

CITY OF KIRTLAND
PLANNING AND ZONING COMMISSION

MINUTES OF THE MEETING
FEBRUARY 8, 2021

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, Rick Loconti and Joseph Vinciquerra.

Also present were Law Director Matthew Lallo, City Engineer Douglas Courtney, Economic Development Manager Monica Drake and Zoning Inspector Wayne Baumgart. Mayor Kevin Potter and Councilman Joseph Smolic joined later in the meeting.

ELECTION OF OFFICERS

1. **Chairman**

Mr. Vinciquerra nominated Michael Denk as Chairman, with the second by Mr. Blum. 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, Loconti and Vinciquerra; Nays – None; Abstaining - Denk).

2. **Vice Chairman**

Mr. Vinciquerra nominated Richard DeMarco as Vice Chairman, with the second by Mr. Blum. 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, Loconti, Vinciquerra and Denk; Nays – None; Abstaining – DeMarco).

3. **Secretary**

Mr. Vinciquerra nominated Richard Blum as Secretary, with the second by Mr. DeMarco. 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, Loconti, Vinciquerra and Denk; Nays – None; Abstaining – Blum).

MINUTES OF THE JANUARY 11, 2021 MEETING

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

MINUTES OF THE JANUARY 11, 2021 COMBINED MEETING

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

PUBLIC SESSION:

PUBLIC HEARING

Proposed Parks Farm Subdivision – 8743/8787 Billings Road

Chairman Denk advised that the public hearing is being held with regard to the proposed Parks Farm Subdivision at 8743 and 8787 Billings Road, noting that a preliminary plan has been submitted. Carol Parks was present on behalf of the proposed subdivision, along with Dusty Keeney of Polaris Engineering & Surveying.

Chairman Denk opened the meeting to public comment.

Phil Milavec of 8076 Pheasant Lane stated that he lives in Silver Fox Subdivision, on Sublot 21, which borders Sublots 6 and 7 of the proposed subdivision. He inquired if the 80 ft. setback will remain the same, regardless of the orientation of the houses that will be placed on those sublots. Mr. Keeney advised that the drawing shows a representation of where a house could be placed. He stated the 80 ft. front and rear yard setbacks are required by the zoning code, along with a 25 ft. side yard setback; therefore the houses would have to conform to those setbacks in the zoning code.

Mr. Milavec asked about some swirl marks shown on the grading plan; he inquired if it indicates water flow. He stated a lot of water flows from the back of that property and floods the yards on Pheasant Lane. Mr. Keeney stated the swirl marks are a representation of the edge of the existing wood line. Mr. Keeney stated that from a drainage perspective, as they move forward with final design, some type of swale or drainage will be needed for Sublot 6 to direct water to the east so it does not adversely affect adjoining property.

Mr. Milavec inquired about storm sewers in the development. Mr. Keeney stated the pavement section within the new roadway will be curb and gutter, and there will be storm sewers with catch basins in the pavement to pick up the road drainage. He stated the final plans will provide stubs for the lots to have yard drains to take the drainage to the storm sewer within the public right-of-way; it will be directed to two proposed stormwater basins – one across from Sublot 1 and one along the proposed property line of Sublot 7 and Sublot 8, which will be designed to satisfy all City, County and EPA requirements for stormwater quality treatment, stormwater detention, and all regulations relating to water.

Referring to Sublot 7 which abuts the corner of his property, Mr. Milavec asked if the septic systems will be mound systems. Mr. Keeney stated they are anticipating that they will be mound systems; they have had individual lot soil work done to establish the loading rates for the soil based upon the Lake County Health Department and the Ohio Department of Health regulations. Mr. Keeney noted that the plans do not represent the exact locations of the systems, but from a buildability perspective the plans show a house and septic system. Noting that the plan shows the location of the septic system at approximately 5 ft. from his rear property line, Mr. Milavec stated concern about leaching from the septic system onto his property. Mr. Keeney stated that according to the current County regulations, a minimum of 10 ft. off the property line is required for any septic system component.

