

CITY OF KIRTLAND  
PLANNING AND ZONING COMMISSION

MINUTES OF THE MEETING  
JANUARY 8, 2024

The meeting was called to order by Chairman Denk at 7:09 p.m. Present were Commission members Richard DeMarco, Michael Denk, Daniel Laux, Lita Laven and Joseph Vinciguerra.

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

MINUTES OF THE DECEMBER 11, 2023 MEETING

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

PUBLIC SESSION:

PUBLIC REQUESTS

Marko Vucic & Courtney Tintor – Proposed New Residence at 10087 Parks Farm Road – Located in Environmental Overlay District

Property owner Marko Vucic was present in this regard. Mr. Courtney advised there are three Environmental Overlay Districts – Historic, Soils, and Forest; each have their own purpose. If construction or activity will occur within an Overlay District, the Planning and Zoning Commission will review the site plan to determine whether any restrictions need to be placed, in this case related to tree removal. Mr. Courtney said he is not recommending any restrictions on tree removal for this property, based on the building envelope.

There were no questions or comments from the public in this regard. Upon review, Mr. DeMarco moved to approve issuance of a zoning permit for the new residence at 10087 Parks Farm Road, with the second by Mr. Laux. Upon roll call vote, the motion passed 5-0 (Ayes – DeMarco, Laux, Laven, Vinciguerra and Denk; Nays – None).

Barrington Consulting Group – Conceptual Site Plan for 8560 Billings Road

Chairman Denk advised that he must recuse himself from conversation with regard to this matter, and Vice Chairman DeMarco chaired the meeting during discussion of this matter.

Property owners Erik and Jennifer Loomis were present in this regard. Mr. Loomis said it is an existing horse farm that originally had four structures on the property; there are now three structures and they plan to add a personal residence as a fourth structure. Noting that the site plan shows a caretaker's house in the back, Mr. Loomis said there is an existing house there now which will be demolished and the caretaker's house will be in the same location.

Mr. Loomis noted there has been discussion about needing to split the property since zoning does not allow two residences on the same lot; he is trying to determine if he can move forward without splitting the lot. He noted there were previously two residences on the property; one burned down several years

ago. Mr. Loomis noted they also purchased the property to the east on Billings Road, for stormwater management purposes. He said they met with the engineer and found there was a lot of sitting water on that property, and neighbors have problems with the water coming through the property. He said once they level the property, he believes water will be moving more quickly through the property.

Answering Mr. DeMarco, Mr. Loomis said they plan to have pastures, noting they plan to have approximately 10 horses on the property. Noting there were 40 stables in the barn, Mr. Loomis said they plan to have only 15 stables. He advised that the front pasture area will be fenced, with a gate at the front of the house.

Answering Mr. DeMarco, Mr. Loomis confirmed that the access drive to the west is existing. Mr. DeMarco asked if they would consider moving it over a little bit and planting some trees to the west of the driveway to provide screening. Mr. Loomis responded that they could do that. He noted he has spoken with the neighbor, Mr. Haines, and he is on board with the plans for the property.

Mr. Loomis said that on the additional property they purchased, they plan to leave the woods and have trails around the retention pond; it would be open only in front of the pond.

Mr. DeMarco inquired about the surface for the drives and parking lots. Mr. Loomis said the drives will likely be asphalt. He noted that the parking lots marked in the back are for trucks with trailers.

In order to run the horse farm, Mr. Loomis said they need someone there overnight; they have someone coming from Nashville to run the farm. Mrs. Loomis said they need someone there all the time. She noted there are very few places in the area where someone can board a horse.

Answering Mr. Laux, Mr. Loomis advised that the three existing buildings are the horse stables and two barns. He pointed out the existing buildings on the site plan. He said that all the buildings will be re-skinned and will have new windows and doors.

Answering Ms. Laven, Mr. Loomis said they are working on the septic requirements. Ms. Laven inquired about management of the horse manure. Mr. Loomis said it will be on the back side of the property, noting there is currently a 20 ft. mound that will be removed and brought down to grade. He noted the mound backs up to Mr. Haines' property, and he has flooding issues and asked if the mound would be removed. Mr. Loomis said the manure will be in a pen and taken out weekly.

Ms. Laven inquired about their plans for horse shows. Mrs. Loomis said their manager has advised it takes years to get into the show circuit, so it would probably be lessons and community events for the first couple years. Ms. Laven noted that the City will need to look into the traffic that will be generated.

Mr. Laux inquired if two septic systems will be required if the lot is split. Mr. Courtney said the Health Department will likely require two septic systems for the two houses.

Ms. Laven inquired about the timeline. Mr. Loomis said the financing was in place two years ago, and he is ready to go.

