

PLANNING, ZONING & BUILDING COMMISSION

CITY HALL

May 14

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The City of Cortland Planning, Zoning & Building Commission met on Monday, May 14, 2018 at 6:20 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, Donald Fatobene and Jim Bradley. Also present were Mayor Jim Woofter, Law Director Patrick Wilson, Service Director Don Wittman and the following individuals:

**Anthony Cocca
Brad Peachtro
Jordan Biel**

**100 Debartolo Place
4330 N. Penn Rd.
2054 Timber Way**

**Boardman
Astrabula
Cortland**

Curt Moll: Good evening. I'd like to call to order the Cortland Planning, Zoning & Building Commission for Public Hearing 14-18. The purpose of the hearing is to consider a variance request to allow a new business and commercial addition at 322 S High St. that would have 22 parking spaces, six fewer than the 28 required. One of the things I wanted to do tonight since we are dealing with so many variances, I thought it would be good to go over the criteria. The criteria for a normal variance, which this is, not a sign. Is that; special conditions or circumstances peculiar to the land structure, or building involved which are not applicable to other lands, structures, or buildings in the same district. Or, literal interpretation of the provisions of the Zoning Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district. A special condition and circumstances do not result from the actions of the applicant. Granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same district. The variance requested will be in harmony with the general purpose and intent of this ordinance, and will not be injurious to the neighborhood. The variance requested is the minimum variance that will make possible the legal use of the land, building, or structure. This is not a nonconforming use so I think if we could get whoever is here to speak for this to tell us exactly what he wants to do. State your name and address please.

Anthony Cocca: My name is Anthony Cocca, our address is 100 Debartolo Place Youngstown, OH. What I was here to request is; we own the former Dollar General store at 322. We have the opportunity to put Dollar Tree in that location. The only way that Dollar Tree can go is if they had a little more space than what that store was. In order for us to do that, we would need a variance from 28 parking spaces to 22. We don't need a side yard variance. The creek is there, so it prohibits us from putting in any additional spaces. We've tried to lease that for a very long time. It's too big for the "small guys" and too small for "the big guys". This is what we do, we own properties across the country. We have reports that we run and matrixes that says what can we put in this location.

Curt Moll: Is there anything that you can do to eliminate some of the problems we have had there with traffic interference, trucks backing in? There has been a number of times when that was an issue.

Anthony Cocca: I didn't realize that was actually an issue, but Dollar Tree takes in one truck a week. We have a truck plan, it's called a wb 67. I don't have that with me.

Mayor Woofter: We don't have that.

Anthony Cocca: It actually shows the truck getting into the space by pulling in. Dollar Tree won't back off of the street. We have a wb 67 showing the truck pulls in across the front and backs in around the site.

Curt Moll: So there will be room to do that?

Anthony Cocca: Yes Sir.

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Curt Moll: Because that has been a problem. When the parking lot is full of cars and they have a truck show up in the middle of the day; it's been an issue.

Anthony Cocca: Dollar General is a great company, I don't mean nothing bad, but sometimes they ah, the drivers are a little difficult sometimes. We have a hundred or so stores and it's probably every two weeks that we have a store that gets hit by a truck. (laughter) They're going for the path of least resistance, if it's easier to back in, they are backing in.

Mayor Woofter: We had a fence there wiped out by one of your drivers. How he got, where he got is beyond me. The fence was way over here and backed into the fence clear off of the property.

Anthony Cocca: That doesn't happen with all drivers but I can tell you that our highest accident rate is with the Dollar General drivers.

Mayor Woofter: So what you are saying is, on your truck plan, this truck is going to pull in here across the front and then back around this way?

Anthony Cocca: Yes Sir.

Mayor Woofter: So it can't be a full sized semi-truck.

Anthony Cocca: Yes, the wb 67 actually has the full sized truck. I'm sorry you didn't get that.

Mayor Woofter: Do you have that Don?

Don Wittman: No I do not.

Anthony Cocca: I can send it to you.

Mayor Woofter: We would like to have a copy.

Don Wittman: It really hadn't come up.

Curt Moll: How many of these are for employees and how many for customers?

Anthony Cocca: There are two employees in the store.

Don Wittman: That was based on the required spaces for the sales area plus two employees.

Curt Moll: Any questions from the board for Mr. Cocca?

Don Bell: Do the 22 spaces include the handicap spaces?

Anthony Cocca: Yes.

Curt Moll: Does anyone want to speak for this variance or against it?