Answering Mr. Denk, Mr. Keeney stated they will have to receive approval of the overall subdivision from the Health Department, so they can prove through calculations and a layout that a septic system

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will fit on the lot and that it will meet all of their requirements. He stated there will also be a site specific review for each sublot when a house and septic system are proposed.

Mary Beth Naim of 8727 Billings Road stated that her lot is just west of the proposed new road. She stated that she does not see a setback on the drawing from her lot, and she inquired if it is supposed to be 80 ft. Mrs. Parks stated that the setback on Sublot 1 would be a side yard setback of 25 ft. from the common property line. Ms. Naim inquired about the drainage flow, noting that there is nothing showing the drainage flow on her lot, her neighbor's lot, or on Sublots 1 through 5. Mr. Keeney stated there is an existing drainageway from her back yard heading northeast into the Parks property in the location of the road. He stated that as they do the final design, a culvert will be designed to go under the roadway which will continue to convey the water that comes off her property; it will be sized appropriately to handle storm events. Ms. Naim stated the water does not originate on her property. Mr. Keeney stated the water flows from west to east to the low side, noting there will be a storm sewer connection for Sublots 1 through 5, which will be sized appropriately to handle the watershed on those lots. He stated when each of those individual lots are developed, the lot owners can put the yard drains in the appropriate spot for the grading for their specific house, and those yard drains would be tied into the system within the roadway, which ultimately goes into the detention basin. Further discussion ensued regarding drainage of those sublots.

Addressing Ms. Naim's questions about water flow on the drawing, Mr. Keeney stated that the plan shows the riparian area, but it does not show the water flow. Mr. Courtney stated that this is a preliminary plan; when the final plan is submitted to the City, drainage to the culvert will need to be delineated. He stated there will be a lot more drainage detail and calculations in the final plan. Mr. Keeney stated they will study that further so the drainage will not adversely affect her property.

Elaine Hutchins of 8662 Pheasant Lane stated that their property is at the rear of Sublot 6. She stated that currently they get a lot of runoff coming from the back of that property through the woods into a swale that is often swamped in the rain. She stated concern about that end of the development, and would like to know that the drainage is being addressed. Answering Mr. Denk, Mr. Keeney stated they will make provisions for the downspouts and potential yard drains to be installed with the individual site plans. Mr. Keeney stated that they will study this more closely, now that they know there is potentially a pre-existing condition there. He discussed the possibility of installing swales or ditches along the north side of Sublots 6 and 7 to direct the water to the basin, noting the detail will have to be worked out. Mrs. Hutchins stated that they do not want the problem to increase as a result of the development.

There were no further comments from the public, and Mr. DeMarco moved to close the public hearing portion of the meeting, with the second by Mr. Blum. Upon roll call vote, the motion passed 5-0 (Ayes – Blum, DeMarco, Loconti, Vinciquerra and Denk; Nays – None).

PUBLIC REQUESTS

Proposed Parks Farm Subdivision – Preliminary Plan

Chairman Denk acknowledged receipt of a memo dated February 3, 2021 from City Engineer Douglas Courtney. Mr. Lallo explained the procedure for approval of the preliminary and final plans.

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Chairman Denk requested that the City Engineer provide a brief summary. Mr. Courtney noted that the total site is 47 acres, and the property is zoned R-3B. He stated there are 15 sublots in the proposed subdivision, ranging in size from 2 acres to approximately 5-1/2 acres; the average lot size is approximately 2-1/4 acres. A front yard setback variance was granted for Sublot 1, and a front yard setback variance was granted for Sublot 15, along with a variance to allow accessory buildings in the front yard. The road will be approximately 1650 ft. in length, 22 ft. wide. The public right-of-way will be 50 ft. wide; there will be a 12 ft. utility easement on either side of the roadway for non-municipal utilities, such as gas, electric and telecommunications. Storm water management will be addressed with two stormwater ponds – one on the east side of the roadway across from Sublot 1; the second basin is on Sublot 7.

