

PLANNING, ZONING & BUILDING COMMISSION

CITY HALL

August 11

14

The City of Cortland Planning, Zoning & Building Commission met on Monday, August 11, 2014 at 6:30 P. M. at the City Administration Building, 400 N. High Street, Cortland, Ohio. In attendance were the following board members: Chairman Bill Sasse, Vice Chairman Charles Peck, Sally Lane, and John Picuri. Also present were Mayor Curt Moll, Service Director Don Wittman, Law Director Patrick Wilson and the following individuals:

<b>Dean Hixson</b>	<b>509 N High St.</b>	<b>Cortland</b>
<b>Pat Hixson</b>	<b>509 N. High St.</b>	<b>Cortland</b>
<b>Wanda Hanlon</b>	<b>311 Michaels Ct.</b>	<b>Cortland</b>
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<b>Mike Heilman</b>	<b>378 N. High St.</b>	<b>Cortland</b>
<b>Betty Kerner</b>	<b>55 Adams Ct.</b>	<b>Cortland</b>

**Bill Sasse:** It is 6:30, Monday, August 11, 2014. I would like to call to order the Cortland Planning, Zoning and Building Commission for Public Hearing 13-14. The purpose of the public hearing is to consider a zone change request, requested by Dave Oravec, for Custer Estates (aka the Highlands Ridge Subdivision) to R-10, Single Family Residential.

**Bill Sasse:** We ask that all speakers step up to the podium and state your name and address. The Commission will be voting during our regular meeting on whether to approve this request and send it to City Council.

**Bill Sasse:** Is there anyone here to speak for the zone change request?

**David Oravec:** My name is David Oravec. We came and we protested this, the last meeting that we were here saying that we didn't want it to be Multi-family. This request to change it to single family appears to be the best fit for our neighborhood. What I'm not clear on and maybe we can just go through whatever the process is, is that the whole Custer Estates versus just a subdivision of Custer Estates. I think there is a little confusion. What best fits what is already back there is single family homes. There are still parcels for sale and we would like those to continue to be single family homes. I think that's it. I appreciate the fact that you took our request into consideration and allowed us the chance to put in for what we as neighbors think is the proper zoning request for our area. I think the first time we got the letter people were a little bit confused, maybe a little bit surprised, but the extra time we had allowed us to talk together as neighbors. I am hoping this is a good fit for the community also. Thank you.

**Bill Sasse:** Is there anyone else who would like to speak for the zone change request?

**Hayley Skladanek:** Hello, I am Hayley Skladanek. I just want to tell you guys thank you very much for the consideration you gave us last time. It was just exactly what we needed to help everyone understand what was going on and to help ourselves understand better what the intention was and what the consequence of whatever was going to be voted on. So we really appreciate it and we are excited to all work forward – this future

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of Cortland project – we are all very excited to participate in it and help you guys do the best job you can for us so thank you very much.

**Bill Sasse**: Thank you. Is there anyone else who would like to speak for the change request?

**Phil Dancison**: Sure I'll speak. I'm Phil Dancison. I have been living in Custer Estates for 14 years and definitely feel the single family residential zoning is the best fit for the neighborhood. Just having been there it has been a really nice place to have our kids grow up and just would like to keep it the same as it has been. Thank you.

**Bill Sasse**: Thank you. Is there anyone else who would like to speak for the zone change? Is there anyone who would to speak against the zoning change request?

**Jimmy DiGiacobbe**: I am not against it. I am for it. But I want to know why 533 N High St. is on the letter you sent me because the property I have does not tie into it. It is on Rt. 5. I am going to cut that up into different groups when I sell the home so I don't know what is going to go on.

**Mayor Moll and Patrick Wilson**: That is the next hearing.

**Bill Sasse**: Jimmy, you can speak anytime you wish. (Laughter) Seeing no further comments, can I have a motion to close the public hearing?