Mayor Woofter: I'll speak for it. I agree with Mr. Cocca. I'd like to continue to see the city of Cortland being proactive in attracting businesses. I would absolutely rather see this business filled then have it sitting here empty. It's been empty, I'm not sure how long, 3 years maybe. That's all that I have to speak for that.

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Jim Bradley: I have just a general question. I'm a resident, and I've always wanted to know, will there be something done with the façade of the building? It's a rough building compared to other stores that are in the same space. There is no type of stone, or other type of lighting fixture to make it look appealing to people that are driving through our city. Will there be anything done to beautify it?

Anthony Cocca: There will be some cosmetic stuff with painting and stuff. There is no arch or anything that you would normally see on a Dollar Tree, none of those plans on it. The only reason for that is based on, their sales volume was way too low. I tried to get him there for years. The rent was lower than any other Dollar Tree (General) and I own over 60 of them.

Curt Moll: I need a motion to close this public hearing.

Sally Lane made a motion to close the public hearing, **Don Fatobene** seconded.

Curt Moll: The next public hearing, **15-18 Public Hearing** - The purpose of the hearing is to consider a variance request to allow a pole mounted sign at 322 S High St. with an area of 75 sq. ft. which exceeds the 32 sq. ft. maximum and a height of 24' which exceeds the 12' maximum. In addition to the criteria that I gave before, there are three more things that you can consider when dealing with a sign. Whether the sign will be suitable and appropriate to the proposed location. Whether the applicant has affirmatively demonstrated that the use to which the sign relates cannot be properly identified without the requested variance; and whether the sign complies with all other requirements of this chapter other than the requirement(s) to be varied. Basically you are looking at why is this required in the situation? You are going to speak on the sign too? You need to restate your name and address.

Anthony Cocca: Anthony Cocca, 100 Debartolo Place Youngstown, Ohio.

Curt Moll: And what do you want to do here?

Anthony Cocca: We want to use the existing sign pole that we have for the Dollar General and put the same sized sign. The Dollar Tree sign isn't as long. Part of the reason for asking for the sign to be accelerated, in size and height, from the ordinance is the visibility of it. If you are coming into town, you can't see it. The building, you can't see until you are right up on it. So the request was to get the sign up high so that it could be seen through the bushes and natural terrain. The lot next door is higher by a few feet, it makes it difficult to see.

Don Fatobene: Did we have a variance for Dollar General?

Don Wittman: No because that was before the sign ordinances were revised and the area was revamped and reduced. So at the time there was no need for a variance on the height and size.

Curt Moll: Basically your reason is, you don't think that you can see it from the south?

Anthony Cocca: Yes, there are bushes, trees and the terrain of the ground.

Don Wittman: The trees are on the neighbor's property?

Anthony Cocca: Yes Sir.

Curt Moll: Is there anything that you can do to make the sign more visible when coming from the south, like putting it in a different location? It's not going to be lighted right?

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Anthony Cocca: Yes, it's lighted, it's powered. I'm not sure where else we would put it. The other concern is the trucks pulling in and backing up.

Curt Moll: Why does it need to be 7 ft tall?

Don Fatobene: Does Dollar Tree have a standard size sign from location to location?

Anthony Cocca: Yes, this is the standard size sign.

Curt Moll: I think that there are other sizes. We ran into this with a couple other stores in town. Don, want to talk about it coming from the other side? I haven't looked at it coming from that direction.

Don Wittman: I don't know coming from the south, I can't really picture it with the sign being removed. If anything, if it was to comply with our sign ordinances, like the other retail shops in that area, it may be low enough that it would be seen.

Curt Moll: That's what I'm wondering, there are trees there...

Mayor Woofter: I've looked both directions Curt, and I don't see a problem with it complying to our sign ordinance.

Curt Moll: I was looking at it from the stand point, if you lower it, you get out of the line sight of the trees.

Anthony Cocca: I could show you a picture.

Curt Moll: Let me see what you got (looking at picture on Anthony's phone). You'd have to get pretty high to get over that tree.

Don Fatobene: My obvious concern is Dollar Tree has a 75 square foot sign, next month Dollar General comes in and wants a sign that big, month after that Family Dollar comes in, wants a sign that big.

Curt Moll: And theirs are both compliant with our current ordinance. 32 square feet is a pretty good sized sign really.

Anthony Cocca: If the sign was smaller, would the height be acceptable?

