

PLANNING, ZONING & BUILDING COMMISSION

CITY HALL

November 13

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The City of Cortland Planning, Zoning & Building Commission met on Monday, November 13, 2017 at 7:00 P. M. at the City Administration Building, 400 N. High Street, Cortland, Ohio. In attendance were the following board members: Chairman Curt Moll, Vice Chairman Sally Lane, Don Bell and Jim Bradley. Also present were Mayor Jim Woofter, Service Director Don Wittman, Law Director Patrick Wilson and the following individuals:

John Gnat	848 Woodland St.	Warren
Keith Denman	234 N. Mecca St.	Cortland
Mark Brown	2290 Niles Cortland	Cortland

Curt Moll: Good evening. It is 7:00 p.m., Monday, November 13, 2017. I'd like to call to order the regular meeting of the City of Cortland Planning, Zoning & Building Commission. Could I have a roll call please?

Roll Call: **Jim Bradley, here; Sally Lane, here; Curt Moll, here; Don Bell, here; Donald Fatobene, absent.**

Curt Moll: First of all we need a motion for approval of commission minutes for October 9, 2017 regular meeting. Could I have a motion?

Sally Lane made a motion to approve October 9, 2017 meeting minutes, seconded by Jim Bradley.

Curt Moll: Any discussion or corrections to the minutes? Can we have a roll call please?

Roll Call: **Donald Fatobene, absent; Sally Lane, yes; Jim Bradley, abstain; Curt Moll, yes; Don Bell, abstain. MOTION APPROVED.**

Curt Moll: Seeing no old business, I will move right to the new business. First item is **46-17 Wall Mounted Sign** – 212 N High St. – 30 sq. ft. – LED lighting. Can I have a motion, please?

Sally Lane made a motion to approve 46-17, seconded by Don Bell.

Curt Moll: Who do we have to speak for this?

Mark Brown: Mark Brown, 2290 Niles Cortland Rd. Mark's Signs. It is a 3 x 10 electric sign, single faced, aluminum with a lexan face.

Curt Moll: No issues with the size or location, Don?

Don Wittman: Usually with a wall sign it would have to be pretty big to exceed the size requirement.

Curt Moll: I would think so. It has LED lighting from behind, right?

Mark Brown: Yes.

Curt Moll: Any questions? It is a nice looking sign. Can we have a roll call, please?

Roll Call: **Sally Lane, yes; Jim Bradley, yes; Donald Fatobene, absent; Curt Moll, yes; Don Bell, yes. MOTION PASSED.**

Curt Moll: Thank you. Second item is **47-17 Ground Mounted Sign** – 303 N. Mecca St. – 42.1 sq. ft. Could I have a motion for this please?

Don Bell made a motion for approval of 47-17, seconded by Jim Bradley.

Curt Moll: Who do we have to speak for this sign?

John Gnat: John Gnat, 848 Woodland St., Warren, Ohio. This is Lake Vista – there are two of them. These will be permanent signs, the ones that are now there are temporary as

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they are changing their name. It is a non-illuminated panel. It is a urethane panel, indirectly lit.

Curt Moll: These are replacements for ones that are in there now – in the brick structures now? We are okay on the replacement at this point, it is the same company?

Don Wittman: Right, they are just converting from Lake Vista to Ohio Living Lake Vista. We looked when we approved these signs prior, that they were allowed to have the two out front. They are single faced and it is an aesthetic way to have a two faced sign and it is more of a residential sign as well for the duplexes on the complex.

Curt Moll: Any other questions from the board? Further comments? Can we have a roll call please?

Roll Call: **Curt Moll, yes; Don Bell, yes; Sally Lane, yes; Donald Fatobene, absent; Jim Bradley, yes. MOTION PASSED.**

Curt Moll: Next is **48-17 Roof Mounted Sign** – 214 W. Main St. – 33 sq. ft.

Curt Moll: Do we have anyone here to speak for this sign? No? That is the Wollam sign? Do we need anyone here to speak?

