

CITY OF KIRTLAND
PLANNING AND ZONING COMMISSION

MINUTES OF THE MEETING
JUNE 12, 2023

The meeting was called to order by Chairman Denk at 7:08 p.m. Present were Commission members Richard DeMarco, Michael Denk, Lita Laven and Joseph Vinciguerra. Daniel Laux was absent.

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

MINUTES OF THE MAY 8, 2023 WORK SESSION

Mr. DeMarco moved to approve the minutes as presented, with the second by Ms. Laven. Upon roll call vote, the motion passed 4-0 (Ayes – DeMarco, Laven, Vinciguerra and Denk; Nays – None).

MINUTES OF THE MAY 8, 2023 MEETING

Mr. DeMarco moved to approve the minutes as presented, with the second by Mr. Vinciguerra. Upon roll call vote, the motion passed 4-0 (Ayes – DeMarco, Laven, Vinciguerra and Denk; Nays – None).

PUBLIC SESSION:

PUBLIC HEARING

Application for Zoning Map Amendment

Parcel No. 20-A-002-0-00-002-0 – 8501 (rear) Garfield Rd., Kirtland, Ohio

Chairman Denk opened the public hearing at 7:10 p.m. regarding the application for zoning map amendment submitted by Valarie Keck Boughman for the property identified as Parcel No. 20-A-002-0-00-002-0.

Mr. Denk noted the property is in Kirtland, accessed through Mentor. He noted the applicant requests that the Commission recommend to City Council the rezoning of the 8.25 acre parcel from Institutional Office District to R-3D Single Family Residential District (5-acre minimum lot area).

It was noted that the public hearing was advertised and property owners within 500 feet of the property were notified, as required.

Dennis Falvey, real estate broker from ReMax Results, 9954 Johnnycake Ridge Road, Concord Township, advised that he is present on behalf of the owner of the property, the Vera Keck Family Trust, Valarie Boughman, Trustee. Mr. Falvey noted he provided a summary of key considerations, which were distributed to the Commission members tonight. He noted that a 2021 excerpt from the News Herald is included, which explains the large development at the south end of Mentor, adjacent to the subject property. Mr. Falvey noted that a senior housing development known as Vitalia of Mentor is being built; they installed new roadway improvements that benefit the subject property in terms of giving it road frontage as well as access to sanitary sewers and water service.

Mr. Falvey said their contention is that due to the extreme terrain of the subject property, most of the 8.25 acres is rendered useless. He noted there is a level area, reflected on three different versions of the topographical maps provided, where they believe a very nice home can be built. He noted that some of the maps show the existing housing under construction as part of the Vitalia of Mentor development.

Mr. Falvey said this property is the remaining piece of a large tract of land that was owned by the Keck family; they sold the property to a large developer, the OMNI Group. They established the master plan with the senior housing community, now called Vitalia of Mentor, which is nearing completion. After the sale of the property, this remaining parcel was landlocked with a recorded access easement, but there was no road frontage until OMNI Group put in the new roadway with underground utilities. The subject property will have sanitary sewer and city water.

Mr. Falvey said the subject property cannot be improved for office or institutional use because of the other considerations, especially the terrain. He said the expectation would be if his client is successful in achieving the zoning change, the property would be sold; they believe the home would be very substantial, close to \$1 million value. He noted there are still many mature trees on the property, along with gorges and water flowing through the property. He noted there is a great deal of detail in the application for zoning change submitted by Valarie Keck Boughman.

There were no further public comments on the matter, and the Chairman closed the public hearing at 7:17 p.m.

PUBLIC REQUESTS

Valarie Keck Boughman – Application for Zoning Map Amendment

Dennis Falvey was present on behalf of the applicant. Answering Chairman Denk, Mr. Lallo advised that the Commission will make a recommendation to Council to either approve as requested, approve with certain modifications, or to recommend denial. He noted that it will go to Council, and Council will consider the Commission's recommendation. Council will have a public hearing, and if they vote for approval, it will go before the electorate for the next election.

Responding to Mr. Denk and Ms. Laven regarding City services, Mr. Lallo said that snowplowing would not be done by Kirtland since the public road is in Mentor; the remaining private drive would be the owner's responsibility. Mr. Lallo noted that Kirtland would provide Police and Fire response. It was noted that the residents of this parcel would be part of Kirtland Schools.

Upon completion of discussion, Mr. DeMarco moved to recommend to City Council that the proposed zoning map amendment be approved as requested. Ms. Laven provided the second. Upon roll call vote, the motion passed 4-0 (Ayes – DeMarco, Laven, Vinciguerra and Denk; Nays – None).

