

CITY OF KIRTLAND  
PLANNING AND ZONING COMMISSION

MINUTES OF THE MEETING  
DECEMBER 12, 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 and Zoning Inspector Rick Loconti.

MINUTES OF THE NOVEMBER 14, 2022 WORK SESSION

Mr. Vinciguerra 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).

MINUTES OF THE NOVEMBER 14, 2022 MEETING

Mr. Blum 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).

PUBLIC SESSION:

PUBLIC REQUESTS

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

Sonia Jakse Barone of AECOM was present in this regard. She noted the Commission reviewed the proposed sign conceptually at last month's meeting. She noted she reached out to the Fire Department to determine if there were concerns about the street address being eliminated from the sign, but they have not responded with any concerns.

Answering Mr. Blum regarding the "clear site triangle" noted on the plans, Ms. Jakse Barone said they wanted to make sure the sign was not blocking the ability to see down the street when pulling out of the driveway.

It was noted that the Board of Zoning Appeals granted a variance (Appeal No. 22-12) related to the sign area and the elimination of the address on the sign. Ms. Jakse Barone noted that the new sign is slightly larger than the existing sign it is replacing, and that the existing sign does not have the address on it.

Answering Mr. Denk, Ms. Jakse Barone said the external illumination of the existing sign will remain for the new sign; there will be no interior illumination of the sign.

There were no comments or questions from the public. Mr. Vinciguerra moved to approve the monument sign at the Historic Kirtland entrance at 7800 Kirtland Chardon 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 – Proposed New Ground Sign at Historic Kirtland Welcome Center – 7800 Kirtland Chardon Road

Sonia Jakse Barone of AECOM was present in this regard. She noted the Commission reviewed the proposed sign conceptually at last month's meeting.

It was noted that the Board of Zoning Appeals granted a variance (Appeal No. 22-13) related to the landscape requirement for ground signs. Ms. Jakse Barone advised this will replace a larger existing sign; the Church is scaling back the sign for the Welcome Center.

There were no comments or questions from the public. Mr. Vinciguerra moved to approve the ground sign at the Historic Kirtland Welcome Center at 7800 Kirtland Chardon Road, as proposed. Mr. Blum provided the second. Upon roll call vote, the motion passed 5-0 (Ayes – Blum, DeMarco, Laux, Vinciguerra and Denk; Nays – None).

TABLED REQUEST

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

Mr. Lallo advised that Mr. Dynes previously indicated he would be present tonight, noting he was trying to set up a meeting with the Commission Chairman and another member of the Commission, but that meeting did not come to fruition. Mr. Lallo said he reached out to Mr. Dynes today to see if he was still planning to attend tonight, but he did not receive a return call. It was noted that Mr. Dynes is not present tonight. Chairman Denk advised the public that the next meeting is scheduled for Monday, January 9, 2023, noting that the matter could be removed from the table for discussion at that meeting. The matter remains tabled.

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

There were no comments on items not on the agenda.

WORK SESSION:

Communications and Bills

1. City Council Meeting Minutes – November 9, 2022 Council Meeting and November 21, 2022 Council Meeting.
2. Board of Zoning Appeals Minutes of October 5, 2022 Meeting
3. Board of Zoning Appeals Notices of Decision – No. 22-11; No. 22-12; No. 22-13
4. Zoning Permits Report – November 1, 2022 to November 30, 2022.

Old Business

1. Comprehensive Plan Review – Chairman Denk noted this was discussed during the work session before tonight’s regular meeting.
2. Alternative Energy Ordinance – Solar Ordinance Draft. Mayor Potter introduced Aaron Godwin and provided some background information on his work with the City regarding the solar ordinance and sustainability studies for the City.

It was noted that the Commission members each received a copy of the draft ordinance. Mr. Godwin advised that he is a Kirtland resident, and in addition to his solar energy business, he is also a consultant with a national reputation in the field.

Mr. Godwin noted that one of the biggest issues is that the existing ordinance requires a conditional use permit for installation of solar equipment. There was discussion regarding the organization of the alternative energy ordinance. Mr. Godwin said that the solar energy portion is being addressed at this time.

Mr. Godwin noted that in the draft ordinance, there are some numbers that are highlighted, noting that the Commission’s input is requested. He noted the draft is a better fit with state ordinances.