Mr. Courtney noted there are some environmental conditions, the first being the Forest Cover Environmental Overlay District, which impacts Sublots 8 through 12. There are riparian setbacks and Federally designated flood plains. Riparian setbacks will be impacted for the roadway crossing over the waterway that runs from Block B and Ms. Naim's property, across to Sublot 13 and ultimately to the pond.

Mr. Courtney stated that the subdivision is compliant with the City's comprehensive plan, and the preliminary plat requirements per Section 1244.04(a) and (b) have been met with this submittal, as demonstrated in his checklist. Preliminary plat requirements supplemental information per Section 1244.04(c) have been met, as indicated on the checklist. There is adequate water supply for the subdivision from the water main on Billings Road. An outline of the proposed deed restrictions have been provided by the developer. Correspondence from Lake County General Health District has been provided regarding the onsite sewage disposal (septic systems). The developer has also provided a wetlands affirmation from the U.S. Army Corps of Engineers; the wetlands will not increase or decrease, provided the development moves forward within a reasonable time frame.

Mr. Courtney stated that two sublots (Sublot 13 and 15) will accommodate existing homes.

Answering Mr. Denk, Mr. Courtney stated that the water mains and storm sewers will be located in the public right-of-way. Mr. Keeney confirmed that water will be supplied by Aqua Ohio; fire hydrants will be placed pursuant to Aqua Ohio and Fire Department requirements.

Noting that copies of the plan were provided to the Police Chief and Fire Chief, Mr. Denk stated that they have not stated any concerns.

Answering Mr. Denk, Mrs. Parks confirmed there are no sidewalks or street lighting proposed.

Mr. Denk inquired about the existing driveway for Sublot 13. Mr. Keeney stated the intention is to redirect the driveway for the existing house to come off the new road. He stated that the existing structure shown on Sublot 14 is the skeleton of an existing barn that is partially removed and will be fully removed for a new residence to be built. The existing home will remain on Sublot 15.

Mr. Denk inquired about the pond between Sublots 12 and 13; he inquired if there is a swale off the side of the road. Mr. Keeney stated there is an existing farm pond, which they originally were going to convert into a stormwater pond; however on some recent projects the Ohio EPA has taken ownership

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of existing farm ponds and determined that those are “waters of the State”. Their rules and regulations do not allow impacting waters of the state. To satisfy the EPA, they will have to build a small new pond that will be between the roadway and the existing pond, which will handle the stormwater management treatment of the water coming from the road and the first couple sublots on the east and Sublot 1. It will be designed to EPA regulations and City regulations. As part of the process for the final plan, there will be reviews with Lake County Stormwater Management and Lake County Soil and Water Conservation District. He stated that from a stormwater perspective, the project will be very well vetted and scrutinized.

Mr. Keeney stated between the pavement and the stormwater pond, there will be approximately 13 to 15 ft. of right-of-way, along with the 12 ft. utility easement; the stormwater pond will be approximately 30 ft. from the edge of the pavement. Mr. Keeney confirmed that there is a new pond on Sublot 7, which will discharge to an existing waterway that bisects Sublot 7 and exits at the northeast corner of the property.

Upon completion of discussion, Chairman Denk stated he would entertain a motion for approval of the preliminary development plan for Parks Farm Subdivision and to recommend approval to City Council. Mr. Blum so moved, and Mr. DeMarco seconded. Upon roll call vote, the motion passed 5-0 (Ayes – Blum, DeMarco, Loconti, Vinciguerra and Denk; Nays – None).