Curt Moll: It's less visible from the north if it's higher. If you are driving down the street, the signs you see are at eye level, not the ones above your car window.

Mayor Woofter: As you know, I am very favorable to this business. I am not favorable to this commission allowing a variance to your sign. If you look down our street, since we have changed the sign ordinance, every one of those businesses complied to it. The newest one is your neighbor right across the street, Chemical Bank.

Curt Moll: They had a huge sign, way up in the air, they have taken it down.

Mayor Woofter: You go through there and everything looks uniform, very nice.

Anthony Cocca: Ok, I'll bring it back to them.

Mayor Woofter: I can't imagine, if they've done their study, that 12 feet in the air and 72 square feet is going to make a difference whether they come to Cortland or not.

Anthony Cocca: I don't either.

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Curt Moll: Anyone else want to speak for or against? I will ask for a motion to close this portion.

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

Curt Moll: We have another public meeting, 16-18 Public Hearing – The purpose of the hearing is to consider a variance request for 3310 Niles Cortland Rd. to allow a pole mounted sign with a sign area of 98.7 sq. ft. which exceeds the 32 sq. ft. maximum and a height of 21' 4" which exceeds the 12' maximum. Who is here to speak about that sign?

Brad Peachtro: Hi, I'm Brad Peachtro 4330 North Penn Rd. Astrabula, Ohio. I do want to make the correction, the proposed square footage is 85.3.

Mayor Woofter: So you are changing the 98.7 to 85.3?

Brad Peachtro: Yes, I think they took the round sign and calculated it as a square. 7/17 Credit Union has updated their logo and they are reimagining all of their credit union branches as well as their ATM kiosks. Tried to figure out what to do with this pole sign as it is nonconforming now. The design that was presented is what their design team has come up with and the intent was to show that disc as if it is floating up there with no support. So, this would be utilizing the existing pole structure that is there. It would be replacing the head that is on there now, as well as eliminating the existing reader board and ATM sign that is on there.

Curt Moll: Looking at this the posts went all the way up the sides, up to the top, so you are cutting the poles off.

Brad Peachtro: The poles went up to the bottom of the cabinet, the cabinet set on top.

Curt Moll: So it looked to me like we were shortening those poles.

Brad Peachtro: We are shortening them to keep the height the same.

Curt Moll: And the reasoning for the height is?

Brad Peachtro: The signage that they have proposed is close to 13 vertical feet with the top cabinet, credit union cabinet, and ATM cabinet. We do want to have some clearance underneath for visibility as well.

Mayor Woofter: Were they aware of our sign ordinances?

Brad Peachtro: Typically when a design company designs something that looks pretty, they don't figure out how they are going to build it, or whether or not it's going to comply with a code. They just design something, it looks pretty and everyone falls in love with it. Then I have to figure out how to get it approved and how to get it built. The existing signs that they have now are similar, they really wanted this look with the round logo sitting on top. We are looking at our second location, modifying this to cut poles down and try to come up with something that sits in between the poles.

Mayor Woofter: I think that they are trying to utilize what they already have to save on expense.

Brad Peachtro: That is obviously an issue. This project is about 25 total locations that they are reimagining.

Curt Moll: Are they using any other size of that big disc?

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Brad Peachtro: They are, at two other locations, it's based on the pole widths. The intent is to cover those poles with the credit union sign and the disc is slightly larger than the width of the credit union sign.

Curt Moll: With that many locations, I can't believe that other municipalities aren't going to have trouble with the signs.

Mayor Woofter: My point was that they are trying to utilize what's here instead of what our sign ordinances are. Right next door is Middlefield Bank and they complied to our sign ordinance.

Jim Bradley: The area dimensions, is it all three or just the top?

Curt Moll: The circle is bigger than 32 square feet.

Brad Peachtro: The 85 is all three. The circle is about 50.

Curt Moll: That exceeds our limit by 5'4", height wise. If you cut off the poles, you would be able to get down to 16 feet at least.

Mayor Woofter: The further back from the road, the higher it can be, right Don?

Don Wittman: I don't have the code in front of me. I think that affects the area.

Curt Moll: Anyone want to speak on this?

Don Wittman: This is a unique situation, if they were rebranding within the existing sign, and just changing the face, it wouldn't even be coming before this commission. With rebranding, we try to give a little to the corporation that it's not an alteration to the sign, it's just a re-facing.

Curt Moll: There is really no provisions for distance from the road per size.

