

CITY OF KIRTLAND
PLANNING AND ZONING COMMISSION

MINUTES OF THE MEETING
MAY 11, 2020

The meeting was called to order by Chairman Michael Denk at 7:03 p.m. Due to the current state of emergency regarding COVID-19, the meeting was held virtually via Zoom. Present were Commission members Richard Blum, Richard DeMarco, Michael Denk and Joseph Vinciguerra. Rick Loconti joined the meeting shortly after it was called to order.

Also present were Mayor Kevin Potter, Law Director Matthew Lallo, City Engineer Douglas Courtney, Zoning Inspector Wayne Baumgart, Economic Development Manager Monica Drake, Council President Richard Lowery, Councilman Jeffrey Ruple and Councilman Joseph Smolic.

MINUTES OF THE APRIL 13, 2020 MEETING

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

PUBLIC SESSION:

PUBLIC REQUESTS

FastSigns – Proposed Building Sign at 9179 Chillicothe Road for Faith and Beauty Salon & Spa
Kim Hoffman from FastSigns was present in this regard. Ms. Hoffman stated that the sign dimension is 18-1/2 inches tall and 106 inches wide; the first line of text is 9 inches tall and the second line of text is 6 inches tall. It was noted that the proposed sign is on the fascia facing Route 306. Ms. Hoffman stated that the studio is located in a corner suite and the unit does not have any building frontage. She noted that the proposed location for the sign was suggested by the building owner.

Mr. Blum noted that this is a unique situation, and without the ability to have a monument sign, a building sign is the only sign that can be approved for the business. The Commission members were in agreement that the sign matches the scale of other signs on the building, and there is no other location for the building sign.

There were no public comments regarding the proposal. Answering Mr. Denk, Mr. Courtney stated he does not have any input regarding the sign.

Mr. Blum moved to approve the proposed building sign at 9179 Chillicothe Road for Faith and Beauty Salon and Spa, as presented. Mr. DeMarco provided the second. Upon roll call vote, the motion passed 5-0 (Ayes – Blum, DeMarco, Loconti, Vinciguerra and Denk; Nays – None).

Mr. Excavator, Inc. – Proposed Fence at 8616 Euclid-Chardon Road

Bob Flesher of Mr. Excavator, Inc. was present in this regard. Mr. Denk reviewed the proposed location of the fence, noting that the plans indicate it will be 1 ft. from the side property line. It was noted that it is a decorative ornamental fence, 8 ft. in height, with a 4 ft. high sliding gate by the building on the east side of the property and an 8 ft. high sliding gate at the front on the west side of the property. Mr. Denk noted that Section 1290.03(b) states that fences in the front yard shall not exceed 4 ft. 6 inches and fences in the side and rear yard shall not exceed 6 ft. 6 inches. Referring to Section 1290.03(g), Mr. Denk noted that Planning and Zoning Commission approval is required for any fence that exceeds 6 ft. 6 inches in height.

Mr. Flesher confirmed that it is an ornamental fence of inch-by-inch pickets, and it is a black powder coated aluminum fence, made by Elite Fence. When asked the reason for the 8 ft. fence, Mr. Flesher stated they have inherited the fence from another project and it is in very good shape; it will be re-powder coated. Answering Mr. Denk, Mr. Flesher stated that the fence extends back approximately 300 ft. Mr. Flesher noted that the fence is completely within the Limited Industrial zoned portion of the lot.

Mr. Blum inquired about the fence being located under the existing transmission tower at the northwest corner, noting that work area is generally needed under the power lines. Mr. Flesher stated that there has been a fence there for all but the last 10 years, noting that it was fenced when the property was used for horses. He noted that there were cattle guards and fences that traversed through the power line area. Mr. Denk noted that there is likely a power line easement. Mr. Flesher noted that the neighbor's fence is right in front of the power line. Mr. Flesher stated that he will make sure that the utility company is aware and he will give them access when needed. Discussion ensued regarding construction of the fence near the power lines. Mr. Lallo advised that the City does not need First Energy's approval; it is the City's discretion to authorize the size and placement of the fence. He noted that if there is an issue with First Energy, it is the property owner's responsibility to come back and modify his request is necessary.

