

PLANNING, ZONING & BUILDING COMMISSION

CITY HALL

December 12

16

The City of Cortland Planning, Zoning & Building Commission met on Monday, December 12, 2016 at 6:40 P. M. at the City Administration Building, 400 N. High Street, Cortland, Ohio. In attendance were the following board members: Chairman Sally Lane, Vice Chairman Curt Moll, Bill Sasse, Don Bell, and Donald Fatobene. Also present were Mayor Jim Woofter, Service Director Don Wittman, Law Director Patrick Wilson and the following individuals:

Dan Carioti	170 Heather Ln.	Cortland
Karen Carioti	170 Heather Ln.	Cortland
Bob Rollo	8755 Spring Hill Trl.	Poland
Chris Leonardi	241 Lattin	Cortland
Phyllis May	215 Lattin	Cortland
Sandra Rutan	8498 Red Oak	Warren
Charles Rutan	8498 Red Oak	Warren
T Rutan	252 W Main St.	Cortland
JJ Smithson	S. Colonial	Cortland
Dale Schmidt	6041 Phillips Rice Rd.	Cortland
Frank Daugherty	132 Woodland Trace	Cortland
John Gnat	848 Woodland St	Warren
Charlie Peck	500 Tournament Trl.	Cortland

Sally Lane: Good evening. It is Monday, December 12, 2016. I would like to call to order the Cortland Planning, Zoning and Building Commission for Public Hearing 30-16 for a Use Permitted Upon Review for 252 W Main St. The purpose of the public hearing is to consider a request for a Use Permitted Upon Review to allow a Restaurant with Bar within a parcel that has a Central Business District Zoning Designation. Is there anyone here to speak for this request? Please come to the podium and give your name and address.

Dan Carioti: My name is Daniel Carioti, 170 Heather Lane.

Sally Lane: Can you tell us about it?

Dan Carioti: Our plan is to do a nano-brewery / winery and small plates. Manufacturing process in-house. Initial phase is to be open 2-3 days a week probably Thursday through Saturday and then eventually opening more frequently. Initial hours would probably be Thursday and Friday evenings and Saturday would be open late afternoon into evening. Most likely closing at 10 p.m. somewhere around that area which seems to be the general norm for this type of business.

Curt Moll: About how many seats do you think you will have in your restaurant?

Dan Carioti: We are probably looking at a tasting room which will be Phase 1 of 30-50 max. Probably closer to 30 to start and we will see where that goes. Obviously with a business such as this which is a new business for the area, we are not sure exactly what to expect.

Curt Moll: I think it will be well received.

Dan Carioti: I hope so.

Don Bell: Are you already in this business now?

Dan Carioti: No. I am not. This is a first-time business for us.

Sally Lane: Is there anyone else to speak for this?

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Bob Rollo: My name is Bob Rollo, 8755 Spring Hill Trl., Poland, Ohio. We are just getting into the business. It is a way to create a business where you manufacture your own drink. Mr. Carioti would be or is more of the brew maker, he has been making brew for about 5 years now. I have been on and off making wine for the past 25 years in my basement. This is switching over to more of a commercialized product. I have had a lot of success making wine and I would like to go to the next level. Also, you do know you have wineries close by. You have Greene Eagle up the road, Country Porch and Hartford Hill. We have had a short conversation with Dale Lewis of Green Eagle and he said that would be a very positive thing – we are looking forward to possibly doing what they call the wine trail. That brings in a lot of people from out of the area into that kind of business.

Sally Lane: Is there anyone here to speak against it? Any more questions?

Sandra Rutan: My main concern is parking.

Dan Carioti: As of right now, we are looking mainly at street parking, obviously. I have approached our neighbor across the street about using his lot during off hours. We do have the street parking and one of the other things we are going to investigate since we will not be operating at the same time as other businesses – we want to approach Cortland Banks about using their lot down the street because they are not going to be open the same time we are and investigate those opportunities as well. With the street parking and the use of Mr. Schmidt's lot across the street I think we will be able to get up and running. I know there is some concern from our immediate neighbor about using the lot he has. We are not planning on doing that – it is not really conducive to what we would need for parking. The lot is not wide enough and not open enough so we will be investigating other opportunities. For right now, it will be street parking and wherever we can find through the grace of Mr. Schmidt and possibly Cortland Banks to help us out.