Mayor Woofter: I don't see why.

Patrick Wilson: Unless you have questions.

Don Wittman: I think I can answer for them.

Curt Moll: Let me get the motion first.

Don Bell made a motion for approval of 48-17, seconded by Sally Lane.

Don Wittman: So as you recall, there was a sign permit issued a couple of months back where they were going to put it underneath – they were going to put in on the wall on either side of the door. They had a facility they are going to close in Canfield and they have to remove the sign there. The sign company said well, you have already paid for this, we can't do anything with it – see if you can move it up to Cortland. Instead of going with a wall mounted sign underneath the canopy they are going to mount it on the top of the building.

Curt Moll: It is only 33 sq. ft.?

Don Wittman: Correct. Those are going to be individual – each letter will be mounted to the roof – it will be like a chaise with their symbol up there. It is not in addition to the wall sign – it is going to replace the sign we approved earlier. They are just modifying that sign request.

Curt Moll: Do they get to do this with the same permit?

Don Wittman: Yes. We are just going to transfer the permit to this application.

Curt Moll: Very good. Can we have a roll call, please?

Roll Call: **Curt Moll, yes; Donald Fatobene, absent; Sally Lane, yes; Don Bell, yes; Jim Bradley, yes. MOTION PASSED.**

Curt Moll: Okay. Final sign today **49-17 Wall Mounted Sign** – 124 Pearl St. – 32 sq. ft. I need a motion please.

Don Bell made a motion for approval of 49-17, seconded by Jim Bradley.

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Curt Moll: Can you come up and state your name and address and tell us about your sign?

Keith Denman: Keith Denman, 234 N. Mecca St., Cortland, Ohio. It is a wall mounted sign which will be approximately 12 feet high. There was a sign there before, previously it was approved. It is going above the overhang to the entrance of the building.

Curt Moll: This is the building that used to be Cortland Hardwoods?

Keith Denman: Correct. It is still Cortland Hardwoods.

Mayor Woofter: Who is doing your sign for you? Are you doing it yourselves?

Keith Denman: We are making the board out of MDO board and Sheridan is going to do the vinyl lettering.

Curt Moll: Okay, any questions? Can we have a roll call, please?

Roll Call: Jim Bradley, yes; Sally Lane, yes; Don Bell, yes; Donald Fatobene, absent; Curt Moll, yes. **MOTION PASSED.**

Curt Moll: Thank you. One more item on the agenda- **50-17 Discussion to update the Zoning Code to address State of Ohio Marijuana Legislation.** Do you want to introduce this topic?

Mayor Woofter: As you know, the state has approved the use of medical marijuana. We don't have anything on our books to address the issue of allowing or disallowing a business that would happen to come to town. We have nothing on our books at all. My thoughts behind this – we, coincidentally – Don had a call from a real estate company addressing that issue. Would we allow this? At the beginning of the year, I had filled out a questionnaire that I had received, I think through the Ohio Municipal League, stating that I would have no objections to it, myself as Mayor. I am not a user of it, but I certainly wouldn't object to a dispensary coming to town. The way I understand it in the seminars I have attended through the state and the local seminar is that the dispensaries are regulated through the Ohio Pharmacy Board and whatever the marijuana board they have set up with this. As well as the area if someone wanted to grow it and sell it, again we don't have any rules in place for that. So, we've kind of hashed around this and talked about it, kind of decided the best place for this would be on the list of businesses that are allowed in the city upon review. So, rather than just flat out stating – no you can't have it or yes you can – that it would be allowable upon review. They would have to come to this board with their business like any other business coming to town. My suggestion would be to allow it in all the categories except of course residential. I think allowing these two types of businesses, dispensaries or grow facilities, I believe that is where pharmacies are right now. I am not sure about the grow facilities.

Curt Moll: I think the grow might be a little stretch.

