

CITY OF KIRTLAND
PLANNING AND ZONING COMMISSION

MINUTES OF THE MEETING
August 11, 2025

Roll Call

The meeting was called to order by Chairperson Denk at 7:05 p.m. Present were Commission members Jason Bridges, Richard DeMarco, Lita Laven, Frank Lyon, and Michael Denk.

Also present were Assistant Law Director Mark Marong and City Engineer Doug Courtney, and Public Works Director Joe Fornaro.

Minutes of the July 21, 2025 Work Session

Richard DeMarco moved to approve the Minutes, with the second by Frank Lyon. Upon roll call vote, the motion passed 5-0 (Ayes – Bridges, DeMarco, Laven, Lyon, and Denk; Nays: None)

Minutes of the July 21, 2025 Meeting

Richard DeMarco moved to approve the Minutes, with the second by Jason Bridges. Upon roll call vote, the motion passed 5-0 (Ayes – Bridges, DeMarco, Laven, Lyon, and Denk; Nays: None)

Public Hearing – Short Term Rentals Proposed Amendments to Chapter 1260: 1261.09 and 1268.03 and Chapter 1270 Section 1270.03, 1275.03 and 1275.04

The meeting was opened to the public at 7:07 p.m.

Christine Pappas, 9161 Regency Woods Drive, addressed the commission. Ms. Pappas read a prepared statement. A copy of the statement is attached to the Minutes and incorporated herein. Ms. Pappas' statement included her concerns regarding 25-O-44.

Jerome Hartigan, 9830 Partridge Trail, addressed the Commission. Mr. Hartigan stated he has long term rental properties in the city. He requested the definition of "short term rental" and asked if properties would be grandfathered in if an ordinance passes to prohibit short term rentals.

Mike Pappas, 9161 Regency Woods Drive, addressed the Commission. Mr. Pappas shared his concerns that if an ordinance is passed to prohibit short term rentals it could potentially put people out of business who are actively operating a short-term rental. He suggested the approach be more judicious and not reactive.

Mr. Denk provided an overview of how the city introduces legislation in the city and the Planning & Zoning Commission's role in drafting legislation. Noting that City Council will discuss at three consecutive meetings and there will be opportunities to address Council and voice your concern.

Jason Bridges recommended Planning & Zoning Commission revisit the issue within two/three months to begin the function of developing legislation and procedures to implement governance over short-term rentals.

Additional discussion regarding the contents of a motion that P&Z Commission can initiate regarding stipulating revisiting this topic under new business and begin with communication with.

Council. It was noted that City County will receive the P&Z Commission's recommendation PZ-R-1.

Mr. Bridges stated that we are here tonight to recommend by vote the P&Z Commission's position on short-term rentals. Mr. Marong noted that Council needs to pass legislation, and that in New Business 25-PZ-1 will be considered.

Additional discussion regarding future legislation and existing legislation was had, including the P&Z Commission's role in composing legislation.

Mr. Denk asked if there were any more public comments. There were no additional public comments, and the Public Hearing was closed at 7:26 p.m.

Public Session

9337 Chillicothe Road- Preliminary Plat Approval – Plat Dated June 27, 2025

Mr. Marong stated Chairperson Denk will recuse himself from discussions regarding this matter as he has done previously in this regard, and Mr. DeMarco will serve as Chairperson for purposes of this discussion.

Mr. Marong stated that this group has presented to the Commission at several meetings over the last six months for conceptual plan review and comments. Recently the Board of Zoning Appeals authorized a variance regarding lot coverage on the mixed-use building. This is a proposed major subdivision in the HTC District, stating that the Planning & Zoning Commission has authority to fit this project on a site per Section 1244

Mr. Courtney provided an overview of his review of the Preliminary Plat dated June 27, 2025 as contained in his Memorandum dated August 1, 2025 which was submitted to the Planning & Zoning Commission for review.

