

CITY OF KIRTLAND
PLANNING AND ZONING COMMISSION

MINUTES OF THE MEETING
JANUARY 9, 2023

The meeting was called to order by Chairman Denk at 7:09 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 Councilman Joseph Smolic.

ELECTION OF OFFICERS

1. Chairman
Mr. Vinciguerra nominated Michael Denk as Chairman, with the second by Mr. DeMarco. The nomination was accepted, and there being no further nominations, Michael Denk was elected as Chairman upon roll call vote, passed 4-0-1 (Ayes – Blum, DeMarco, Laux and Vinciguerra; Nays – None; Abstaining - Denk).

2. Vice Chairman
Mr. Blum nominated Richard DeMarco as Vice Chairman, with the second by Mr. Vinciguerra. The nomination was accepted, and there being no further nominations, Richard DeMarco was elected as Vice Chairman upon roll call vote, passed 4-0-1 (Ayes – Blum, Laux, Vinciguerra and Denk; Nays – None; Abstaining - DeMarco).

3. Secretary
Mr. Vinciguerra nominated Richard Blum as Secretary, with the second by Mr. Laux. The nomination was accepted, and there being no further nominations, Richard Blum was elected as Secretary upon roll call vote, passed 4-0-1 (Ayes – DeMarco, Laux, Vinciguerra and Denk; Nays – None; Abstaining – Blum).

MINUTES OF THE DECEMBER 12, 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 DECEMBER 12, 2022 MEETING

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

PUBLIC SESSION:

PUBLIC REQUESTS

Vik Sandhu – Proposed Renovation of Circle K at 8232 Euclid Chardon Road – Conceptual Review

Vik Sandhu was present in this regard and advised that he is purchasing the Circle K, noting that the sale should close by the end of February.

Chairman Denk noted that the conceptual plan shows four gasoline dispensers to be installed in the parking lot in front of the building, along with landscaping. Answering Mr. Denk, Mr. Sandhu said he does not believe there has been gasoline on this site, but it has been on the adjacent site. Mr. Sandhu said the proposed canopy would be approximately 29 to 30 feet from the store and approximately 22 feet from the landscaping.

Mr. Denk noted that it is a congested area between the existing parking spaces in front of the store and the gas dispensers. He stated concern that cars trying to back out of the parking spaces adjacent to the store would be blocked by cars at the gas pumps or waiting to pull up to the gas pumps. Mr. Sandhu said the pumps would be facing toward Route 306; they would not be facing toward the store. He said that cars filling up at the dispensers would not be blocking cars pulling in or out of the parking lot.

Mr. DeMarco stated that the site plan should show the actual flow of traffic, noting there is a program known as “Auto Turn” which will show the direction cars can move. Mr. DeMarco suggested that the applicant look into the possibility of moving the pumps into the existing grass area to the west of the store. Noting that safety is an important factor, Mr. DeMarco said it appears there will be a lot of congestion with the proposed location of the pumps.

Noting that the plan submitted is conceptual, Mr. Laux suggested that a survey showing existing conditions be prepared. He noted that the plan shows one pump for diesel. Mr. Denk noted that larger diesel vehicles or a truck with a trailer would increase the issues with the congested area, and it is crucial that cars are not backed up onto Route 6. Mr. Sandhu said they are looking into the traffic generated at that intersection.

Mr. DeMarco stated that his biggest concern is whether there is sufficient room to safely move traffic around on the site. Mr. Laux stated concern about traffic ingress and egress off of Route 6.

There was discussion regarding possible angling of the parking, or changing the orientation of the dispensers and possibly having dispensers on only one side. The Commission stated concern about semi-truck access on the property for deliveries. There was discussion about using the driveway closest to the intersection for entrance only, with the possibility of moving it closer to the intersection to alleviate some of the congestion of the traffic entering the site near one of the gas dispensers.

Chairman Denk advised that the Commission does not vote on a conceptual plan, and he recommended that another meeting be held for conceptual review once the applicant has addressed the Commission’s concerns. Mr. Courtney advised that the preliminary plan will need to be much more developed; he advised that the zoning code lists the items that need to be included in a preliminary plan. Mr.

Courtney agreed that if the layout is still being discussed, another conceptual review would be more beneficial. He suggested that the applicant take the Commission's feedback to his architect.

Chairman Denk stated there is some "fine tuning" needed, and additional items that need to be shown on the conceptual plan.

