

PLANNING, ZONING & BUILDING COMMISSION

CITY HALL

February 11

19

The City of Cortland Planning, Zoning & Building Commission met on Monday, February 11, 2019 at 6:45 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 Woofter, Service Director Donald Wittman and the following individuals:

Randy Caldwell	120 Stonewood Dr.	Cortland
Flo Hutton	258 S High St.	Cortland
Jeff Payne	218 S High St.	Cortland

Curt Moll: I'd like to call to order the Cortland Planning, Zoning and Building Commission for a public hearing. The purpose of the hearing is to consider a variance request at 192 S High St. to allow the encroachment of up to 15 feet from the 25 foot side set back and to waive the rear buffer requirement for improvements adjacent to a residential district. I would like to give everyone that wants to, an opportunity to speak. If you have a presentation of information about this project, I appreciate you coming to the public hearing. Give a name and address and tell us a little bit about what you want to do.

Randy Caldwell: Randy Caldwell, 120 Stonewood, Cortland. What we are trying to do is tear the old Hutton building down and build a new building. We'll build a structure there, because the old Lombardi building, we want to move the Dairy Queen to, from where it currently sits, to over there. It gives us a drive- thru, gives us more space. The reason we want to move the other building to the north as far as we can, is because we want as much parking as we can because obviously parking is an issue. A drive – thru helps, but still, whatever we end up with in the plaza; we're to help there be enough parking spots. That's the reason I want to try and head over there as far as I can. I don't want to have space behind there that is usable for parking that we lose. That's the thought behind that. Right now we have enough room, we believe, for a 7 unit mini plaza.

Curt Moll: We have a diagram here. The thing that we are here to consider is; the first thing, you want to explain a little bit about the rear buffer. Why won't you need a rear buffer?

Randy Caldwell: I own the property behind it. Obviously again, parking. I would like to have enough space to put in some type of seating area back in there. Our biggest concern is baseball teams, soccer teams, these kids running around. When you have cars going through a drive – thru... I want to keep all these kids out in that back area. That's our goal; to build something back there for them. Again; I want to be able to have as much parking as I can, especially for the turn around that goes back through there. In the back of the building, we will end up adding to the back of the old Lombardi building, our walk-in cooler, walk-in freezer. It won't be inside the structure, it will be outside. I'll have to make sure that I have enough room to accommodate to get cars around that, paving, that kind of thing. I'll leave a little green space back there for that.

Curt Moll: That area behind it is zoned R-M. For the benefit of the rest of the commission; it's pretty much vertical.
(voices agreeing)

Don Wittman: Mr. Chairman, the purpose of the buffer requirement, within a commercial setting, adjacent to a residential district, is to provide screening if there is a

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residential use on a parcel that is zoned residential. There are two parcels to the rear of this, as Mr. Caldwell alluded to, one is R-M, it is vacant, it's a steep slope, and there will be no building ever on that parcel. The parcel that is behind the old Lombardi's building is R-M and that is just a quarter of Cortland Excavating, or Florence Hutton's property. That is currently being used as a storage yard for the excavating company.

Curt Moll: Any questions from the board? On the north side – tell us what you want to do.

Randy Caldwell: That's all because of parking, I want to be able to shift the building as far as I can to that line without encroaching on the northern neighbor, as much I can because every foot of space that I get, we need for parking. That's our primary concern, how much parking that we can get in there.

Curt Moll: We have a blue area, (referring to a drawing of the property that was in the packet) that's on your property. There is a sidewalk behind the buildings to access the backs of the building?

Randy Caldwell: Yes.

Curt Moll: Do you plan to do anything with that blue area?

Randy Caldwell: The only thing that will run down through there would be water. We're going to leave it so that it's not... it won't be paved. If we ever have an issue, we can get to it. The electrical will be over head but the gas and water need to come up through there. That way, if there is ever an issue again, there is access to it.

Curt Moll: So that will be access for the building.

Randy Caldwell: Yes.

Curt Moll: Do we have anyone here to speak against this variance request? Any comments, negative or positive?

Jeff Payne: You're going to put the store fronts facing south? They will be facing the old Lombardi's restaurant building.

Randy Caldwell: Yes.

Jeff Payne: And your drive-thru will be on?

Randy Caldwell: The only drive-thru will be next to you. It's actually going to be on that south side of the Lombardi's building.

(Don shows Mr. Payne the drawings of the buildings from the packets.)

Curt Moll: Is there a fence between the Lombardi's building and this building?

Randy Caldwell & Jeff Payne: Yes.

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Curt Moll: Are you going to have to take that out?

Randy Caldwell: No, we are good. There is enough room with it being up. I like the idea of it being up. We spoke briefly about it and I even offered to put some kind of screening in. My old theory is – you can't steal what you never see. I don't want people seeing his stuff. He said that he's going to put up metal over top of the fence.

Curt Moll: Don explained that you did not plan on building all of these buildings at once.