Mr. Marong stated the Preliminary Plat dated June 27, 2025 was received by Mr. Courtney on July 15, 2025 and reviewed in preparation for this evening's meeting. Noting that at approximately 2:00 p.m. today, August 18, 2025, the applicants submitted an updated site plan dated August 8, 2025. Mr. Courtney has not had an opportunity to review the newly submitted plan. Mr. DeMarco asked the applicants to provide a line-by-line-item review of what changes have been made on the Preliminary Plan dated August 8, 2025, submitted at 2:00 p.m. today.

Ray Sankovich and Alan Negrelli of Signature Real Estate Services, Mike Payne, owner of Payne and Payne Development Company and Mike Cato Design Architect with Payne and Payne Builders were present. Mr. Sankovich provided an overview of the changes made on the August 8, 2025 Preliminary Plat. Mr. Negrelli referenced the correspondence from Aqua dated August 6, 2025 directed to Mr. Courtney. Mr. Courtney stated he did not receive this letter and that the first time he has seen this letter is today with the Plat submission.

Mr. DeMarco asked the Commission members if they had any questions.

Ms. Laven asked if the new plan submitted today, August 18, 2025, considers Mr. Courtney's comments on the August 1, 2025 Memorandum. Responding Mr. Sankovich affirmed that the new plan addresses many of the compliance requirements in the August 1, 2025 Memorandum. Ms.

Laven clarified that the trash management and fence are the only items that still need to be addressed. Mr. Sankovich confirmed, noting that trash will be located within.

Mr. Marong noted that there is a utility plan requirement in §1244 that must be addressed as well.

Jerome Hartigan, 9830 Partridge Trail, questioned the 15-foot setback from the parking lot on Rt. 306. Responding Mr. Sankovich stated the parking lot is 35 feet from the street.

Mr. Marong suggested that Mr. DeMarco request the Applicants to provide an overview of the project including images to the members of the public in the audience this evening.

Ray Sankovich and Alan Negrelli of Signature Real Estate Services, Mike Payne, owner of Payne and Payne Development Company and Mike Cato Design Architect with Payne and Payne Builders presented images of the proposed project and particulars of the layout.

Christine Pappas, 9161 Regency Woods Drive, inquired if the properties would be designated 55+ and if the properties will be individually owned. Responding Mr. Sankovich stated the properties will be fee simple and the marketed towards 55+ but not restricted.

Scott Stearns 8087 Charlesderry Road inquired about the location of the retaining pond. Responding Mr. Sankovich stated the pond will be in the rear and the pine tree line on the south side will remain.

Matt Luck, 11056 Tibbetts inquired about street side parking. Responding Mr. Sankovich stated the road will be wide enough. Mr. Luck also asked who owns the property to the north. Responding Mr. Sankovich stated it is a private owner and that there is a parcel in-between.

Mr. DeMarcco asked if there were any more public comments. There were no additional public comments, and the Public Hearing was closed at 8:04 p.m.

Mr. Marong provided a narrative of options the P&Z Commission should consider regarding the today's Plat submittal noting that today's submittal is responsive to Mr. Courtney's Memorandum dated August 1, 2025. Options include (1) table the matter to allow time for Mr. Courtney to review and come back to P&Z; or (2) approve this evening with conditions. Noting that the applicants testified this evening that footprint has not been changed.

Discussion among Commission members regarding the options was had.

Mike Payne, Payne & Payne Builders addressed the Commission and requested that the Commission consider approving the plat as submitted with conditions. Noting that the details will be addressed in the final plat submittal.

Matt Luck, 11056 Tibbetts, addressed the Commission and asked the Commission to proceed with caution regarding granting approval based on conditions.

Continued discussion among Commission members regarding options was had.

Mr. Marong responded to Ms. Laven's request for information regarding the process. Mr. Marong stated the preapplication conference was held, and currently the preliminary plat approval is being sought. Once its complete and satisfied by Code we have to act within 45-days by a yes or no vote then goes to Council to determine if a major subdivision should be granted. If granted the final plan which includes detailed engineering items is submitted followed by submittal of actual construction documents.

All the conditions have to be satisfied. Before going to council. Mr. Courtney will certify that all the conditions have been satisfied.