Sandra Rutan: It concerns me because I have 3 rentals right next to you and parking is definitely an issue because they have to park right in front.

Unidentified: Could you place a sign that those are reserved spots?

Dan Carioti: Those are city spots, are they not?

Mayor Woofter: They are public parking, they are not reserved for anybody.

Sally Lane: Any other comments or questions? If not, can I have a motion to close this public hearing?

Bill Sasse made a motion to close the public hearing, seconded by **Don Bell**.

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The City of Cortland Planning, Zoning & Building Commission met on Monday, December 12, 2016 at 6:50 P. M. at the City Administration Building, 400 N. High Street, Cortland, Ohio. In attendance were the following board members: Chairman Sally Lane, Vice Chairman Curt Moll, Bill Sasse, Don Bell, and Donald Fatobene. Also present were Mayor Jim Woofter, Service Director Don Wittman, Law Director Patrick Wilson and the following individuals:

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Charlie Peck	500 Tournament Trl.	Cortland

Sally Lane: Good evening. It is Monday, December 12, 2016. I would like to call to order the Cortland Planning, Zoning and Building Commission for Public Hearing 29-16 for Variance Request for 106 N Mecca St. The purpose of the public hearing is to consider a variance request to allow electronically variable message signs, in the form of price panels, and to exceed the number of allowable wall mounted signs. Is there anyone here to speak for this request? State your name and address please.

John Gnat: It is John Gnat, 848 Woodland St. Warren, Ohio.

Sally Lane: Can you tell us a little bit about the project?

John Gnat: It is the Sunoco station. You have a picture. They have 2 signs there now which are manual signs and those are going to be removed. They have a sign showing 3 products – unleaded and super andm that is going to go away. They would like to put the digital signs up on the canopy – pretty straight forward. All they are is digital price signs, no messaging or anything like that.

Bill Sasse: All that you will have on these signs will be the price?

John Gnat: Yes and it states that it is unleaded.

Sally Lane: So unleaded and the price?

John Gnat: Right.

Bill Sasse: And it won't flash?

John Gnat: Right.

Don Wittman: Only when they are changing prices.
(Laughter)

Don Wittman: And just by review for the board and new board members, we have really restricted our sign ordinance to keep Cortland the way the Board wanted it, as far as the small town feeling and appearance on Main Street. We didn't want all of these digital boards popping up in the commercial corridor. We basically outlawed or

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prohibited electronic variable message signs and did not carve out an exception for these price panels. I think that was done intentionally. However, these price panels based on how they operate is that they are electronically variable by changing the prices themselves, so they fall within that definition. A few years back, Speedway approached the city under the same situation as far as seeking variance for price panels which this board denied. It went on to the Appeals Board which reversed that decision so that's why we have the electronic price panels now at Speedway. That's sign history 101 for this evening.

Bill Sasse: In other words, we don't want to look like Vegas.

Don Wittman: But I do recall a few members on this board who voted against the price panels who might have said you know what "Those look pretty good" after it was reversed.

Sally Lane: Is there anyone else to speak for this? Is there anyone against? Hearing none, can I have a motion to close this public hearing?

Bill Sasse made a motion to close the public hearing, seconded by **Don Bell**.

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The City of Cortland Planning, Zoning & Building Commission met on Monday, December 12, 2016 at 7:00 P. M. at the City Administration Building, 400 N. High Street, Cortland, Ohio. In attendance were the following board members: Chairman Sally Lane, Vice Chairman Curt Moll, Bill Sasse, Don Bell, and Donald Fatobene. Also present were Mayor Jim Woofter, Service Director Don Wittman, Law Director Patrick Wilson and the following individuals:

Dan Carioti	170 Heather Ln.	Cortland
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John Gnat	848 Woodland St	Warren
Charlie Peck	500 Tournament Trl.	Cortland

Sally Lane: Good evening. It is 7:00 p.m., Monday, December 12, 2016. I'd like to call to order the regular meeting of Cortland Planning, Zoning & Building Commission. Can we have roll call please?

Roll Call: Bill Sasse, here; Sally Lane, here; Curt Moll, here; Don Bell, here; Donald Fatobene, here.

Sally Lane: Next, can I have a motion for approval of commission minutes for November 14, 2016 regular meeting?

Donald Fatobene made a motion to approve November 14, 2016 meeting minutes, seconded by **Bill Sasse**.