Mr. Lallo advised that the Commission's resolution will be submitted to Council, and Council will schedule a public hearing with 15 days' notice. He noted that the next Council meeting is Tuesday, June 20, at which time Council will set the hearing; the earliest date for the public hearing would be July 10. Mr. Lallo advised that legislation can be placed on Council's agenda for First Reading for the

July 3 meeting; they can consider waiving the three readings and voting on the legislation on July 10 after the public hearing is held. If approved by Council on July 10, it could then be placed on the ballot for the November election. It was noted that another option would be for Council to hold a special meeting before the ballot deadline.

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Erik and Jennifer Loomis advised that they purchased property at 8560 Billings Road about one year ago, and they plan on building a single-family home. They also just purchased an adjoining 8 acre property, which they expect will close by the end of the month. Mr. Loomis said the idea is to have a single-family home with the fully operational farm. He said they have an operator that will be coming from Nashville.

Noting that the property is zoned residential, Mr. Loomis noted there would be people coming on the property to ride their horses that are boarded on the property. He noted that he wants to make sure that will not be an issue.

Mr. Lallo noted that the use would be agricultural for commercial purpose, which would require a conditional use permit approved by the Planning and Zoning Commission to use the property in that fashion. Although it was previously used as a farm, Mr. Lallo advised that once the use stops for a certain period of time, the use reverts to residential.

Mr. Loomis said there are 40 stables; they are reducing it to 15 stables and plan on having only ten horses there. Ms. Loomis said there is nothing similar in Kirtland, and she believes it would be beneficial to have the opportunity available for nearby residents to board their horses. She said the property has some amazing history, noting it is in good condition even after having been abandoned for a while.

Answering Mr. Denk, Mr. Loomis said the additional 8 acre parcel will be kept as a buffer, noting there have been drainage concerns on adjoining properties. Mr. Loomis said he has spoken with Mr. Loconti and walked the property with the City Engineer, and they would install a retention pond rather than developing that 8 acre property.

Mr. Loomis noted there would be horse shows occasionally on weekends, maybe once every two months. He noted there would be ten permanent stables, with five “floaters” that could be used for the horse shows. He said they will be living on the property and are looking to achieve quality rather than quantity.

Answering Mr. Lallo, Mr. Loomis said they do not plan to consolidate the additional 8 acres into the remaining property; he noted that parcel contains wetlands. He said they will place the pond between the wetlands, noting that HZW did an assessment. Mr. Lallo recommended that they incorporate the additional parcel into the application for conditional use permit, noting that the Commission may require the buffer in order to grant the conditional use permit.

Mr. Loomis noted they may have to separate some property to allow for a house for the trainer. He noted that the 24 acres will need to be regraded.

WORK SESSION:

Communications and Bills

1. City Council Meeting Minutes – May 3, 2023 Work Session and Council Meeting; and May 15, 2023 Work Session and Council Meeting.
2. Board of Zoning Appeals Minutes of April 19, 2023 Meeting.
3. Board of Zoning Appeals Notice of Decision – No. 23-4.
4. Zoning Permits Report – May 1, 2023 to May 31, 2023.

Old Business:

Review of Zoning Ordinances

Chairman Denk noted that a memo was prepared and sent to Council, listing the points that the Commission has identified for possible amendment. The Commission reviewed the memo, and there was discussion regarding which section the Commission should address first.

The Commission discussed the outdoor lighting ordinance and the general requirements in Section 1296.03 (a) and (b); it was noted that outdoor lighting for one and two family dwellings is addressed in sub-paragraph (b). Mr. Lallo noted that low voltage lighting, rated at 24 volts or less, is exempted from the outdoor lighting requirements. It was noted that most residential landscape lighting is low voltage. There was discussion regarding cut-off lighting. Mr. Denk noted that the Ordinance references mercury vapor lighting, which is outdated. Mr. Denk noted he will look at other cities' ordinances regarding the cut-off lighting requirements.

Upon discussion, it was agreed that at the next meeting the Commission will review the permitted uses for the Historic Town Center District. It was agreed that the Commission can review and discuss the uses in the Ordinance on a shared screen during the meeting, using a platform such as Zoom. Within the next few days, the Clerk will send a Word document of Chapter 1275 Historic Town Center to each Commission member so they can make redline changes to the document for review and discussion. Brief discussion ensued regarding some of the listed uses. Mr. Lallo noted that a conditional use permit approved by the Planning and Zoning Commission would be required for any use that is similar to those enumerated.

New Business:

Summer Meeting Schedule – Rescheduling of July Meeting

It was agreed that the July meeting be rescheduled from the usual second Monday of the month to Tuesday, July 11 at 7:00 p.m., in order to accommodate Council's summer meeting schedule.

Adjournment

There was no further business before the Commission, and Mr. DeMarco moved to adjourn. Mr. Vinciguerra provided the second, and the motion passed upon unanimous vote. The meeting adjourned at 8:26 p.m.

CHAIRMAN

SECRETARY