Randy Caldwell: No, what we are going to do is build; for the better sake of an argument, a duplex, two units. Once I get those spoken for, once they are completely rented, we'll build on.

Curt Moll: You have quite a bit of open space back there after you tear that down.

Randy Caldwell: Yes, it's all going to be all seeded. I talked to Rex King, he's coming in from Pittsburgh, it will be dirt and then he will put in the grass.

Curt Moll: I'd be interested in putting in some kind of trees, shrubs up front.

Randy Caldwell: Mr. Wittman alluded to something on the west side of the sidewalk; doing a green area, three of them, and he wanted another green area in the back of one of the parking spots.

Curt Moll: That helps the appearance from the street.

Randy Caldwell: Agreed.

Curt Moll: There are no regulations about that, I'm just making that as a suggestion at this point.

Randy Caldwell: I wouldn't argue with that, it will look good. It takes the hardness out.

Donald Fatobene: Compared to what is there now, it certainly would be an improvement.

Flo Hutton: How many stores are actually going in there?

Randy Caldwell: There will be enough room to put in, if everything goes well, 7. There will be 7, 20 x 50 foot units. That would be a thousand square foot unit. When we get down to 7, making sure that the parking is adequate before we build that 7th unit. If I'm strapped for parking, the 7th unit just won't get built.

Curt Moll: Depending on use, there's going to be different parking regulations and that's hard to plan ahead for something like that.

Randy Caldwell: (inaudible)...I can kind of watch who is coming in and control that we don't get too much parking.

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Don Wittman: Just to pull this back in, the purpose of this public hearing is to consider the waiving of the variance of the rear buffer and allowing the encroachment of the side set back up to 15 feet. One of the things that is helpful in deciding that variance as far as the side set back, ... If this parcel was zoned Highway Commercial, it would have a 10 foot side set back. An encroachment of 15 feet would still make it consistent with the side set back for a parcel zoned Highway Commercial.

Curt Moll: Which it probably should be zoned. Thank you Don. Any further questions from here? I'll ask for a motion to close the public hearing.

A motion was made by **Donald Fatobene** and seconded by **Jim Bradley**.

The City of Cortland Planning, Zoning & Building Commission met on Monday, February 11, 2019 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, Don Fatobene and Jim Bradley. Also present were Service Director Don Wittman, Law Director Patrick Wilson and the following individuals:

Randy Caldwell	120 Stonewood Dr.	Cortland
Flo Hutton	258 S High St.	Cortland
Jeff Payne	218 S High St.	Cortland

A motion to approve **Commission Minutes from the January 14, 2019 Re-organization Meeting** was made by **Donald Fatobene** and seconded by **Don Bell**.

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

A motion to approve **Commission Minutes from the January 14, 2019– Regular Meeting** was made by **Donald Fatobene** and seconded by **Jim Bradley**. **Sally Lane, yes; Jim Bradley, yes; Donald Fatobene, yes; Curt Moll, yes; Don Bell, yes. MOTION PASSED.**

A motion was read by Curt Moll **04-19 Variance Request** – The request is to allow the encroachment of up to 15 feet from the 25 foot side set back at 192 S. High St. Motion made by **Don Bell** and seconded by **Sally Lane**.

Curt Moll: Any discussion? Would you come up and tell us what you are going to do again.

Don Wittman: This is pertaining to the side set back.

Randy Caldwell: Randy Caldwell, 120 Stonewood, Cortland. We are looking for the variance to be able to move the building as close as we can to the northern line so that we can gain as much parking as we can, between the 2 buildings. That's our primary goal here is parking.

Don Wittman: As I stated in the public hearing, the relaxing of the 25 side set back to 15 feet will give that a side set back of 10' which is consistent with other zoning in the commercial district specifically the Highway Commercial zoning.

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Curt Moll: The property next door is zoned S-1.

Don Wittman: It is zoned S-1. The underlying zoning is Service even though it is a multi-unit residential.

Patrick Wilson: We held a public hearing and there was no opposition.

Many voices: yes, correct.

Curt Moll: There was no opposition; no one was here to speak against it.

Patrick Wilson: I wanted to make sure that we got that on the record.

Curt Moll: If there are no more questions, let's have a roll call.

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

05-19 Variance Request - The request is to waive the rear buffer requirement for improvements adjacent to a residential district at 192 S. High St. was read and moved for by **Don Bell** and seconded by **Jim Bradley**.

Randy Caldwell: Again, pushing our line back as far as we can to gain as much parking as we can on our property. Not being able to utilize the property because of its vertical fall. We want to get as close as we can to that line.

Curt Moll: Again, we had a public hearing and there was no comment against this variance. The building lot behind this is probably not buildable, at least not with the kind of architecture that we have around here.

Don Wittman: Yes, technically, looking at it, the parcels to the rear of these commercial parcels are zoned Residential Multi-Family. The buffer requirement would be applicable. In my opinion, there is no need, based on the existing use of that property being vacant, the steep slope, it never being used. The area that is behind the other parcel which houses the Lombardi building; that is currently being used as a storage area for an excavating company.