**John Picuri**: Mr. Chairman, can I ask a question? There was a question on the floor. David had asked what portion of Custer Estates was covered by this particular public hearing. I was wondering if we could clarify that.

**Don Wittman**: The intent of the zone change is to address all platted lots in the Custer Estates Subdivision as defined and recorded at the Trumbull County Plats and Records and Auditor's office.

**Mayor Moll**: There were 3 different zoning classifications in use or at least two different zoning classifications in use within that subdivision – that's why initially we just addressed the Industrial part but this addresses all of them now.

**David Oravec**: So just to clarify, Monte Lane will also be residential single family.

**Mayor Moll**: Yes, absolutely. The ones that face east.

**Don Wittman**: And that's when originally coming up with a proposal, 3 or 4 of the lots in that subdivision were already residential multi-family. So it was just changing the Industrial to the RM, there was the opposition to that, and we listened and tabled that and you as residents undertook the zone change to R-10. So the entire subdivision itself is before the board – to change that from a combination of Industrial and Residential Multi-Family to single family, R-10.

**David Oravec**: The R-10 was what was determined based on the land size?

**Don Wittman**: Basically, the R-10 designation allows the existing lots to still conform with the area requirements and essentially the 80 foot lot width.

**Dianna Dallas**: My name is Dianna Dallas and I live on Monte Lane but I'm facing south so...

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**Mayor Moll**: I am sorry, I may have confused that a little bit. It is south east , if it is a platted lot. There are 3 lots that abut Monte Lane that actually are the back of lots on Route 5. If your address is on Monte Lane, you are covered.

**Dianna Dallas**: I just wanted to make sure because someone said anyone who is facing east and we are not facing east. We are the end lot.

**Don Wittman**: If you have a Monte Lane address, it will be zoned R-10.

**Mayor Moll**: It is just the 3 lots that back up to Monte Lane from Route 5 that are not included.

**John Picuri**: Good question.

**Mayor Moll**: Yes, we want to make sure we get it clear.

**John Picuri** made a motion to close the public hearing, seconded by **Charles Peck**.

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The City of Cortland Planning, Zoning & Building Commission met on Monday, August 11, 2014 at 6:40 P. M. at the City Administration Building, 400 N. High Street, Cortland, Ohio. In attendance were the following board members: Chairman Bill Sasse, Vice Chairman Charles Peck, Sally Lane, and John Picuri. Also present were Mayor Curt Moll, Service Director Don Wittman, Law Director Patrick Wilson and the following individuals:

<b>Dean Hixson</b>	<b>509 N High St.</b>	<b>Cortland</b>
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<b>Betty Kerner</b>	<b>55 Adams Ct.</b>	<b>Cortland</b>

**Bill Sasse:** It is 6:40, Monday, August 11, 2014. I would like to call to order the Cortland Planning, Zoning and Building Commission for Public Hearing 14-14. The purpose of the public hearing is to consider a zone change request, at the request of the Service Director, for parcels at 453, 477, 509, and 533 N. High St. to RM, Residential Multi-Family. I would ask that all speakers step up to the podium and state your name and address. The Commission will be voting during our regular meeting on whether to approve this request and send it to City Council. I would like to ask Don Wittman, the City of Cortland Service Director, to speak on behalf of the city and the zoning request.

**Don Wittman:** Thank you, Chairman. The 4 parcels before the committee are currently a combination of Residential Multi-family, RM and Industrial, I-1. Essentially they are over 90% RM, it is just the rear portion along the back property line has basically a setback from High Street that is Industrial – between there and the railroad track. This attempts to make all of the parcel congruent with a RM zoning designation. So essentially we are not changing anything other than making it uniform to the majority of what it is already zoned.

**Bill Sasse:** Does anyone have any questions of Don? Is there anyone else who would like to speak for the zone change?

**Pat Hixson:** I am Pat Hixson and I am at 509. Now I am wondering if I can request that my property be R-10 and not R-M. Because between our parcels and 477 who we will end up with a vested interest are 5 acres and the neighborhood would like to keep it single family instead of multi-family condos and things.

