

CITY OF KIRTLAND  
PLANNING AND ZONING COMMISSION

MINUTES OF THE MEETING  
MARCH 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 Vinciguerra.

Also present were Mayor Kevin Potter, Law Director Matthew Lallo, City Engineer Douglas Courtney, Zoning Inspector Wayne Baumgart and Councilman Joseph Smolic.

MINUTES OF THE FEBRUARY 8, 2021 MEETING

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

PUBLIC SESSION:

PUBLIC REQUESTS

David Novak – Application for Conditional Use Permit for Proposed Used Vehicle Sales at 8134 Euclid-Chardon Road

David Novak was present in this regard. Referring to the application, Chairman Denk noted that it is for a used car sales lot for 1 to 25 vehicles sales only, finance or cash; no repair work; front lot usage only, with no vehicles parked in the back of the property; and no lot lighting. Mr. Denk noted that property owners within 500 feet were notified.

Chairman Denk acknowledged receipt of a memo dated March 2, 2021 from City Engineer Douglas Courtney. Noting that the conditional use procedure includes a preliminary and final development plan process, Mr. Courtney stated that since there is no development or re-development of the site occurring, the site plan provided is sufficient, and the application will not need to go through a formal preliminary and final development plan process. Mr. Courtney stated that from an engineering perspective he sees no issues with the conditional use of the property as a used car sales lot. Mr. Denk noted that the property has been used as a used car sales lot for the past two to three years.

Mr. Novak confirmed that the company name is Jubilee Auto Sales. Answering Mr. Denk, Mr. Novak stated he intends to grow into the lot, noting that he would not want to exceed 25 cars on the lot at any given time. He noted that the parking in front of the building includes the handicap space for customers.

Upon the Chairman's request, Mr. Courtney read Section 1285.06(b) (1) through (6) relating to standards for evaluating conditional use permits in business and industrial districts.

Responding to Chairman Denk, Mr. Novak stated there will be no physical changes to the building, other than possibly updating the paint on the building. Mr. Novak stated that business hours will most likely be 10:00 a.m. until 6:00 p.m.

Mayor Potter thanked Mr. Novak for his interest in bringing a new business to Kirtland. He inquired if the business is incorporated at his residence or if it will be incorporated in the City of Kirtland, noting the importance of the City receiving the appropriate taxes. Mr. Novak responded that when he initially started the filings for Jubilee Auto Sales he did not have a location, so he filed with his home address. He stated that he intends to remove his personal address and have all documentation reflect the business address in Kirtland. Mr. Novak stated that he is very happy with the location.

Mr. Blum stated that he had noticed cars parked on the lawn under the previous occupant, noting that he hopes vehicles will be kept on the improved surface. Mr. Novak said it appears that the section to the right has been improved with gravel. He noted that as a requirement of the dealer's license, cars cannot be parked on grass but must be parked on an improved surface, including gravel. Mr. Novak stated it is a beautiful location and he intends to keep it well maintained.

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

Responding to Mr. Denk, Mr. Novak stated that primarily passenger vehicles will be sold; occasionally there may be a larger type vehicle in order to meet a customer's needs. Mr. Novak stated he does not intend to have any banners or flags on the lot, with the exception of an American flag.

Upon completion of discussion, Mr. Blum moved to approve the conditional use permit for a used car sales lot at 8134 Euclid-Chardon Road. Mr. DeMarco provided the second. Upon roll call vote, the motion passed 5-0 (Ayes – Blum, DeMarco, Loconti, Vinciguerra and Denk; Nays – None).

#### TABLED REQUESTS

None.

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

None.

#### WORK SESSION:

##### Communications and Bills

1. City Council Meeting Minutes – February 1, 2021 Work Session and Council Meeting; February 8, 2021 Finance Committee Meeting; and February 17, 2021 Finance Committee Meeting and Council Meeting.

2. Board of Zoning Appeals Notice of Decision – Appeal No. 21-3
3. Board of Zoning Appeals Minutes of February 3, 2021.
4. Zoning Permits Report – February 1, 2021 to February 28, 2021.

### Old Business

1. Sign Ordinance – Mr. Denk noted that proposed amendments to the sign ordinance were provided, noting that all changes were in Sections 1286.08, 1286.09 and 1286.14. Using the screen share function of Zoom, Section 1286.08 was reviewed first – it was noted that all changes are noted in red. Changes were discussed for Section 1286.08(b) by adding paragraphs (7) and (8), relating to minimum side yard setback and location, to be consistent with requirements in Section 1286.09(e)(3) and (8).

The Commission then reviewed Section 1286.09. Paragraph (j) was added to 1286.09 to require two supporting posts for ground signs exceeding 4 square feet, consistent with 1286.08(b)(1).

There was discussion regarding 1286.09(f). It was agreed that changes be made to paragraph (4) to address the time duration for temporary signs, with language added to address signs for construction and seasonal purposes. It was agreed that signs announcing a specific event should be erected no more than 30 days before the event and removed within 7 days after the close of the event.

Section 1286.09(i) was re-worded to provide clarity.

For Section 1286.14(d)(1) and (2), language was added stating that the Commission shall review and act on applications for temporary signs for construction and seasonal purposes.

Discussion ensued regarding Section 1286.12(d)(4) relating to the five year sunset rule, when all signs should have been in full conformity with the provisions of the sign ordinance. No changes were proposed to this section.

Various other changes were made to provide clarity and consistency. Chairman Denk requested that the Clerk make the proposed revisions in a revised red-line version for the Commission's review at the next meeting, for a recommendation to City Council.

### New Business

1. Alternative Energy Ordinance (No. 18-O-31) – Mr. Denk noted that he and the Mayor met a few weeks ago with a resident (Aaron Godwin), who is an expert in this field and has indicated some items of concern in the Ordinance, along with another gentleman (Bob Weinberg). Mayor Potter noted that Mr. Godwin came before the Commission regarding proposed solar panels on his own house, and also with an application for solar panels on his client's house, who is his neighbor. Mayor Potter noted that a few points of contention with the City's Ordinance have been brought to his attention. Mayor Potter noted that the consensus is that the Ordinance should be reviewed and reworked, noting that the City will be seeing more of these

applications. Mayor Potter stated that it would be beneficial to have Mr. Godwin attend a meeting to discuss the Ordinance. The Mayor noted that Mr. Weinberg can also provide some valuable insight in this regard. Mr. Smolic noted that some of the concerns are the restrictions on panels on the front-facing roof, along with the cost involved for a conditional use permit. Brief discussion ensued.

Adjournment

There was no further business before the Commission, and Mr. DeMarco moved to adjourn. Mr. Blum provided the second, and the motion passed upon unanimous vote. The meeting adjourned at 9:38 p.m.

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CHAIRMAN

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SECRETARY