Gerald J. Smith, Jr. – Proposed Minor Subdivision at 9600 Kirtland Chardon Road

Chairman Denk acknowledged receipt of correspondence dated January 29, 2021 from City Engineer Douglas Courtney. Mr. Courtney advised that the proposal is a lot line adjustment, noting that the property at 9600 Kirtland Chardon Road has an existing area of 6.318 acres, and approximately 1/2 acre of land will be transferred to 9630 Kirtland Chardon Road, reducing its acreage to 5.808. He advised that 9630 Kirtland Chardon Road acreage will increase from 2.244 to 2.754; the lot is currently non-conforming as to lot area, and although the lot area is being increased it will remain non-conforming. The property is zoned R-3C, minimum 3 acres.

Gerald Smith of 9630 Kirtland Chardon Road was present in this regard; he noted that he is representing JoAnn Smith of 9600 Kirtland Chardon Road. Mr. Smith stated that the purpose of the boundary adjustment is to include the entire basketball court on his property; when the basketball court was installed several years ago, they did not realize that it encroached onto his parents’ property. Mr. Smith stated that legal descriptions have been provided – one describes the new parcel for 9600 Kirtland Chardon Road, one describes the 1/2 acre parcel, and one describes Parcel No. 20-A-019-0-00-051-0 (9630 Kirtland Chardon Road), inclusive of the 1/2 acre parcel which would be combined with his parcel.

Chairman Denk opened the meeting to public comment on the matter. There were no public comments.

Upon review, Mr. DeMarco moved to approve the minor subdivision as submitted. Mr. Loconti provided the second. Upon roll call vote, the motion passed 5-0 (Ayes – Blum, DeMarco, Loconti, Vinciguerra and Denk; Nays – None).

TABLED REQUESTS

Appalachian Renewable Power – Application for Conditional Use Permit for Proposed Ground-Mounted Solar Panel Array at 10511 Sperry Road

Mr. DeMarco moved to remove the matter from the table, with the second by Mr. Vinciquerra. Upon roll call vote, the motion passed 5-0 (Ayes – Blum, DeMarco, Loconti, Vinciquerra and Denk; Nays – None). Present on behalf of the applicant were the following: Julian Vandervelde of Moxie Solar; Jesse Redwine of Moxie Solar; and Keri Dunn of Appalachian Renewable Power. Property owner Maney Murch was also present.

Chairman Denk noted that at the last meeting the Commission inquired about the possibility of locating the solar panels somewhere other than the proposed location in the front yard.

Mr. Vandervelde stated that the proposed array is in the front yard primarily because of production reasons; the back yard is a smaller space with heavy tree cover. In order to achieve maximum production, a clear shot to the southern sky is needed, approximately a 22 degree angle from the base of the array up to the skyline, and for it to be unshaded year round. For production reasons, the front yard seems like the only place they could fit the array and guarantee that it would receive the proper amount of production.

Answering Mr. Denk, Mr. Vandervelde stated the size of the array is 15 ft. x 33 ft.; the panels are approximately 6.5 ft. x 3.25 ft. – there are some variations in panel types, but this is the general measurement.

Mr. Denk inquired about the difference in production if the solar array were to be located elsewhere on the property. Mr. Vandervelde stated that as long as it has a clear shot to the southern sky, it would be similar. He stated that the production of the system would likely be reduced by 20 to 30 percent if it were located in the back yard, due to the tree cover.

Noting that the array will be the size of a one-car garage or slightly larger, Mr. Loconti inquired about the possibility of putting in a line of arborvitae or bushes 10 ft. in front of the array, that would not impact the production but would screen the array from the street and from the neighbors. Mr. Vandervelde stated they could talk to the Engineering Department to determine what type of planting would effectively shield the view from the road. He noted they would need to do some calculations to determine how far it would need to be from the array, based on the height of the planting. Mr. Loconti stated he believes it should be screened from the street.

Ms. Dunn inquired if the desire is to screen the racking component or the entire array from visibility from the road. Mr. Loconti stated he would like the entire array to be screened. Mr. Denk stated that the Commission would like to minimize the impact of placing the array in the front yard; and the Commission is trying to understand the hardship for placing it in the front yard.