**Bill Sasse:** Don, can you answer that?

**Patrick Wilson:** You wouldn't be speaking in favor of the zone change request?

**Pat Hixson:** For Custer Estates or for 509? In favor of acquiring the R-10 status, also.

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**Patrick Wilson**: I am trying to make sure it is clear the purpose of the public hearing is to allow the change for those parcels to go to R-M not to R-10. That is not the plan. Don explained why that was not the plan.

**Pat Hixson**: Because the properties were initially Industrial when Custer Estates was first cut.

**Don Wittman**: Well essentially, what the residents were looking to do was to protect it against lots that had a 100 foot building line from being developed as Residential Multi-family. Right now you are in control of that property so you don't have to protect yourself from yourself. If you want to continue to be single family – it is not crucial at this time, but if you wanted to down the line. If there was a purchaser and you didn't want them to develop it you could do that.

**Pat Hixson**: You are saying at that time...

**Mayor Moll**: You can actually do it anytime from now forward. This is really kind of an administrative update for us to clean it up. Once it is cleaned up it will be all R-M and you could bring that back here anytime you want to and change that to an R-10 and go through this process we are going through right now. Or even R-12, since it is probably big enough.

**Hayley Skladanek**: I have another question out of curiosity. I am not trying to cause trouble. Can somebody once it is changed like that just change their property to a different classification?

**Mayor Moll**: They would go through exactly the same process we are going through right now.

**Patrick Wilson**: But to be clear, they can ask for it to be changed. It is not a guarantee. I don't want anyone to leave here thinking when someone comes forward in another two years that it is a guarantee that this board will approve it.

**Mayor Moll**: So if someone in your neighborhood came in and said I want to build a duplex on my lot - it is big enough – they would summon all of the neighbors there to come in and you could raise the same kind of ruckus you did last time you came in. (Laughter)

**Bill Sasse**: Is there anyone else who would like to speak against the zone change request? Can I have a motion to close public hearing 14-14?

**Sally Lane** made a motion to close the public hearing, seconded by **Charles Peck**.

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The City of Cortland Planning, Zoning & Building Commission met on Monday, August 11, 2014 at 6:50 P. M. at the City Administration Building, 400 N. High Street, Cortland, Ohio. In attendance were the following board members: Chairman Bill Sasse, Vice Chairman Charles Peck, Sally Lane, and John Picuri. Also present were Mayor Curt Moll, Service Director Don Wittman, Law Director Patrick Wilson and the following individuals:

<b>Dean Hixson</b>	<b>509 N High St.</b>	<b>Cortland</b>
<b>Pat Hixson</b>	<b>509 N. High St.</b>	<b>Cortland</b>
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<b>Betty Kerner</b>	<b>55 Adams Ct.</b>	<b>Cortland</b>
<b>Mark Carrabine</b>	<b>5000 Rockside Rd.</b>	<b>Independence</b>

**Bill Sasse:** It is 6:50, Monday, August 11, 2014. I would like to call to order the Cortland Planning, Zoning and Building Commission for Public Hearing 15-14. The purpose of the public hearing is to consider a zone change request for 3 parcels located at 369 and 377 N. High St. to C-2, Highway Commercial District, from Industrial and Residential Multi-family. I would like to ask all speakers to step up to the podium, state your name and address. The commission will be voting during our regular meeting on whether to approve this request and send it to City Council.