Mr. Denk noted that placement on the roof related to firefighting was an issue raised during review of the most recent application. Mr. Godwin said he has had discussions with the Fire Chief regarding firefighter access and safe passage on a burning structure. He noted that in discussion, it was agreed the solar panels can extend to the edge, as long as there is joined roof space for access.

Mr. Denk noted that visibility is a concern. Mr. Godwin said there was a good deal of discussion about this issue relative to the preference of the community and a functional system. He noted the draft states that panels on a pitched roof shall have the same finished pitch as the roof. The draft states that photovoltaic panels shall be no more than six inches above the roof, and thermal panels shall be no more than ten inches above the roof. He noted these dimensions are a standard, but the Commission may wish to change those dimensions.

Mr. Godwin reviewed some of the specific requirements in the draft, including residential applications and commercial applications. He noted that compliance with Federal and State requirements is addressed. Mr. Godwin noted that a conditional use permit would be required for large-scale commercial projects and for-profit EV charging.

There was discussion regarding the paragraph addressing lot coverage for a ground-mounted system. Mr. Godwin said it would be subject to the setback requirements, and the front yard is excluded. Some concerns were expressed, and there was discussion regarding permitted vs. conditional use permit applications. Noting that the current ordinance requires a conditional use permit for all residential solar applications, Mr. Godwin said he has not seen this requirement in other communities. It was noted that a ground-mounted system greater than 1/2

acre (or other size agreed on by the Commission) would trigger the need for approval of a conditional use permit by the Planning and Zoning Commission. It was suggested that the lot coverage could be set at 1,000 sq. ft., or it could be based on the square footage of the house to determine when Commission approval is required. Mr. Lallo noted that this relates to impervious surface.

Upon discussion, Mr. Lallo noted that “commercial for-profit systems” will be added to the paragraph relating to conditional use permits. It was noted that a “for-profit” definition will be created.

Referring to the paragraph relating to “aesthetic restrictions”, Mr. Vinciquerra stated that the Commission currently takes aesthetics into consideration. In discussion, it was noted that paragraph iv. of the same section addresses matching of racking, frames and conduits to the surrounding structure and painting of conduits and piping that cannot be hidden from public right-of-way view. There was discussion regarding reflectors. There was also discussion relating to fees for conditional use permits and other applications.

There was discussion regarding the paragraph relating to “community-scale solar”. Mr. Godwin said it is included in the definitions.

Mr. Loconti inquired about review and approval of the Fire Marshal for commercial applications. Discussion ensued.

Upon further discussion and review, specific wording changes were agreed upon within the ordinance.

Mr. Lallo noted that once the Planning and Zoning Commission is ready to proceed with the ordinance, the Commission can pass an ordinance making a recommendation to Council.

There was brief discussion regarding geothermal systems. Mr. Lallo said there is a geothermal section in the existing alternative energy chapter. There is a proposed paragraph to replace the geothermal section of the existing ordinance.

Mr. Lallo advised that a few minor changes will be made to the draft ordinance for review at the next meeting. Mr. Lallo asked that the Commission members look at the highlighted numbers, such as setback, etc., to make sure no further changes are desired.

3. Review of Zoning Ordinances. The Chairman noted he will work with the Clerk on a memo that summarizes the proposed changes that have been identified during the Commission’s review.

There was discussion regarding accessory buildings and maximum allowed square footage based on the lot size.

New Business

1. Scheduling of Combined Meeting with Council – January 2023. It was agreed that the meeting be scheduled for Wednesday, January 18, 2023, immediately following the regular Council meeting.
2. Mr. Loconti noted that the Zoning Ordinances do not regulate placement of air conditioner units or generators on the property, which the Commission may wish to consider. He noted that most jurisdictions require placement in the side or rear yard. Mr. Vinciguerra stated that for generators, they need to be placed near the location where the gas line enters the house.
3. Mr. Loconti noted that the Zoning Ordinances are vague with regard to in-law suites. The ordinances do not address the connection to the main house, the maximum size, etc. There is no criteria for defining an in-law suite.

Adjournment

There was no further business before the Commission, and Mr. DeMarco moved to adjourn. Mr. Laux provided the second, and the motion passed upon unanimous vote. The meeting adjourned at 9:40 p.m.

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CHAIRMAN

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SECRETARY