Commission Member Frank Lyon, moved to approve the Preliminary Plat June 27, 2025 submittal with the condition that Mr. Courtney approves all remaining conditions as well as any conditions determined from his review of the submittal dated August 7, 2025 and submitted August 11, 2025, with referral to Council from Mr. Courtney. Commission member Jason Bridges seconded the motion. Upon roll call vote, the motion passed 4-0 (Ayes – Bridges, DeMarco, Laven, Lyon. Nays – None).

Public Comments on Items Not on the Agenda.

Patrick Davis, 570 Footville-Richmond Road East Rd, Jefferson addressed the Commission regarding a property owned by his mother at 10901 Tibbetts Road. Mr. Davis read a prepared account regarding urgent erosion and permit violation concerns he has regarding the neighboring property. A copy of Mr. Davis's statement is attached hereto and made a part hereof.

Mr. Courtney stated he has communicated with the property owner and requested a status update. He also provided an overview of what has occurred to date. Stating that the zoning process is moving forward, and he expects to receive a grading plan and site plan in the near future.

Mr. Davis shared his concerns with the ravine and the upcoming rainy season. He requested immediate action on behalf of the city.

Mr. Courtney stated that he has instructed Mr. Harriman to cease all work until a grading plan and engineered drawing for the bridge is submitted.

Matt Luck, 11056 Tibbetts addressed the Commission and encouraged the members drive by and view the site.

Mr. Denk asked if there were any additional public comments for items not on the agenda. There were none.

Communications and Bills

1. Council Meeting Minutes June 2, 2025
2. Draft BZA Meeting Minutes July 23, 2025
3. Zoning Permits Report – July 1, 2025 – July 31, 2025

Old Business There was no old business.

New Business

1. Proposed Amendments to Chapter 1260: §1261.09 and §1268.03 and Chapter 1270 §1270.03, §1275.03 and §1275.04.
(Planning & Zoning Commission Resolution No. 25-PZ-1)

Mr. Marong reviewed the proposed amendments.

Discussion regarding the defined term “*bed and breakfast*” was had. Definition of *short-term rental* as defined by the State of Ohio was had.

Mr. Marong provided an overview of SB 104 as requested by the Commission.

Continued discussion among Commission members and individuals in the audience including Council President Fenstermaker and Councilman Smolic was had.

Commission Member Jason Bridges, moved to approve Planning & Zoning Commission 25-PZ-1 recommending adopting these Code sections to Council. Commission member Frank Lyon seconded the motion. Upon roll call vote, the motion passed 5-0 (Ayes – Bridges, DeMarco, Laven, Lyon, and Denk Nays – None).

Commission Member Jason Bridges, moved to have the matter of short-term rentals on the December 2025 Planning & Zoning meeting Agenda as old business. Commission member Frank Lyon seconded the motion. Upon roll call vote, the motion passed 5-0 (Ayes – Bridges, DeMarco, Laven, Lyon, and Denk. Nays – None).

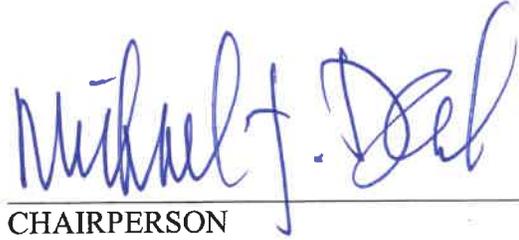
Mr. Bridges offered to spearhead the research necessary regarding this matter.

Next Meeting

The next Planning & Zoning Commission is on September 8, 2025. The last date to submit a Public Request is August 22, 2025.

Adjournment

There was no further business before the Commission, and Lita Laven moved to adjourn Frank Lyon provided the second, and the motion passed upon unanimous vote. The meeting adjourned at 9:03 p.m.


CHAIRPERSON


SECRETARY

Public Comment Opposing Ordinance 25-O-44

Christine Pappas

Kirtland Resident / Community Member

Good evening,

My name is Christine Pappas, and I've been fortunate to call Kirtland home for 27 years. I'm here today to voice my concern about Ordinance 25-O-44, which seeks to ban short-term rentals in our community.

