney. Mr. Courtney said that after initial review, comments were sent to Polaris Engineering. They resubmitted their plan and addressed all of his comments.

The parking plan was reviewed and discussed. Answering Mr. Denk, Mr. Paul confirmed that he checked with the Fire Department regarding clearance around the fire hydrant.

There were no comments or questions from the public. Mr. Laux moved to approve the proposed parking expansion at Kirtland Shopping Center, 9177 Chillicothe Road, as presented. Mr. DeMarco provided the second. Upon roll call vote, the motion passed 5-0 (Ayes – Blum, DeMarco, Laux, Vinciguerra and Denk; Nays – None).

Church of Jesus Christ of Latter-day Saints – Revised Fence Location at Joseph Smith Store – 8983 Chillicothe Rd.

Sonia Jakse Barone of AECOM was present in this regard. She said this application relates to the split rail fence that was already approved in front of the Joseph Smith Store, noting it needs to be moved less than one foot further into the property to allow room for the informational sign and the sidewalk.

There were no comments or questions from the public. Mr. DeMarco moved to approve the revised fence location at the Joseph Smith Store at 8983 Chillicothe Road, as presented. Mr. Vinciguerra provided the second. Upon roll call vote, the motion passed 5-0 (Ayes – Blum, DeMarco, Laux, Vinciguerra and Denk; Nays – None).

Church of Jesus Christ of Latter-day Saints – Proposed New Fence to Connect to Existing Fence – 8995 Chillicothe Rd.

Sonia Jakse Barone of AECOM was present in this regard. She stated that the Church acquired this parcel that is surrounded by other Church owned parcels. The existing parcel to the south already has a split rail fence, and the intention is to continue the line of the split rail fence, as adjusted, from the Smith Store across the newly acquired property, and it would jog back to meet the existing split rail fence. She noted the existing split rail fence is 10 ft. closer to the road; it is an existing condition due to drop-off which is greater in that location.

Mr. Lallo noted that the City previously owned this parcel; it was recently sold and transferred to the Church.

Answering Mr. Denk, Ms. Jakse Barone said she is not sure if the Church intends to consolidate this parcel into the adjoining parcel.

Thomas Buchter of 8735 Singlefoot Trail said that the Church of Latter-day Saints is certainly a good citizen in the community. There were no further comments or questions from the public. Mr. Blum moved to approve the proposed new fence at 8995 Chillicothe Road, as presented, to connect the existing fence with the new fence at the Joseph Smith Store. Mr. DeMarco provided the second. Upon roll call vote, the motion passed 5-0 (Ayes – Blum, DeMarco, Laux, Vinciguerra and Denk; Nays – None).

Church of Jesus Christ of Latter-day Saints – Instructional Sign at Joseph Smith Store – 8983 Chillicothe Road (Final Approval)

Sonia Jakse Barone of AECOM was present in this regard. She stated they plan to expand the paving to allow people to step off the sidewalk and read the sign. She said the sign will address the contribution to the community in the 1830's, and the sign will also state there is no crossing of the road at this location and it will direct pedestrians to the existing crosswalk down the street.

There were no comments or questions from the public. Upon review, Mr. Laux moved to approve the instructional sign at the Joseph Smith Store at 8983 Chillicothe Road, as presented. Mr. Vinciguerra provided the second. Upon roll call vote, the motion passed 5-0 (Ayes – Blum, DeMarco, Laux, Vinciguerra and Denk; Nays – None).

Church of Jesus Christ of Latter-day Saints – Ground and Instructional Signs at Joseph Smith Home – 8980 Chillicothe Road (Final Approval)

Sonia Jakse Barone of AECOM was present in this regard. She reviewed the plans, noting that these are the signs the Commission has seen previously. She said the address was added as requested on the identification signs. Ms. Jakse Barone said that a variance was granted by the Board of Zoning Appeals for the minimum setback; a variance was granted to allow two ground signs; and a variance was granted from the landscape requirements to minimize the impact on the historic landscape.

There were no comments or questions from the public. Mr. DeMarco moved to approve the ground and instructional signs at the Joseph Smith Home at 8980 Chillicothe Road, as presented. Mr. Blum provided the second. Upon roll call vote, the motion passed 5-0 (Ayes – Blum, DeMarco, Laux, Vinciguerra and Denk; Nays – None).

Church of Jesus Christ of Latter-day Saints – Proposed New Monument Sign at Historic Kirtland Entrance – 7800 Kirtland Chardon Road (conceptual)

Sonia Jakse Barone of AECOM was present in this regard. She advised that the Church will be replacing the existing sign, updating it to their new branding for the historic sites. She advised that they are going before the Board of Zoning Appeals, noting that the existing sign is already larger than allowed by code, and the proposed sign will be slightly larger. They are still working out the landscaping around the sign.

Ms. Jakse Barone noted that the sign would not have the street address included, and it is not directly connected to a building. She said the Church would prefer not to include the address on the sign. For emergency response purposes, she noted that the specific building would need to be identified, rather than just the street address. There was discussion regarding the omission of the street address on the sign. Mr. Lallo advised that the Board of Zoning Appeals would need to grant a variance in this regard. Ms. Jakse Barone confirmed that the existing sign does not contain the street address.