Responding to Mr. Denk, Mr. Courtney stated he does not have any issues with the proposed fence.

Answering Mr. Denk, Mr. Flesher stated there will be no grade changes, and he confirmed that they will maintain 1 ft. off the side property lines. Mr. Blum inquired if there is any ability to modify the fence to 6 ft. 6 inches, since they are planning to paint it. Mr. Flesher stated they looked into doing that, but it can't be done because it is already framed and it would ruin the fence and make it useless.

There were no public comments regarding the proposal. Councilman Ruple stated that he received some correspondence from neighboring residents, but it does not relate to the fence.

Mr. Loconti moved to approve the proposed black powder coated ornamental fence, 8 ft. in height, at 8616 Euclid Chardon Road. Mr. Vinciguerra provided the second. Upon roll call vote, the motion passed 4-1 (Ayes – DeMarco, Loconti, Vinciguerra and Denk; Nays – Blum).

TABLED REQUESTS

Paul Architects – Application for Conditional Use Permit for Proposed Attached Single-Family Dwelling Unit Development at 9327 Chillicothe Road

Mr. DeMarco moved to remove the matter from the table, with the second by Mr. Blum. Upon roll call vote, the motion passed 5-0 (Ayes – Blum, DeMarco, Loconti, Vinciguerra and Denk; Nays – None).

Thomas Paul of Paul Architects was in attendance. Dusty Keeney of Polaris was also in attendance. Chairman Denk acknowledged receipt of revised drawings and documents in this regard, including correspondence dated May 6, 2020 from City Engineer Douglas Courtney; a copy of correspondence dated April 27, 2020 from Lake County Department of Utilities; and a response letter dated April 27, 2020 from Capa Builders LLC. The Commission acknowledged receipt of an e-mail correspondence dated April 17, 2020 from Police Chief Nosse. Mr. Paul stated that Chief Nosse's questions are addressed in the response letter.

Discussion ensued regarding the retention ponds. Mr. Paul assured that the retention ponds will be properly maintained. Mr. Keeney stated that the ponds will be designed in accordance with EPA regulations, noting that parts of the ponds will always have 3 ft. of water; he noted there will always be a wet component. He said they will be designed to be slow release.

Catarina Cocca-Fulton stated that she is an attorney and the daughter of the property owners. She stated the project was first presented in November 2019, noting that the owners also met with the Mayor and the Economic Development Manager before coming to the Commission. She stated they are seeking approval of the conditional use permit for this project. She stated that initially they had proposed a commercial building at the front of the property, but the plans were changed to all residential based on the recommendation of the Commission. They are looking at maintenance free, aging in place living for senior citizens. She stated it will be ADA accessible. She discussed all the benefits of the development to the seniors and to the community. She reviewed the responses provided in the correspondence dated April 27, 2020. She noted that additional responses were provided on April 1, 2020 to the comments and questions from the Commission. Ms. Cocca-Fulton stated they have addressed all the questions and comments and met all the requirements, and they are requesting approval so they can move forward on this project.

Mr. Blum stated he does not believe the barriers are adequate for the hammerhead. Mr. Paul stated they can provide arborvitae around the perimeter of the barrier, which will provide more protection. He noted that the hammerheads are very large and deep areas. Mr. Blum inquired about providing lighting. Mr. Paul stated that landscape lighting could be provided. Mr. Courtney stated he does not believe landscaping will be sufficient to keep a car from going into the ravine. Councilman Smolic suggested that a guardrail or concrete barrier be used to prevent a vehicle from going over the edge. Mr. Loconti stated he also has concerns about the hammerhead. He believes a low metal barrier would be sufficient for protection; he suggested that reflective tape or reflectors be included on the guardrail.

Mr. DeMarco stated that he also believes a permanent guardrail is needed. Mr. DeMarco stated he does not have an issue with the ponds in the front. He stated that he believes the development is very

linear and will feel restrictive. Mr. Paul stated there is not room to shift the buildings; he does not believe it will be restrictive. Mr. DeMarco stated there could be more separation with less density.