Jim Bradley: It can be one square foot per each additional.. the sign is set back from the ROW. Page 27

Mayor Woofter: I guess that's the square footage of the sign and not so much the height.

Don Fatobebe: Do you know of any other municipality that have made some adjustments for the signs that you have already gone before?

Brad Peachtro: Yes, Austintown. Similar situation, this is the design that we ended coming up with.

Mayor Woofter: What's the height of that?

Brad Peachtro: This is 17 feet tall

Mayor Woofter: You have some long posts there so it could be shortened to 12. What square footage is that?

Brad Peachtro: This works out to be about 37 1/2 .

Mayor Woofter: I'm just going to give the commission my opinion as Mayor. I don't think that this should be accepted. I think that they should go back to the drawing board and come up with something that fits our sign ordinances.

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Curt Moll: Does anyone want to speak for the sign? Anyone want to speak against the sign? Ok, I need a motion to close the hearing.

Don Fatobene motioned and **Sally Lane** seconded.

Curt Moll: It's 6:50, I'd like to call to order **17-18 Public Hearing for Use Permitted Upon Review** – 290 S High St. - The purpose of the hearing is to consider a Use Permitted Upon Review within the S-1 Service District to use the property as a church. I think that every one of our districts require churches to be approved by this board. You're going to speak about it? Please state your name and address.

Jordan Biel: Pastor Jordan Biel 2054 Timber Way.

Curt Moll: Tell us about what you want to do there.

Jordan Biel: Sure, we have been growing as a church in Kinsman about 12 miles from here. I was praying about where to plant a new church I felt that the Lord wanted us to do that in Cortland. I noticed the rink and Jimmy was kind enough to let me walk through it with our pastors and see what they thought, our board which of course makes the decisions, with the pastor. We even walked through with an architect just to see if it's even doable. We didn't want to make an offer without seeing if it could be zoned. This is our first time at this, we are trying to learn what's the best way and the idea is – can it be used before we make an offer. It would be awful to have an offer accepted and then say, you can't use this for a church.

Curt Moll: That's good. Any questions? Anybody here want to speak for this or against this? Don, do you have any comments?

Don Wittman: No, we are just complying with the zoning ordinance, having a public hearing as per Use Permitted Upon Review and since we had so many other publications, we actually did tack this Use Permitted Upon Review on and run it in the paper. We do not charge for Use Permitted Upon Review so typically we just notify the adjacent property owners and publicize it on our website.

Patrick Wilson: What you are saying is that tonight we added a third element in the paper.

Don Wittman: Correct.

Patrick Wilson: Alright.

Curt Moll: No one is here to speak either way so I guess we will ask for a motion to move.

Don Bell made a motion to close the public hearing, seconded by **Donald Fatobene**.

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Due to a tape malfunction, the following minutes are from the secretary's notes.

The City of Cortland Planning, Zoning & Building Commission met on Monday, May 14, 2018 at 7:01 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, Donald Fatobene and Jim Bradley. Also present were Mayor Jim Woofter, Law Director Patrick Wilson, Service Director Don Wittman and the following individuals:

Anthony Cocca	100 Debartolo Place	Boardman
Brad Peachtro	4330 N. Penn Rd.	Astrabula
Jordan Biel	2054 Timber Way	Cortland

Curt Moll: I would like to call to order the regular meeting of the City of Cortland Planning, Zoning & Building Commission on Monday, May 14, 2018 at 7:01 p.m. Could I have a roll call please?

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

Curt Moll: First item, I need a motion for approval of commission minutes for April 9, 2018 regular meeting. **Sally Lane made a motion to approve, Don Bell seconded.**

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

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

Curt Moll: Let's welcome Christine Dorma and vote on her as secretary. Can I have a motion please? **Don Bell made a motion to approve Christine Dorma, seconded by Don Fatobene. All Ayes, motion approved.**

Curt Moll: **18-18 Variance Request** – The request is to allow a new business and commercial addition at 322 S High St. that would have 22 parking spaces, six fewer than the 28 required. Can I have a motion? **Don Bell made a motion seconded by Sally Lane**

Curt Moll: Is there anyone here to speak for this?

Anthony Cocca: Anthony Cocca, 100 Debartolo Place, Boardman. We would like to have it approved to make 28 to 22 parking spaces. The addition is for a stock room. Trucks backing in...

Don Wittman: The space is limited due to the creek. No need to speak of trucks backing in, this is just a variance for parking spaces.