Roll Call: Donald Fatobene, yes; Sally Lane, yes; Bill Sasse, yes; Curt Moll, yes; Don Bell, yes. **MOTION APPROVED.**

Sally Lane: Seeing no old business, we will move to new business. Can I have a motion to approve **31-16 Variance Request for 106 N Mecca St?** The variance would allow electronically variable message signs, in the form of price panels. **Don Bell** made a motion for approval of **31-16**, seconded by **Curt Moll**.

Sally Lane: Who is here to speak for this request please? Do you have anything to add from the public hearing?

John Gnat: They would really appreciate not having to get out in the cold to change those prices, especially with winter here.

Don Wittman: John, as far as newer gas stations, this is pretty much standard throughout the industry? They are not going away anytime soon?

John Gnat: Correct.

Sally Lane: Any more discussion or any more questions on this?

Curt Moll: Just a little discussion because I do know a little history on this ordinance. One of the reasons – We described situations like this when we were discussing electronically variable signs and there was a lot of gnashing of teeth about whether to put

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this in as an exception or not and it was decided the best thing to do was to have everybody bring that kind of sign to this board so they could look at it and decide and grant variances where they thought it was appropriate and not where we didn't think they were appropriate. That is kind of how we got to the fact that you need a variance for this. This is exactly the situation we were talking about.

Sally Lane: Can we have a vote on 31-16?

Roll Call: **Sally Lane, yes; Bill Sasse, yes; Donald Fatobene, yes; Curt Moll, yes; Don Bell, yes. MOTION PASSED.**

Sally Lane: Next, can I have a motion to approve **32-16 Variance Request for 106 N Mecca St?** The request is to exceed the number of allowable wall mounted signs.

Donald Fatobene made a motion for approval of **32-16, seconded by Don Bell.**

Sally Lane: Do you have anything to add?

John Gnat: Again – one is being placed not each side of the canopy but on two opposing sides. It allows for traffic in all directions to visibly see them.

Bill Sasse: I don't remember if this question was already asked, but will this always say regular self-serve?

John Gnat: It is going to say unleaded.

Don Wittman: And I guess you do bring up a good point there as far as the regular self, I think that is the only full service station in town. You may want to check with him.

John Gnat: That is not going to be on there. It is just going to say "Unleaded". Everyone knows unleaded is the lower grade of fuel.

Bill Sasse: I think with the uniqueness of your sign too, more than one fits in well.

Don Wittman: Typically, for the businesses that are on a corner lot which have traffic coming from multiple directions it is pretty much a requirement for those businesses to have two signs.

Curt Moll: We did the same thing with Burger King last year.

Mayor Woofter: Mr. Gnat, are you the owner of the property?

John Gnat: No, I am not. I am representing CJR Petroleum.

Don Wittman: He works for Mahoning Lighting.

Mayor Woofter: You work for Mahoning Lighting?

John Gnat: Right.

Unidentified: Will the lights be on all the time or do they go off?

John Gnat: They will only be on during operation.

Sally Lane: Thank you, any further questions or comments? Seeing none, can we have a vote on 32-16?

Roll Call: **Curt Moll, yes; Don Bell, yes; Sally Lane, yes; Donald Fatobene, yes; Bill Sasse, yes. MOTION PASSED.**

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Sally Lane: Can I have a motion to approve **33-16 New Signs, 106 N Mecca St.** – Wall Mounted Signs (2) – 10.42 sq. ft. each – modification of current sign(s) to include electronic price panels?

Curt Moll made a motion for approval of 33-16, seconded by Don Bell.

Sally Lane: Okay, Mr. Gnat you are up again.

Don Wittman: We err on the side of caution and have multiple votes on this. Since the electronic variable message is one variance, and the number of signs is another variance, now we can review anything else about the signs and give the signs their final approval.

Sally Lane: Thanks for clarifying that.

Curt Moll: We've covered this ground pretty well by now.

Don Wittman: We can look at the size and the fastening of it to the canopy.

John Gnat: The only thing I would like to mention – there are two signs there now for pricing and those are going to go away. Those are being replaced by these newer signs.

Mayor Woofter: The newer signs you are putting up are more in proportion to the canopy than they ones mounted there now. This one will be in line with the canopy – top to bottom edge, right?

John Gnat: These are designed to be the same size as the canopy.

Mayor Woofter: So it will actually be less intrusive to your vision.

Sally Lane: Any other questions? Can we have a vote on 33-16?