Mayor Woofter: That might be pushing it in some of those locations – maybe more Industrial or whatever. Anyway, that was a topic I wanted to bring up with you people and discuss it tonight. Ball is back in your court.

Curt Moll: Back in my court.

Don Wittman: As far as cultivation – the cultivation is not going to be in an open air situation is my understanding.

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Curt Moll: More like a warehouse.

Don Wittman: Yes, and right now there is going to be certain tiers – minimum square footage is like 25,000 sq. ft. – don't hold me to this.

Curt Moll: That is a Tier 1 and Tier 2 is three or four thousand sq. ft. or something like that.

Don Wittman: Three or four thousand sq. ft. So probably a use permitted upon review would be for sake of a starting point for the discussion would be an area that is Service or Industrial for cultivation. And then dispensary could probably go down to say Service, Highway Commercial and possibly Central Business District.

Curt Moll: Right now there are two dispensaries in three counties here so we are obviously not going to get one of those here.

Mayor Woofter: We may never get anything, but -

Patrick Wilson: Those are the ones that have been approved by the state.

Curt Moll: Right now that is all they are going to approve.

Mayor Woofter: Well until they review. It depends on in demand.

Curt Moll: Well it might. But at least at this point they have divided up the state and said this is the northeast district and we are in a three county area that is going to have two dispensaries.

Mayor Woofter: So, it may never happen here.

Curt Moll: And the other thing I guess I would take issue with is I think if you look at what we have now it is not permitted because it is not in our section on use permitted upon review. So if it is not in there, it is just not permitted. We don't have powers as a zoning board to approve anything that is not on that list.

Don Wittman: Well, other consistent uses that are compatible with state and federal law. So once you look at that, it is not compatible with federal law so it would be...

Patrick Wilson: That would be your basis to deny it, is what Don is saying.

Curt Moll: If we ever want to have one I think we have to address it and say yes or no. Based on that discussion of the size and the districts involved I think the 25,000 sq. ft. minimum would probably only be in the industrial section. So you could have either Class 1 or 2 in Industrial and maybe a Class 1 in some of those other districts. Certainly the 25,000 sq. ft. would not fit in some other districts.

Don Wittman: I guess what we want to take a temperature of tonight is if the board wants to amend the Uses Permitted Upon Review to allow for marijuana cultivation and dispensary then we can move forward with a proposal. But if the board does not want to do that, then we do nothing.

Jim Bradley: So we do nothing and one day it comes up and a company wants to bring it in and then we review it on a case by case basis, is that what you are saying?

Several: No.

Mayor Woofter: Then we can't even do that.

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Patrick Wilson: Right now, if somebody came forward the way the regulations are written, they would not be permitted in the City of Cortland. If you are interested, if the board is interested in at least having it on the books for future use then Don is right and the Mayor is right. We would have to do something now to put it in.

Don Wittman: And the Use Permitted Upon Review requires a public hearing, an opportunity to have a public hearing and discuss that. Even when anybody moves into Industrial, we have the public hearing and decide on that. There is a little bit more scrutiny of that proposal by this board.

Curt Moll: And it does go to Council as well.

Don Wittman: I don't think so. A use permitted upon review does not.

Patrick Wilson: Not a use permitted upon review.

Curt Moll: The regulation change would.

Patrick Wilson: Yes, putting in the regulation change would.

(Several inaudible comments – Locating and looking at “Attachments”)

Mayor Woofter: If you would review some of these businesses that are in Use Permitted Upon Review, there are things you would probably never want to approve in the city. So just because you add it to this list it is not carte blanche that somebody comes in and they want to have it. It doesn't mean, but it gives you the power to review it at least, given the opportunity if someone wanted to do that.

Jim Bradley: I am open to that – to have it just be on the list. You have an opportunity to actually discuss it and learn more about it rather than just saying no. This is going to be heavily regulated and we don't know what the industry is going to be yet but it could be something that is very worthwhile. I think we at least deserve the chance to learn about and discuss it rather than right now at this infantile stage just say no.