Ms. Dunn stated they chose a residential type rack that is non-obtrusive; it uses a helical pile rather than boring and concrete, so there will not be a large concrete foundation. She stated that it is a lightweight steel product and it is unobtrusive. It is a residential product that is manufactured in Ohio.

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Mr. Denk inquired if there are techniques that would minimize the scale, such as using two smaller arrays. Mr. Vandervelde stated there are arrays of approximately 6 ft. in height, but they are typically longer. He stated that the height of the array is dictated by the number of panels and their orientation; he noted that keeping them in one block is the most efficient.

Ms. Dunn stated they changed the design to make it less obtrusive; it is two panels high, standing on end. It will be approximately 8 ft. in height, and 18 inches off the ground on a 30 degree angle. She stated this is a typical size array for a residence of this size. Ms. Dunn noted that the back side of the array will not be visible from the road.

Using the screen sharing function of Zoom, Ms. Dunn shared a photo of a residential installation showing how the solar array will look once it is installed. She noted there is not a lot of ground disturbance, other than where it was trenched to connect to the electrical tie-in point.

Answering Mr. Denk, Mr. Redwine stated that an array of this size will generate 9285 kilowatt hours. Mayor Potter inquired about the percentage to the electric use of the home. Mr. Redwine stated it is 118.19 percent offset.

Mr. Vinciquerra inquired about the requirements of the zoning code relating to the solar array in the front yard. Mr. Lallo stated that it is required to be in the rear yard; however there can be a variance subject to the Planning and Zoning Commission's discretion. Mr. Denk noted it is subject to reasonable conditions in specific cases, for good cause shown.

Mr. Murch stated that he is planning to landscape around the array. He stated he does not want to put trees around the solar array, noting that the sole purpose is to keep it in the sun. Mr. Murch stated that he has a nice property and he keeps it well maintained. He stated if this works out well, he intends to add solar panels at his parents' house on Route 6. Mr. Murch stated he believes this is a great thing for Kirtland, showing that there are progressive thinking residents who are willing to sacrifice and make an investment in the environment to create carbon free energy power. Mr. Murch stated that he is surprised at the opposition from the Commission, noting that the solar panels will be considered an asset, increasing his property value and taxes. Mr. Murch stated he wants to inspire other residents to think more about the environment.

Mr. Denk assured Mr. Murch that there is no debate regarding solar energy; however, the Commission has an Ordinance stating that solar energy equipment shall be located only in the rear portion of a property, unless otherwise approved by the Planning and Zoning Commission. Mr. Denk stated that the Commission's discussion is related only to the location of the solar equipment and vetting any complications that may arise from the proposed location.

Mr. Murch stated he has a very large front yard and a very small back yard; the house is set back far from the road, and the solar panels will be fairly close to the house. He stated that he plans on landscaping around the solar panels, although he thinks it's a good idea to make them a focal point so people understand that clean energy can be produced.

Ms. Dunn confirmed that the panels will be over 250 ft. from the road.

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Mayor Potter noted that Mr. Murch's property is incredibly well landscaped and manicured, and he is confident that any landscaping Mr. Murch does around the solar array will complement the property well.

In discussion, Mr. DeMarco agreed that the solar array could be screened from the road without creating shading to the panels. Mr. Blum stated that his questions from the last meeting have been answered. Mr. Vinciquerra stated from his perspective, the solar array shows that someone is using the sun to create energy, and it has value. He noted that he does not believe it needs to be hidden from sight.

Mr. Loconti stated that with the expanse of the property in the front, a line of arborvitae at least 10 ft. from the array should sufficiently screen it; he noted arborvitae can be trimmed and maintained at 6 to 8 ft. in height to substantially screen the solar array from the road without hurting the efficiency of the array. Mr. Loconti stated he does not believe this would be an unreasonable requirement because it is in the front yard and requires the Commission to grant a variance from the Ordinance.