I understand that the intent behind this proposal may come from concerns about safety, neighborhood quality, or nuisance properties, as well as a reaction to a proposed Bill at the State Level, but I believe a complete ban made in crisis response, goes too far and undermines the rights and opportunities of responsible Kirtland homeowners.

Short-term rentals allow residents, many of whom are retirees, caregivers, or working families, to earn supplemental income that helps them maintain their homes, pay property taxes, and weather the rising costs of living. It's a flexible, local solution to financial challenges, not a threat to our neighborhoods.

Kirtland already has the tools to manage legitimate concerns and has allowed Tourist Homes for many years. Rather than banning short-term rentals outright, we could consider sensible regulations: require permits, set occupancy limits, enforce noise ordinances, and create accountability for irresponsible hosts. That's what other Northeast Ohio communities have

done successfully. We don't need to reinvent the wheel, we could adopt what's worked for them.

Let's also remember that Kirtland benefits from tourism. Visitors to Historic Kirtland, surrounding local attractions, and event attendees often choose to stay in short-term rentals. They eat in our restaurants, support our small businesses, and bring outside dollars into our economy. A ban doesn't just hurt property owners, it hurts local commerce too.

And, short-term rentals aren't just for visitors, they assist people who are in a transition. For instance, people who are moving to the area and unsure where they want to place roots, will often utilize a short-term rental. Or those who have sold their home and need a temporary furnished house until they secure a new one.

Setting this kind of precedent is concerning when it involves how residents can use their own property in a way that's safe, responsible, and economically beneficial.

A ban is difficult to walk back— We don't need to penalize responsible property owners when rational solutions are available. I respectfully urge you to vote *no* on Ordinance 25-O-44 and instead direct your intentions and resources to develop a balanced approach, one that safeguards our neighborhoods while still allowing responsible short-term rentals to operate.

Thank you for your time and service to our community.

Zoning meeting

Inbox



3:00 PM (0
minutes
ago)

Pat Davis
<pdavisx262@gmail.com>

to me

Re: Urgent Erosion and Permit Violation Concerns – Tibbetts Road, Parcel
#20-A-027-0-00-032-0

Members of the Board,

Thank you for the opportunity to address this matter. I am writing to express my deep concern over recent excavation and land development activities on the above-referenced property.

From my understanding, the current property owner, who is from Colorado and apparently owns a construction company, has initiated excavation from the street to the building site without first obtaining the required permits. Although I understand the Board has now halted this work, the fact remains: a significant disturbance to the landscape has already occurred to the land, and that disturbance directly threatens my parents' property at 10901 Tibbetts Road.

Kirtland City Engineer Doug Courtney has informed me that the new owner must hire a structural engineer to design and install a retaining wall to prevent further erosion. While I support that requirement, there is currently no deadline for completion. The lack of a time frame is unacceptable. As each day passes, the exposed ravine edge continues to deteriorate—particularly with the upcoming fall and winter rains, snow, freezing, and thawing. The risk is not theoretical; it is imminent.

The driveway south of the creek—mere four inches from my parents' property line—was created by cutting into a ravine. This vertical cut removed the trees, roots, and ground cover that naturally prevented erosion. The soil is now destabilized. In addition, this vertical cut has created a potentially safety hazard condition due to undercut erosion. It should also be noted should a collapse occur, the damage to my parents' driveway and property could be catastrophic.

Let me be clear:

- As previously stated the work was conducted without permits, despite the owner being an experienced, well-established builder from Colorado who knows permitting laws.
- The risk of erosion, as well as a potentially catastrophic collapse of the excavated hillside, is not only foreseeable—it is a direct result of the unpermitted work.
- If action is not taken promptly, the city and the property owner could both face liability for damages to adjacent properties.

I respectfully request that the Board:

1. Set and enforce a strict deadline for the retaining wall's design and installation.
2. Require immediate erosion-control measures to stabilize the exposed soil in the meantime.
3. Assess and enforce appropriate penalties for the unpermitted work, to ensure fairness to long-time residents who comply with the law.

This is not just a neighbor dispute—it is a matter of public safety, property protection, and municipal responsibility. If this were your parents' land at risk, I believe you would demand the same urgency.

Thank you for your prompt attention to this matter.

Patrick Davis