Ms. Cocca-Fulton mentioned that the buildings are staggered; each house will have its own driveway and landscaping. It will not look like an alley; it will look nice.

Responding to Mr. Denk, Ms. Cocca-Fulton stated the development is designed for seniors, with one bedroom, for those 55 and older.

Answering Mr. Denk, Ms. Cocca-Fulton stated at this point, they are not looking to allow pets, but they are still looking into this.

Mayor Potter stated that he spoke with the property owners, noting that his biggest concern was the guarantee for the 55 and older age group. Ms. Cocca-Fulton stated the development is designed for seniors; the units will be ADA compliant, with everything on the first floor. She noted there are requirements at the Federal level for 55 and over. Ms. Cocca-Fulton stated it is a high percentage that must meet the requirement of 55 and older; she stated the development must meet the threshold to be considered a 55 and older development. Mr. Lallo stated he believes 80 percent of the units must have at least one person that is 55 and older. Ms. Cocca-Fulton stated that all of their applications will require age 55 and older, since it will be designated as 55 and older.

Discussion ensued regarding the 55 and older designation. Mr. Paul noted that all units will be one bedroom, with a study/office. He confirmed that there will be a door on the study.

With regard to sewers, Mr. Courtney stated that the property is currently assessed for one benefit unit, which is 400 gallons per day, so it would need to be multiplied by the number of units. Mr. Courtney stated there is capacity in the system for this development. The Lake County Department of Utilities will not make a final determination on the assessment and the capacity purchase needed until a set of plans is submitted formally for review. Mr. Courtney stated he believes there is approximately 120,000 gallons per day of available capacity in the system, but Kirtland's available capacity is somewhat less because of restrictions in the lines in Mentor. Mr. Courtney noted that capacity will need to be purchased from the City or Lake County Department of Utilities. Discussion ensued regarding sewer capacity and assessment. Councilman Smolic stated that there is capacity reserved for the Old Town area.

Mr. Loconti stated there is potential down the road for the format of these apartments to change, resulting in more than two people living in them. There was discussion regarding limiting by conditional use.

Answering Mr. Denk, Mr. Paul stated that plans for a new sign will be submitted at a future meeting.

Chairman Denk opened the meeting to public comment. There were no questions or comments from the public.

There was discussion regarding outdoor areas of the units. Mr. Denk suggested that restrictions be included in the leases, noting that there must be compliance with all City ordinances.

Ms. Drake noted that in her discussions with Mrs. Cocca, in the event someone needs an aid, the spare room could double as a bedroom if needed for the aid.

Ms. Cocca-Fulton stated the units are designated as one bedroom, noting that the bedroom has its own bathroom, and there is an additional guest bathroom. She pointed out that, in the revised plans dated 4/27/20, the study does not have a closet, and it is her understanding that since there is no closet and no bathroom attached, it would be considered a study and not a bedroom. Mr. Loconti stated that according to the building code, if the room does not have a closet, it can be called an office, a den or storage, and it is not a bedroom by definition; however, he noted that someone could use it as a bedroom.

There was discussion regarding conditions to be placed on the conditional use permit; it was agreed that a condition be placed regarding housing for age 55 and older. It was noted that the recommended guardrail for the hammerhead should be incorporated into the site plan.

Mr. Vinciguerra moved to approve the conditional use permit for the proposed development at 9327 Chillicothe Road with the following condition: Housing for persons who are 55 years of age or older in accordance with the Housing and Urban Development's relevant provisions as found in the Code of Federal Regulations. Mr. DeMarco provided the second. Ms. Cocca-Fulton indicated that the applicants are in agreement with the proposed condition. Upon roll call vote, the motion passed 5-0 (Ayes – Blum, DeMarco, Loconti, Vinciguerra and Denk; Nays – None).