Mr. Loconti stated he believes the Commission should be specific in the height and amount of cover. Noting that he inspects several solar installations in multiple communities, Mr. Loconti stated he is in favor of solar energy, and he is in favor of preserving the nature of the City's neighborhoods without a commercial looking product in the front yard. He stated that ground arrays are typically commercial applications; in this area residential applications are typically on roofs and typically in the rear of the property so it does not affect the architecture or the view from the street. Mr. Loconti stated that if the Commission is going to grant a variance, there should be some stipulations that will preserve the character of the neighborhood.

With regard to the distance of the landscaping from the solar array, Mr. Denk inquired what dimension would be appropriate that would not cause interference. Mr. Vandervelde stated the landscaping should not be more than 10 ft. in height; he noted that arborvitae grow in various heights. He stated that the distance from the array would be up to Mr. Murch, noting that he already plans to have landscaping.

Mr. Murch stated that from a landscaping standpoint, he needs to see the solar array in place before he commits to any type of landscaping. He stated he does not like arborvitae, and he has none on his property. He stated that his plan is to plant a small ornamental tree or rhododendrons. He stated that he intends to screen all the framing, but he does not want to block the solar panels themselves. Mr. Murch stated that anyone driving south on Sperry Road would not see it; only people driving north would see it for a few seconds. He stated that hiding the solar panels altogether stymies any conversation regarding solar panels and alternative energy sources.

Mr. Vandervelde stated they sold and installed over 1,000 residential solar arrays last year, and approximately one-fourth of them were ground-mounted arrays. He stated that it is more likely to have a ground-mounted residential solar array in a higher-end neighborhood. He noted that a lot of the higher-end houses have roof angles that make it impractical to use roof-mounted systems.

Mr. Loconti stated he would be interested in knowing the percentage of ground-mounted arrays of this type that are in the front yards of high-end homes. He stated that arborvitae was just a suggestion;

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there are many different varieties of evergreen plants that would be suitable and not require a lot of maintenance.

Mr. Vinciquerra questioned the need to hide the solar array, noting that it will be set back far from the road, and it is a valuable asset. Mr. Vinciquerra noted that there are also many situations where a rear yard is visible from another street. It was noted that there is approximately 1,000 feet of open field along Sperry Road in this area.

Mr. Courtney noted that from Mr. Murch's driveway south to the start of the tree line, there is approximately a 30 ft. difference in elevation. He noted that the solar array will likely not be seen until close to the driveway

Discussion ensued regarding whether or not the Commission should dictate plant species, height and distance from the array. Mr. Murch stated he intends to landscape around the array, noting that the framing is not appealing. He stated he does not want to completely hide the solar panels, but he intends to maintain a nice property and landscape around the array. Mr. Murch stated he does not agree that the solar array should be completely blocked from sight from the road.

Mr. DeMarco stated he has less concern because of the size and rural nature of the property; he stated that in a more concentrated neighborhood with one acre lots, the situation would be different.

Upon completion of discussion, Mr. DeMarco moved to approve the conditional use permit to install ground mounted solar energy equipment on the residentially zoned property at 10511 Sperry Road, with a variance allowing placement in the front yard, and with the condition that the applicant provide landscaping. Mr. Vinciquerra provided the second. Upon roll call vote, the motion passed 4-1 (Ayes – Blum, DeMarco, Vinciquerra and Denk; Nays – Loconti).

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Joe Castrataro of the Kirtland Plaza stated that the Sausalito Cleveland Group is interested in leasing the Kirtlander facility; they would like to keep the banquet facility in the front and they are looking to remodel the rear of the facility for a nice restaurant, along with some outdoor seating. Mr. Castrataro stated they wanted to determine whether there are objections to an outdoor patio. Mr. Castrataro stated that the business owner is present, along with his architect, Joe Myers. Mr. Castrataro stated he believes it will be an asset to the City.