**Bill Sasse:** Is there anyone here to speak for the zoning change request?

**Mark Carrabine:** Yes. Good evening. My name is Mark Carrabine. I am with Kamalt Corporation which owns the Cortland Nursing Home. Obviously, we have been here in Cortland for almost 39 years now. What we are looking to do is to put an addition on the current nursing home which will upgrade physical therapy, speech therapy, offices, more private rooms for the patients and do an overall renovation of the existing building. Currently, we have parcel 34-034100 under a purchase agreement and an option to purchase. I didn't know if the commission has a picture of the addition. Yes? Okay. The addition will go along the property line and into this additional parcel which is currently owned by Tracy Spitler. Two things – obviously the nursing home has been there a long time and we are asking that it be zoned properly to Highway Commercial which allows for nursing home usage and to further take parcel 34-034100 and turn it to Highway Commercial which allows nursing home and single family residential. So, if anything were to happen that this project were not to go ahead single family residential would still be allowed in that zoning code. The proposed new addition is going to provide 15-18 new permanent jobs. There will be 32 private rooms, a large rehabilitation program for patients and for outpatients. Again we have been a business in this community for approximately 39 years and we would ask you to please consider our request to rezone this property.

**Bill Sasse:** Does anyone have any questions?

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**Patrick Wilson**: The lot you have under option, is that contingent upon the zoning getting changed?

**Mark Carrabine**: There are a lot of contingencies. We need approval from the state to go ahead and do this.

**Patrick Wilson**: Is that a certificate of need for the beds?

**Mark Carrabine**: No. We own enough beds without needing a certificate of need. We need to get permission to move the beds over from another facility that has too many beds. All of this is ongoing, so there are multiple contingencies, yes.

**Don Wittman**: Here again, this would be a parcel that would be on our administrative clean-up radar as far as a pre-existing non-conforming use because the actual facility is in an area zoned industrial. Actually, we met with Mr. Carrabine several years ago about some plans to add beds or remodel and update the facility. We brought to his attention that any expansion to the facilities would require a zone change. It just so happens that it is while we are in the midst of these other zone changes. They submitted their application last month and the Highway Commercial, C-2 would be a more restrictive commercial zoning that we would designate along arterial highways for the purpose of providing the best use of that property and protecting area properties as well.

**Bill Sasse**: Thank you, Don. John, you had a question?

**John Picuri**: Don, the property that is under option. On the paperwork we have, what number is that?

**Mayor Moll**: The last 3 digits are 100. 34-034100. There is a picture there with the numbered lots on it.

**John Picuri**: Thank you.

**Bill Sasse**: Is there anyone here to speak against the zoning change? Can I have a motion to close public hearing 15-14?

**Sally Lane** made a motion to close the public hearing, seconded by **John Picuri**.

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The City of Cortland Planning, Zoning & Building Commission met on Monday, August 11, 2014 at 7:00 P. M. at the City Administration Building, 400 N. High Street, Cortland, Ohio. In attendance were the following board members: Chairman, Bill Sasse, Sally Lane, James Chubb, and John Picuri. Also present were Mayor Curt Moll, Service Director Don Wittman, Law Director Patrick Wilson and the following individuals:

Dean Hixson	509 N High St.	Cortland
Pat Hixson	509 N. High St.	Cortland
Wanda Hanlon	311 Michaels Ct.	Cortland
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Marissa DiGiacobbe	230 Michaels Ct.	Cortland
Mike Heilman	378 N. High St.	Cortland
Betty Kerner	55 Adams Ct.	Cortland
Mark Carrabine	5000 Rockside Rd.	Independence
Beth Stefura	236 Old Oak	Cortland
John Stefura	236 Old Oak	Cortland

**Bill Sasse:** It is Monday, August 11, 2014. I'd like to call to order the regular meeting of the Cortland Planning, Zoning & Building Commission. Can we have roll call please?

**Roll Call:** Bill Sasse, here; Sally Lane, here; John Picuri, here; Charles Peck, here; Jim Chubb, absent.

**Bill Sasse:** Can I have a motion for approval of commission minutes for July 14, 2014 meeting?

**Charles Peck** made a motion to approve July 14, 2014 meeting minutes, seconded by **Sally Lane.**

**Roll Call:** Jim Chubb, absent; Sally Lane, yes; Bill Sasse, yes; John Picuri, yes; Charles Peck, yes. **MOTION APPROVED.**

**Bill Sasse:** Is there any old business? Seeing none, can I have a motion for approval of **13-14: Zone Change Request**, requested by Dave Oravec, for Custer Estates (aka the Highlands Ridge Subdivision) to R-10, Single Family Residential.