Roll Call: Curt Moll, yes; Donald Fatobene, yes; Sally Lane, yes; Don Bell, yes; Bill Sasse, yes. MOTION PASSED.

Sally Lane: Can I have a motion for 34-16 Use Permitted Upon Review, 252 W Main St., to allow a restaurant with bar within a parcel that has a Central Business District zoning designation?

Don Bell made a motion for approval of 34-16, seconded by Bill Sasse.

Sally Lane: Who is here to speak for this?

Daniel Carioti: Daniel Carioti.

Bill Sasse: What type of food are you planning on having?

Daniel Carioti: Phase 1 is going to be small plates, basically appetizer style things.

Mayor Woofter: Dan, are you still going to do the idea of providing other restaurant menus?

Dan Carioti: I am glad you brought that up. Yes. What we would like to do is approach other restaurants in Cortland and number our tables and put their menus on our tables and that seems to be standard operating procedure for businesses such as this where people can order directly from their tables and have food delivered to their table. We are going to approach the other restaurants and try to make this more of a community venture in that respect.

Mayor Woofter: I think that is a great idea.

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Dan Carioti: Thank you for remembering that.

Mayor Woofter: One other thing I want to bring to the attention of the Commission is some time back, the city had made an agreement with the railroad - from W Main St bottom of the hill there before the rail road tracks all the way north to Market St. on the west side of Erie Street – the grass lawn where the carnies park when they came in. The city has an old agreement with them that that area can be used for parking which will help address maybe some of everyone's situation.

Curt Moll: It may require some upgrading.

Mayor Woofter: That is something else that can be looked at.

Sandra Rutan: That is a good point because that parking is used when it snows.

Question from audience: Will there be any live music?

Dan Carioti: Any live music we would be doing would be of an acoustic nature, so to speak. Not highly amplified, the venue would not support that. We want to provide for a more intimate setting and having extremely loud music would be a detriment to what we are looking for. We want to keep it intimate.

Donald Fatobene: What kind of a time frame?

Dan Carioti: That remains to be seen. We have to deal with the TTB and the State of Ohio. With the latest research we have been doing - With the number of venues opening like this, the list gets longer and longer. It is very difficult to come up with a good time line at this point. We are working on it. We can't do anything until we have a physical address. We are not permitted to.

Don Wittman: Just for clarification, you do have – this will include the parcel that goes to Lattin? You will have access for some employee parking off of Lattin?

Dan Carioti: Yes.

Don Wittman: I think that at one point in time, the upstairs was improved for an apartment.

Dan Carioti: There are subdivisions up there, but that's where it ends at this point.

Don Wittman: Okay. I wasn't sure how far along they got. That was the whole reason why that got rezoned to Central Business District was to allow the mixed use of commercial and residential activity. At this point in the approval process the Commission is looking at solely the Use Permitted Upon Review. This allows it to move forward with some certainty. There are some conditions that will need to be met down the road but as far as the use and the public hearing portion it would be approved as far as - we will have to address the parking issues and make sure it meets the ordinances and that if there is off-site parking required that you would have those formalized in an agreement with adjacent property owners. So basically, we are looking at the use permitted upon review criteria for a restaurant with bar in the Central Business District.

Curt Moll: I think Central Business District has different parking requirements than a normal business would.

Don Wittman: It lends itself to that. That has always been the struggle reviewing businesses down there where there is shared on street parking as opposed to off street parking. It doesn't address when off street parking is required.

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Dan Carioti: Just a question. As we speak now, the majority of on street parking is during daylight hours at this point. Am I correct in that assumption?

Don Wittman: Yes and even sparse at times.

Dan Carioti: Right. Looking at this operating from 4-10, street parking should be a viable option in my estimation unless of course...

Mayor Woofter: Except for the existing tenants.

Dan Carioti: Yes, obviously. But we've got all of Main Street on two sides and hopefully some additional off street.

Don Wittman: Trust me, I think we would love to have a parking problem down on Main Street.

Dan Carioti: That's what we hope to provide.

Don Wittman: Just as far as what we are looking at, it meets the required conditions – a reasonable, necessary for general welfare which I think having business downtown promotes the welfare of the city.

Mayor Woofter: Absolutely, and speaking on behalf of the city and I as the Mayor, I just want you to know I am very excited about your business. I think it is going to, if everything goes through the way you want it to, I think it is going to be a draw for other businesses that would come and locate downtown and bring people.