Using the screen sharing function, Mr. Lallo shared the site plan of the property. Mr. Myers stated that from the front, it will still appear the same, with the recently remodeled Kirtlander; the front half of the building will remain a party center operated by the Sausalito Group. Noting there is a back room, Mr. Myers stated the plan is to put a restaurant in that back room; he noted it has its own entrance. Mr. Myers stated there is a ravine in the back of the property that would prevent anything else from being built close to the property line, so it would be a scenic place for a patio with outdoor dining. He stated that the patio would be fenced, with stone piers and a wrought iron type fence. There will be landscaping, and the patio will be concealed from the street.

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Mr. Lallo noted that this property is in the Historic Town Center District, and the outdoor patio would be a conditional use requiring Planning and Zoning Commission approval of the outdoor consumption of food and beverages in connection with the facility.

Mr. Myers stated they will be putting together plans and coming before the Commission with the conditional use permit application; they wanted to find out if there are any objections to an outdoor patio in this location so they can address them when they prepare plans.

Mr. Loconti stated he would like to see how close the proposed patio would be to the houses to the rear (on the other side of the ravine) and how close it would be to the apartment building in front.

Because of the ravine, Mr. Myers stated the houses are quite a distance from the proposed patio, and there is thick tree cover. Mr. Loconti noted that residents in that area have complained about noise that carries over the ravine.

Mr. Denk inquired if there would be bands or live music. Saravanan Chandrababu of the Sausalito Group stated they plan to have an upscale restaurant/banquet hall. He stated the patio is for use in the summer for dining only; there may be background music but there will be no live music or live entertainment.

Mayor Potter stated that his house is approximately 400 yards from the proposed patio. He stated that his property is approximately 900 feet deep, with the ravine in between. He said that with the foliage on the trees, he does not believe there would be a problem with noise for homes in that area.

Ms. Drake said she has walked the property in the past, and it is a natural space for a patio – it is wooded and scenic. She stated it would be a nice complement to the City to have a nice restaurant with outdoor seating available, especially with the new wedding barn.

Mayor Potter noted that there are 70,000 plus visitors that come into the City each year for the LDS Church, and they currently do not have many options for dining in Kirtland.

Councilman Smolic stated that with the ongoing pandemic, the City should encourage and allow all restaurants to expand their outdoor facilities.

Mr. DeMarco noted that it is a nice setting for a patio, and he does not believe there would be a noise impact to the surrounding houses, with the ravine and the wooded area. Mr. DeMarco stated that when the Historic Town Center Ordinance was written, there was discussion of promoting outdoor dining and creating a pedestrian friendly area. Mr. Vinciguerra agreed that it would be a nice location for an outdoor patio.

Mr. Castrataro stated they will work on the design and look forward to presenting it to the Commission next month.

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WORK SESSION:

Communications and Bills

1. City Council Meeting Minutes – January 4, 2021 Council Meeting; and January 20, 2021 Council Meeting.
2. Board of Zoning Appeals Notices of Decision – Appeal No. 21-1 and No. 21-2
3. Board of Zoning Appeals Minutes of November 17, 2020
4. Zoning Permits Report – January 1, 2021 to January 31, 2021.

Old Business

1. Sign Ordinance – Mr. Blum noted that the proposed new restaurant and party center will provide signage opportunities for the shopping center; brief discussion ensued in this regard. Chairman Denk referred to the sign ordinance review summary, listing 12 items as recommended changes. Mr. Denk suggested that the Commission put together a red-line version of the Ordinance, showing recommended changes for Items 1 through 10; he noted the last two items will need further review.

New Business

None.

Adjournment

There was no further business before the Commission, and Mr. DeMarco moved to adjourn. Mr. Vinciquerra provided the second, and the motion passed upon unanimous vote. The meeting adjourned at 10:00 p.m.

CHAIRMAN

SECRETARY