Mr. Courtney provided the applicant with his contact information in the event the architect has questions regarding preparation of the plans. Mr. Sandhu said he will go back to his architect, and he will have him attend the next meeting.

TABLED REQUEST

Brandon Dynes, Esq. – Proposed Accessory Building for Thomas Schroeder at 8700 Singlefoot Trail
The applicant was not present in this regard.

Julia Sandy of 8710 Singlefoot Trail said that she spoke to someone today in the zoning office. She inquired if the application can be withdrawn if the parcel I.D. is incorrect on the application, and then resubmitted. Mr. Lallo advised that the applicant can always withdraw and resubmit. He advised he has been in contact with the attorney, and he is trying to work through some concerns with his client. Mr. Lallo stated that it will hopefully come off the table in the next month or two. Mr. Lallo advised that the application is not necessarily defective if the parcel number is not correct.

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 – December 5, 2022 Work Session and Council Meeting; and December 19, 2022 Work Session and Council Meeting.
2. Zoning Permits Report – December 1, 2022 to December 31, 2022.

Old Business

1. Comprehensive Plan Review – Noting that there was discussion during the work session before tonight's regular meeting, Chairman Denk said that a copy of the plan will be available to the Commission members by the end of this week. It was agreed that a public hearing be scheduled during the next regular meeting on February 13 regarding the comprehensive plan.

2. Alternative Energy Ordinance – Solar Ordinance Draft. Mr. Lallo advised that the solar ordinance would be adopted as Section 1468.05 Solar Energy; it will amend the current ordinance. The Commission members agreed that a public hearing regarding the solar energy ordinance will be scheduled at the March meeting.
3. Review of Zoning Ordinances. The Commission reviewed the summary of proposed amendments to the zoning ordinances that was prepared by Chairman Denk.

Chapter 1261 Definitions - There was discussion regarding pronouns listed in Section 1261.01(f), and whether or not there is a need to change them. Section 1261.04(m) was reviewed with regard to the definition of “sign”; the Commission determined this definition is sufficient.

Discussion ensued regarding Section 1261.09(i) relating to the definition of “bed and breakfast”. It was agreed that this is not synonymous with an Airbnb, which would be considered a short-term rental. It was noted that the City does not currently register rental properties. The Commission members also looked at Section 1261.09(vv) relating to the definition of a “tourist home”, which is more in line with Airbnb use. It was suggested that use as a short-term rental or tourist home could be regulated or prohibited under Section 1268.04 Accessory Uses in R-1, R-2 and R-3 residential districts. Mr. Lallo noted that a tourist home is a conditional use in the HTC District. Upon discussion, it was noted that Section 1268.04(m) could be added, stating that tourist homes are not permitted in residential districts. Mr. Lallo advised there was a bill in Ohio that would limit local governments from regulating this use. This bill was submitted to the House last year; it went through some process but never passed. Mr. Lallo stated that as of right now, it is a permissible regulation, but the bill could be resubmitted.

Discussion ensued regarding Section 1261.09(tt) relating to the definition of “stable”. Questions arose as to whether there must already be a horse on the property before a stable can be permitted, and whether more than one stable is allowed on a property. The Commission discussed the possibility of changing the ordinances to restrict accessory building size on all lots, regardless of the lot size.

Chairman Denk stated that Section 1268.04(h) allows the raising and keeping of domestic animals in residential districts as regulated by other ordinances of the city; however, there is no definition in the zoning code for a domestic animal. Mr. Lallo suggested that it be defined in that same section. In discussion, Mr. Lallo noted that the General Offenses Code, Section 618.01, defines companion animal as any animal that is kept inside a residential dwelling and any dog or cat regardless of where it is kept, and it states that companion animal does not include livestock or any wild animal. Mr. Lallo noted that livestock is defined as horses, mules, and other equidae; cattle, sheep, goats, and other bovidae; swine and other suidae; poultry; alpacas; llamas; captive white-tailed deer; and any other animal that is raised or maintained domestically for food or fiber. Mr. Lallo noted the same definitions could be included in the zoning section for accessory uses. Discussion ensued.

It was agreed that the discussion on the zoning ordinance review items will continue at the next meeting.

New Business

1. Combined Meeting with Council – It was confirmed that the meeting is scheduled for January 18, 2023, immediately following the regular Council meeting.

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 9:33 p.m.

CHAIRMAN

SECRETARY