In discussion of the preliminary development plan, Mr. Courtney stated that there are several items in his comment letter that he suggested be included in the final development plan, including the barrier at the end of the hammerhead. Mr. Vinciguerra moved to approve the preliminary development plan as submitted for the proposed development at 9327 Chillicothe Road. Mr. Blum provided the second. Upon roll call vote, the motion passed 5-0 (Ayes – Blum, DeMarco, Loconti, Vinciguerra and Denk; Nays – None).

With regard to Section 1275.04(a), it was noted that Council approval of the preliminary development plan will be required.

Tim and Carol Parks – Proposed Subdivision at 8743/8787 Billings Road – Preliminary Plan and Request for Variance Relating to Open Space

The matter remains tabled.

Lynn Zivko – Preliminary Grading Plan for 8588 Billings Road

The matter remains tabled.

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Councilman Ruple mentioned that he received a letter from residents on Appaloosa regarding the Mr. Excavator property. He noted that he will forward the letter to the Commission, the Mayor and the Zoning Inspector.

WORK SESSION:

Communications and Bills

1. City Council Meeting Minutes – March 30, 2020 Special Council Meeting; April 6, 2020 Work Session and Council Meeting; and April 20, 2020 Council Meeting and Finance Committee Meeting.
2. Zoning Permits Report – April 1, 2020 to April 30, 2020.

Old Business

1. Sign Ordinance – There was discussion concerning possible amendments to address temporary construction signs. The Commission also discussed total sign area for monument signs. Discussion ensued regarding temporary signs. Mayor Potter requested the Zoning Inspector prepare an inventory of all temporary signs.

There was discussion regarding enforcement of the sign ordinance. Ms. Drake suggested that the City allow the businesses to re-open following the shutdown due to COVID-19, and give them one month before any letters are sent to those not in compliance. She suggested that enforcement be done uniformly and to all that are in violation at the same time. Councilman Ruple suggested that violators be given six months to come into compliance, with an additional six months for good cause shown. Mayor Potter suggested that the permit fee could be waived for those that come into compliance before the end of the year.

Understanding that flag signs are not permitted, Ms. Drake inquired if the Commission feels that they are a problem aesthetically or safety-wise; if there is not a problem, she questioned whether this should be revisited in the ordinance. She noted that the purpose of those signs is to attract the drive-by traffic. Mr. Loconti stated it could open the door to an unsightly situation by adding a great number of signs. He noted that the trend is less signage. Mr. DeMarco stated that he is not in favor of allowing the flag signs, and he and Mr. Blum agreed there is a need for consistent enforcement of the sign ordinance. Mr. Vinciguerra stated that he likes the flag signs indicating that a business is open, but he agrees that businesses should not be using them since they are in violation of the sign ordinance.

There was discussion regarding enforcement of temporary sign ordinance violations. Mr. Loconti stated that since the City has an ordinance, it should be enforced, and it will need to be followed through.

Mr. Vinciguerra suggested enforcement be handled by determining one specific issue to be addressed first, rather than trying to enforce all violations at one time. Otherwise, it will be too difficult for the City to follow through on enforcement.

Councilman Ruple suggested giving businesses some time before sending violation notices, noting that businesses are struggling right now due to the current situation.

Chairman Denk noted that the Commission will need to determine what changes should be recommended to Council.

New Business

Chairman Denk noted that a special meeting has been scheduled for May 20, 2020, regarding an unanticipated riparian issue that has arisen for the event barn. It was noted that notification was mailed late last week to property owners within 500 feet. Mr. Lallo noted that a conditional use permit is needed from the Planning and Zoning Commission for the streambank stabilization; they also need a permit from the U.S. Army Corps of Engineers. Mr. Lallo stated that he is attempting to schedule a conference call with the construction company for the project and the property owner's attorney, noting that after discussing this with Mr. Courtney, it appears there are other issues to be addressed because of the work in the riparian area.

Adjournment

There was no further business before the Commission, and Mr. Vinciguerra moved to adjourn. Mr. DeMarco provided the second, and the motion passed upon unanimous vote. The meeting adjourned at 10:20 p.m.

CHAIRMAN

SECRETARY