Dan Carioti: That's part of our goal is to draw in additional businesses and start a revitalization of that corridor. We have seen that happen. We have been looking at other business models if you will and we have seen that happen in similar size towns – where something like this comes in and it starts to draw and a little bit of revitalization that comes along with it a lot of times. We are hoping to bring that as well. If we can be an impetus for that, then great.

Bill Sasse: Did the idea that Cortland is the best retirement community in the state of Ohio ever come up?

Dan Carioti: You know what, that is a great thing.

Bill Sasse: I know, a lot of people don't even know that yet.

Charles Rutan: Charles Rutan, 8498 Red Oak Drive. I couldn't quite hear. Is there going to be parking behind the building?

Dan Carioti: It would just be employee, in the small area behind the building.

Charles Rutan: We have a tenant that needs access to the back there.

Mayor Woofter: Behind his property is a semi-truck loading dock. That is his property.

Charles Rutan: I understand. We want to make sure that no one is parking behind so that the guy cannot get out – our egress and ingress to the building.

Mayor Woofter: Without looking at maps, we really don't know whose property is whose. If it's his property he has the right to do what he wants with it.

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Curt Moll: Unless there is an easement involved.

Sandra Rutan: There is.

Dan Carioti: More than likely at this point, I couldn't see more than 3 cars parking behind that building, 4 at the very most at this point. And that would be for at least for the first year or longer.

Mayor Woofter: I think these gentlemen want to be good neighbors.

Dan Carioti: Absolutely.

Mayor Woofter: I think they will do what they need to do to get along with other business owners and property owners in town. Right?

Dan Carioti: Absolutely.

In audible comment from audience.

Patrick Wilson: One good point though to reiterate what the Service Director said. There is going to be other points in time to talk about the parking issues more specific to the business. There will be 1 or 2 more opportunities for those discussions before they are allowed to open up. Stay tuned and make sure you come back or talk to Don.

Dan Carioti: Am I understanding that potentially this process could be halted? Is that what you are saying due to parking issues?

Don Wittman: It can't be halted so long as you meet the requirements of the ordinances that deals with parking and if that is in the form of working with Mr. Schmidt and getting an off-site parking so that we can address. They are public parking spaces and we want to not have those allocated to any one business. Technically the business and residences are supposed to provide their own off street parking that meets the ordinances and the on-street parking is more for convenience for people coming and going. It is not to be used in lieu of off-street parking requirements for any one parcel, but to supplement off-street parking. And the ordinance specifically states that you can have an agreement with adjacent property owners. So we will work on that.

Dan Carioti: Okay.

Sally Lane: Any other questions? Can we have a vote on 34-16?

Roll Call: **Bill Sasse, yes; Sally Lane, yes; Don Bell, yes; Donald Fatobene, yes; Curt Moll, yes. MOTION PASSED.**

Sally Lane: Do we have any more business?

Mayor Woofter: Yes. Mr. Sasse, will you come out front please?

Bill Sasse: I am in trouble again.

Curt Moll: Probably for the last time here.

Mayor Woofter: This is part of my job that I enjoy doing. Bill has been on our Planning and Zoning Commission for 15 years. So Bill, it gives me great pleasure to thank you for your years of service with a Proclamation from the city and the Proclamation reads:

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Whereas, Bill Sasse was appointed to the Planning and Zoning Commission and first sworn in as a member on January 24, 2002, and; Whereas, Bill has faithfully and conscientiously served the City of Cortland and its citizens for 15 years as a member of the Commission, and; Whereas, Bill is to be congratulated and thanked for his three terms of service on the Commission, and; Whereas, these years of service have been marked by exemplary dedication to the best interest and appearance of our community, and we appreciate all of his assistance to the City of Cortland through these many years, and; Therefore: I, Jim Woofter, Mayor of the City of Cortland, Ohio, do hereby proclaim gratitude to Bill Sasse for his valuable service and commitment to the citizens in our community.

Bill, thank you so much.

(applause)

Sally Lane: Can I have a motion to adjourn, please?

Bill Sasse made a motion to adjourn the meeting, seconded by **Don Bell**.

Roll Call: **Bill Sasse, yes; Sally Lane, yes; Curt Moll, yes; Don Bell, yes; Donald Fatobene, yes. MOTION APPROVED.**

Meeting Adjourned: 7:24 pm.

Chairman

Date

Secretary