Curt Moll: I kind of agree with that. I think that in fact it might not be a bad idea to look at all of these uses under review.

Sally Lane: High time we did that.

(Laughter and several comments)

Mayor Woofter: I kind of reviewed that list and there's really not much – 1 or 2 things that wouldn't necessarily need to be on there any longer. I did have a local pharmacist approach me and was considering a dispensary and wanted to know if it would be something that would be allowed in the City of Cortland. So there is an interest and I think – I would like to see this board consider allowing that to be added to the upon review list.

Curt Moll: Any other comments? Can we get something to look at?

Don Wittman: I don't know if you want to formulate that into a vote or motion to update the uses permitted upon review to allow for marijuana dispensaries and cultivation and then we can start working on drafting something.

Mayor Woofter: Which we would bring back.

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Curt Moll: I would agree with that. I also ask that the list be reviewed in total, too, since we are going to change it. If I could have a motion.

Don Bell made a motion for the commission to review the list in the zoning code for Uses Permitted Upon Review and to consider adding to the list of Uses Permitted Upon Review marijuana dispensaries and cultivation, seconded by **Sally Lane**.

Curt Moll: Can we have a roll call please?

Roll Call: Jim Bradley, yes; Sally Lane, yes; Curt Moll, yes; Don Bell, yes; Donald Fatobene, absent. **MOTION PASSED.**

Don Wittman: Procedurally from here what we will probably do is just have a markup. If you have any suggestions of say you want to move restaurant with a bar, I don't know what you are looking at, ones you want to have redacted. Maybe some suggestions as far as a straw poll and out our next meeting we would have something in writing and then set a public hearing in January to finalize a recommendation to Council.

Curt Moll: I guess I would like to have a work session somewhere to discuss it a little more.

Patrick Wilson: You want to see the list first – Next meeting, the list will be here for you and then if you want a work session after that.

Curt Moll: Okay, I think that will work. I just think we need an opportunity to sit down and talk about what we are going to do here in a little more detail.

Don Wittman: Do we want to have a work session before the next meeting so that we can – I am thinking we can have a work session by email communication.

Mayor Woofter: It is an official meeting if you are doing that.

Patrick Wilson: Yes, it is subject to all of the open meeting laws.

Curt Moll: Part of it needs to be reviewed before we call for...

Mayor Woofter: I wouldn't mind doing that. I will not be at the next meeting, so I will be out of town.

Curt Moll: Neither will Sally.

Sally Lane: That is the LOAF concert.

Curt Moll: So we are down 1 already. What do we need to do to get a work session for this group?

Patrick Wilson: Just make a notice of it – have the Chairman call for it.

Curt Moll: I think we will look at it and if we can get it ready before that next meeting and we have an opportunity to do that, I would like to do that.

Mayor Woofter: We are not under the gun. There is no real hurry for it.

Don Wittman: Procedurally wise, If we set the public hearing then it goes to Council and they have to set a public hearing 30 days out so that is – Timeline if we had a work session before the December meeting and agreed upon the changes and the places it should go and set a public hearing in January and then vote on that and make a recommendation to Council and then that would go forward to them. They would set it

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for the end of February or March and then it would take three readings to be enacted so we are looking at the end of March, April or early May before it would be approved.

Curt Moll: I don't know that we have a lot of interest at this point with just two and 12 growers in the whole state, 24 actually, it is unlikely that that would be an issue with us. But I would not feel comfortable having a work session on the next meeting without having some type of discussion before the meeting. Anything further? I would like to have a motion for adjournment.

Don Bell made a motion to adjourn the meeting, seconded by **Sally Lane**.

Roll Call: Donald Fatobene, absent; Sally Lane, yes; Jim Bradley, yes; Curt Moll, yes; Don Bell, yes. **MOTION APPROVED.**

Meeting Adjourned: 7:25 pm.

Chairman

Date

Secretary