**Charles Peck** made a motion to approve 13-14, seconded by **John Picuri.**

**Bill Sasse:** Does anyone wish to speak for the request? Anyone wish to speak against it? Seeing none, can I have a vote on 13-14 please?

**Roll Call:** Sally Lane, yes; Bill Sasse, yes; Jim Chubb, absent; John Picuri, yes; Charles Peck, yes. **MOTION PASSED.**

**Bill Sasse:** Can I have a motion for approval of **14-14: Zone Change Request**, at the request of the Service Director, for parcels located at 453, 477, 509, and 533 N. High St. to RM, Residential Multi-Family. **Charles Peck** made a motion for approval of **14-14**, seconded by **Sally Lane.**

**Bill Sasse:** Is there anyone here to speak for the request? Anyone to speak against? Seeing none, can I have a vote on 14-14 please?



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**Roll Call: John Picuri, yes; Charles Peck, yes; Sally Lane, yes; Jim Chubb, absent; Bill Sasse, yes. MOTION PASSED.**

**Bill Sasse:** Can I have a motion for approval of **15-14: Zone Change Request**, at the request of Kamalt Corporation and Car Lee, Inc. for 3 parcels located at 369 and 377 N. High St., to C-2, Highway Commercial District from Industrial and Residential Multi-family.

**Sally Lane** made a motion to approve 15-14, seconded by **John Picuri.**

**Bill Sasse:** Anyone here to speak for this again? Anyone here to speak against? Seeing none, can I have a vote on 15-14?

**Roll Call: John Picuri, yes; Jim Chubb, absent; Sally Lane, yes; Charles Peck, yes; Bill Sasse, yes. MOTION PASSED.**

**Don Wittman:** And before you continue, Bill, just to let everyone here know what the next step of the procedure is. The commission approved the recommendation of these three zone change requests to go before council. So these will go in the form of a letter with all of the information to Council. They will set a public hearing and we will go through this process again.

**Hayley Skladanek:** Will we get letters of that public hearing?

**Don Wittman:** Yes. At this point it would need to be a supermajority of Council to reject it. 5 out of 7 would have to vote no. Typically, since we have the public hearing at this point, moving forward with council is uneventful. You are more than welcome to attend the public hearing but it is not necessary.

**Mark Carrabine:** I had a question on timing. It goes to council and then is there a 30 day notice of public hearing?

**Don Wittman:** Yes. They will set their public hearing at the next meeting which will be August 18<sup>th</sup> or September. It will take 3 readings from that to be enacted so it will be the 3<sup>rd</sup> Monday in October.

**Patrick Wilson:** The public hearing portion will only happen one time at the first vote. After that your attendance really isn't necessary. For the first meeting when council considers the request I think it is probably a good idea to be there if you are a proponent of what you want passed.

**Mayor Moll:** We had no dissent today on any one of these so it is unlikely that there will be any change of anyone's opinion at the Council public hearing unless something happens between now and then.

**Don Wittman:** As far as attendance, it is mandatory before this board. If you are not here it stops. However at council, it keeps going.

**Bill Sasse:** Seeing no further questions, can I have a motion to adjourn?

**John Picuri** made a motion to adjourn the meeting, seconded by **Sally Lane.**

**Roll Call: Bill Sasse, yes; Sally Lane, yes; Charles Peck, yes; Jim Chubb, absent; John Picuri, yes. MOTION APPROVED.**

**Meeting Adjourned: 7:06pm.**

\_\_\_\_\_  
William Sasse, Chairman

\_\_\_\_\_  
Date

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Teresa Barnovsky, Secretary