Mr. Lallo advised that if Mr. Loomis does not want to split the lot, he would have to apply to the Board of Zoning Appeals for a variance to allow two primary structures on the lot. If a variance is approved,

he would then apply to the Planning and Zoning Commission for a conditional use permit for agricultural use for commercial purposes on a residential property. Mr. Lallo advised that if Mr. Loomis decides to split the lot, he would have to apply to the Planning and Zoning Commission for the lot split and the conditional use permit, which could be submitted at the same time. Mr. Lallo explained the application process.

Mr. Courtney noted that he counts approximately 167 parking spaces on the plan, which seems excessive. He noted that a large amount of hard surface will require a larger pond to manage the stormwater. Mr. Courtney inquired if Mr. Loomis anticipates needing that many parking spaces. Mr. Loomis said he would not need that many spaces and would not want to pave the area in the back; he said he will need the space for tractors to load manure, dump trucks, etc. He said he can get better detail on the plan regarding parking. Mr. Courtney advised that parking areas will have to be paved, but he suggested that hard surface not be used if it is a service drive or service area for manure management. Mr. Courtney said that with a larger amount of hard surface, the stormwater will be more difficult to manage. Mr. Loomis noted he could cut the westerly parking lot area in half.

Ms. Laven said she agrees with Mr. DeMarco's suggestion to move the access drive over to allow for a buffer of trees. Mr. Loomis said there is a pretty good buffer there now, noting that he is willing to move the driveway over.

Mr. DeMarco opened the meeting to public input; there were no comments from the public.

Mr. Loomis said he will likely apply first for a variance from the Board of Zoning Appeals.

#### PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

None.

#### WORK SESSION:

##### Communications and Bills:

1. City Council Meeting Minutes – December 1, 2023 Organizational Meeting; December 4, 2023 Work Session and Council Meeting; December 18, 2023 Work Session and Council Meeting. Chairman Denk inquired if there are any highlights from the recent Council meeting. Mayor Potter advised that the Law Director was reappointed. Mr. Lallo advised the Commission that the City is in the process of appointing a new Assistant Law Director, Mark Marong, who will take over his role with the Planning and Zoning Commission and the Board of Zoning Appeals. Mr. Marong is the Law Director for the Village of Glenwillow and an Assistant Law Director elsewhere. He noted that his firm handles a lot of municipal law, and he is very much in tune with zoning issues. Mr. Marong will attend the combined meeting with Council on January 16.
2. Zoning Permits Report – December 1, 2023 to December 31, 2023.

Old Business:

Review of Zoning Ordinances

There was discussion regarding the potential amendments to the zoning code; it was noted it is mostly consolidation and cross-referencing of different sections, which will make the code more user-friendly. There was also discussion regarding the information that will be presented during the combined meeting with Council. Mr. Denk said he would prepare a Power Point presentation to share with everyone. Mayor Potter noted he will ask Council members to bring a laptop or notebook to the meeting so they can follow along with the presentation. Referring to a memo sent to Council on May 23, 2023, Mr. Denk noted he can include information on suggested changes to the definitions along with the other items mentioned in that memo.

There was discussion regarding the draft document prepared by Mr. Lallo relating to potential modifications and reorganization of the code. Noting that it was updated a couple of months ago, Mr. Lallo sent the updated version to the Commission members.

With regard to recent discussions about defining domestic animals, Mr. Lallo noted that he had sent some information to the Commission Chairman relating to keeping of horses. It was noted that something should be added relating to handling of manure. Brief discussion ensued.

With regard to the riparian setbacks chapter of the code, Mr. Lallo noted that Mr. Courtney sent him the model language from Chagrin River Watershed Partners. Mr. Courtney said that much of the model language in the ordinance is still the same as the existing ordinance. It was noted that the only update to the ordinance was in 2017, and the amendment pertained to procedures for variances and appeals. Noting that Mr. Courtney prepared an analysis of the changes in the updated model ordinance, Mr. Lallo said he would like to review those changes.

\* \* \* \* \*

Mr. Lallo advised there is no update on the recent court case relating to the denied application for a barn. He noted that the last brief was filed two months ago, and it is awaiting the Judge preparing an entry.

New Business:

Agenda for Combined Meeting with Council – Tuesday, January 16, 2024

In discussion, it was noted that the agenda for the meeting will be primarily to review the proposed amendments and reorganization of the zoning code. Chairman Denk noted he will also provide highlights of the business addressed by the Commission in 2023. There will also be an opportunity for comments or concerns that are not on the agenda.

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 8:35 p.m.

---

CHAIRMAN

---

SECRETARY