Ms. Jakse Barone said the proposed new sign will be in the same general location as the existing sign. She noted there are ground lights for the sign. The Commission reviewed the plans, noting that no approval would be granted at the conceptual phase.

Thomas Buchter of 8735 Singlefoot Trail inquired if the sign will be lit at night. Ms. Jakse Barone advised they will be using the same light fixtures, adjusting them for the proposed sign. She noted it will be more or less the same as the existing with regard to lighting.

Church of Jesus Christ of Latter-day Saints – Proposed New Ground Sign at Historic Kirtland Welcome Center – 7800 Kirtland Chardon Road (conceptual)

Sonia Jakse Barone of AECOM was present in this regard. She noted there is an existing sign that they are planning to remove, and the proposed new sign will be in a different place. Noting that there is currently a monument sign for the Welcome Center, Ms. Jakse Barone said they are scaling back the signage for the building to be more conscientious of the historic nature of the site. The proposed sign is smaller, and would not have landscaping. Ms. Jakse Barone said they are requesting a variance from the landscape requirements for the ground sign. Mr. Lallo advised that the address would not need to be on this sign.

The Commission reviewed the plans, and there were no comments or questions regarding the proposed sign.

TABLED REQUEST

Brandon Dynes, Esq. – Proposed Accessory Building for Thomas Schroeder at 8700 Singlefoot Trail

Mr. Lallo advised that he spoke with Mr. Dynes, and his intention is to attend the next meeting to address the project. The matter remains tabled.

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Thomas Buchter of 8735 Singlefoot Trail inquired if the tabled matter will be discussed at the next meeting. Mr. Lallo said it is his understanding that it will be discussed at the next meeting. He noted that the applicant tabled it, and they can come to the meeting and ask that it be removed from the table.

WORK SESSION:

Communications and Bills

1. City Council Meeting Minutes – October 3, 2022 Council Meeting; and October 24, 2022 Finance Committee Meeting and Council Meeting.
2. Zoning Permits Report – October 1, 2022 to October 31, 2022.

Old Business

1. Review of Zoning Ordinances. It was noted that the Commission members read through and familiarized themselves with the following Ordinance chapters for discussion at tonight's meeting:

Chapter 1220 – Planning and Zoning Commission.

Chapter 1224 – Stormwater Management

Chapter 1226 – Comprehensive General Plan

Chapter 1228 – Land Reutilization Program

Chairman Denk noted that the sections in Chapter 1220 have been repealed. He noted that Chapter 1226 relating to the comprehensive general plan may need to be updated with the 2022 date once the plan is complete. There were no suggestions of any other revisions to these chapters.

Mr. Lallo stated that he and Mr. Courtney spent considerable time together on Friday reviewing the zoning code and trying to make it more user-friendly. He noted they are discussing rearranging some sections or moving some sections to other chapters. He said they will then look for anything that is repetitive or duplicative, and make sure that parallel references are properly documented. Mr. Courtney stated they are also focusing on closing gaps and fixing overlaps.

Mr. Denk stated that at next month's meeting, the Commission can discuss the items specified for possible amendment.

2. Alternative Energy Ordinance – Ord. No. 18-O-31. Mr. Lallo said he provided the Commission with a new draft, noting that since last month's meeting he and Mr. Godwin continued to work through some of the questions and concerns to provide this document to the

Commission for review. Mr. Lallo noted that one of the considerations is whether this needs its own chapter or section. He noted it is under the Alternative Energy chapter. Mr. Lallo said that certain solar applications, such as roof-mounted for residential homes, would not need to come before the Commission for approval if the application meets certain standards. If it is commercial, it would require a conditional use permit and would come before the Commission. Mr. Lallo said he highlighted certain numbers, noting that the Commission can review those and make changes if the Commission so chooses.

Answering Mr. Denk, Mr. Lallo said the document pertains to solar energy. He said there is a provision at the end of the document that discusses wind and geo-thermal, noting that can be a separate section.

Mr. Lallo reviewed the procedure that would be followed if the Commission decides to go forward with an amendment to this section.

In discussion of the draft, Mr. Vinciguerra referred to paragraph (c)1 on page 4, noting that he believes a lesser size than 1/2 acre should require a conditional use permit. Mr. Vinciguerra also noted that the visibility standard addressed in paragraph 4 on page 6 should be closely reviewed. Mr. Lallo suggested that the Commission members make notes on any suggested amendments for discussion at the next meeting.

Answering Mayor Potter, Mr. Lallo said he will request that Mr. Godwin attend the next Planning and Zoning Commission meeting to discuss the draft.

3. Comprehensive Plan Review. It was noted that Ms. DeMitro was unable to attend tonight's meeting. Mayor Potter said a draft has been prepared, and he is hoping that it can be brought to the Commission at the next meeting for review and discussion.

New Business

None.

Adjournment

There was no further business before the Commission, and Mr. DeMarco moved to adjourn. Mr. Blum provided the second, and the motion passed upon unanimous vote. The meeting adjourned at 8:14 p.m.

CHAIRMAN

SECRETARY