Curt Moll: Any questions? Roll call please.

Sally Lane, yes; Jim Bradley, yes; Donald Fatobene, yes; Curt Moll, yes; Don Bell, yes. MOTION PASSED.

Curt Moll: The next item on the agenda is **19-18 Commercial Addition** – 322 S. High St. - 720 sq. ft. addition, can I have a motion please.

Sally Lane made a motion for approval of 19-18, seconded by Don Bell.

Don Wittman: Looking at aerials, this addition is subject to a final plat. I would not issue zoning until there is a re-plat.

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Curt Moll: Anything that can be done at this appearance? Roll call please.

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

Curt Moll: I need a motion for **20-18 Variance Request** – The request is to allow a pole mounted sign at 322 S. High St. with an area of 75 sq. ft. which exceeds the 32 sq. ft. maximum and a height of 24’ which exceeds the 12’ maximum.

Don Bell made a motion for approval of **20-18**, seconded by **Don Fatobene.**

Curt Moll: Does anyone have anything to say on this?

Anthony Cocca: We are requesting this due to the difficulty seeing it because of trees and the terrain.

Don Wittman: I looked it up on Google Earth..... there was no wall sign submitted.

Curt Moll: I do not see why you’d need a sign that big.

Mayor Woofter: If you have a ground sign, I think that you could still see it.

Curt Moll: Okay, can we have roll call please?

Roll Call: Curt Moll, no; Don Fatobene, no; Sally Lane, no; Don Bell, no; Jim Bradley, no. **MOTION FAILED.**

Curt Moll: The next item is **21-18 Pole Mounted Sign – 322 S High St.** – Dollar Tree - 75. Sq. ft. – 24 ft. ht. – Internal Lighting

Don Fatobene made a motion – **MOTION FAILED** due to lack of second.

Curt Moll: I will need a motion for **22-18 – Variance Request** - The request is to allow a pole mounted sign at 3310 Niles Cortland Rd. with a sign area of 98.7 sq. ft. which exceeds the 32 sq. ft. maximum and a height of 21’ 4” which exceeds the 12’ maximum.

Don Bell made a motion for approval of **22-18**, seconded by **Jim Bradley.**

Brad Peachtro: Brad Peachtro, we have submitted new plans. This revises the sign to 12 feet.

Curt Moll: Do you think that you can?

Brad Peachtro: Yes.

Curt Moll: Good. Withdraw the motion and second on **22-18**. Good, we appreciate that.

Curt Moll: Next is **23-18 Pole Mounted Sign – 3310 Niles Cortland Rd.** – 7/17 Credit Union – 37.45 sq. ft. – 12’ ht. – Internal LED.

Don Bell made a motion for approval of **23-18**, seconded by **Sally Lane.**

After the public hearing, 7/17 submitted a revised design that was similar to one approved in Austintown township. This revised designed is what the Commission reviewed and voted on.

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

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Curt Moll: Next is **24-18 Use Permitted Upon Review** – The request is to allow a church as use permitted upon review in S-1 Service District at 290 S. High St.

Don Bell made a motion for approval of 24-18, seconded by **Don Fatobene**.

Curt Moll: Will this be open during the week?

Jordan Biel: *If* it can be a church, yes, it would be open throughout the week. People can come in and have coffee. My wife's family rents the Opera House every year. Someday, we can rent out a room for people to have a party.

Curt Moll: Can we have a roll call please?

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

Curt Moll: The Lakeview Schools signage..

Don Wittman: The issue is that, it's going to be an electronic message board. The city sign ordinance does not allow this, however, the school is *not* a business.

Patrick Wilson: This is a unique animal. It is in a residential area, it's suggestive that schools comply.

Curt Moll: Is the school aware?

Don Wittman: Yes.

Patrick Wilson: Where are we in the process?

Curt Moll:Chemical Bank comes in and says – they got it and we couldn't.

Mayor Woofter: They want to replace the off premises sign?

Donald Fatobene: We did give leeway to the church up here.

Patrick Wilson: I do not a definitive answer.

Don Wittman: The Middle School sign...

Curt Moll: I wish that you would bring Hillman sign here.

Don Wittman: I will get back to the school with this council.

Curt Moll: Anything else before we come to a close? Can I have a motion to adjourn?

Sally Lane made a motion to adjourn, seconded by **Don Fatobene**.

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

Meeting Adjourned: 7:27 pm.

Chairman

Date

Secretary