Curt Moll: Your intent is to use this property back as far as you can. Any questions from the board? Roll call please.

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

Don Wittman: From a procedural stand point, this board has approved the variances for the site plan development. Mr. Caldwell is going to finalize the parking and layout, and bring that back to the board for the approval of the building.

Jim Bradley: Don, does that have a plan for delivery vehicles? To show that delivery trucks can get in there and maneuver correctly.

Don Wittman: Yes. It's not going to be to the level as a Dollar General or the Family Dollar where they are going to have... These stores aren't going to have large shipments from semis.

Curt Moll: How often do you get trucks?

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Randy Caldwell: The Dairy Queen gets 3 trucks a week. The parking lot is real similar to our layout, what we have now and we aren't having any issues.

Mayor Woofter: What size trucks do they have?

Randy Caldwell: 2 of them are basic (inaudible) trucks. The only one; United Dairy, they come in a 53' trailer and he maneuvers pretty simply in there.

06-19 Replat – A replat of Lots 43 & 44 in Custer Estate Vol. 45, pg. 66 City of Cortland, Trumbull County, Ohio to form Lot 43A is read and moved by **Don Bell** and seconded by **Sally Lane**.

Curt Moll: We don't have anyone here to speak to this tonight, but I'm not sure that we need someone. Basically their plan is to combine 2 lots, maybe Don could explain better, to build one house.

Don Wittman: I was approached by the developer, he has an interested party that wants to purchase both lots and build a house. I was talking to the perspective purchaser as well and I told him, in order to build a house on the 2 lots, they needed to be combined. This is going to combine Lots 43 and 44 of the Custer Estates subdivision, which is also known as the Highland Ridge. It will be new lot 43A.

Curt Moll: Any discussion? I looked at this and do not see any issues at all. It's a matter of getting someone to build a new house here in town and it's going to be a big one.

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

07-19 Set Public Hearing for Use Permitted Upon Review – 125 N Bank 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. **Hearing to be set for March 11, 2019 at 6:50 p.m.** was read and motioned for by **Don Bell** and seconded by **Don Fatobene**.

Curt Moll: Want to explain what we are doing here Don?

Don Wittman: Yes, this is an application by the Rock of Grace Church. They have purchased the old post office, prior; the Scope building.. Boyd Bears, on Lattin St. They are moving forward with their plans and this would be the next step in the process for them to be able to operate as a church. It is a Use Permitted Upon Review within the area zoned as S-1.

Curt Moll: Isn't any zoning district a Use Permitted Upon Review?

Don Wittman: Correct.

Curt Moll: It's not unusual to have it come here.

Don Wittman: This is the same church that was looking at our Cortland roller rink.

Patrick Wilson: They have a place in Kinsman.

Don Fatobene: Right.

Don Wittman: We are just setting the public hearing. That will be the beginning of the next meeting and we do a public notice through the website and publication of the agenda.

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Mayor Woofter: They have already started renovating the building.

Don Wittman: I think that you were looking at parking, possibly.

Curt Moll: That's what I was thinking about.

Don Wittman: They are looking at getting a written agreement with the bank for use on Sunday. Additionally, this board in the past had allowed for the off street parking on Main St. whenever we are looking at businesses along there with the shared parking. This would be a little more unique in that there would be a high use on that side.

Curt Moll: I just don't want to get us into a situation where we have a big war with parking downtown.

Don Wittman: They are aware of that and are looking to make a formal agreement with Cortland Bank for use on Sundays.

Curt Moll: That would be good.

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

Curt Moll: I would like to bring up one point. Some of these things that came up tonight are really a result of our zoning being kind of haphazard on High St. and Main St.

Patrick Wilson: I don't know about haphazard, maybe outdated is a better word for it.

Don Wittman: When the zoning was passed in '95... Prior to '95 there was one classification of Commercial. In 1995, they made 5 classifications; Neighborhood District, Central Business District, Highway Commercial, and Service District. Everything was put into S-1 Service District because it was the broadest and it didn't restrict the uses. We went through this exercise 5, 6 years ago when we looked at the Highland Ridge development which was Industrial. All the schools didn't have an underlying zoning. School, churches, the Ag Center, those were all treated as non-taxable. They were shown on our zoning map as non-taxable yet, there was an underlying zone. We cleaned up some of those. We kind of stalled looking at that corridor on High Street and some other areas. Especially with downtown; making that all Central Business District. This all comes into play when you have a mix. Adjacent to the Dairy Queen building where Dr. Bipin Patel had his office, that was S-1. When that converted to a residential, technically, we should not have allowed that to occur but, the city has been pretty pragmatic. We are not going to dissuade people from using a building for what it's intended purpose was. My point is, that's Highway Commercial, that allows residential, so you can bounce back and forth to make the most economical use of any structure if it were zoned properly. That would be the intent of the exercise in moving forward with rezoning High Street to Highway Commercial.

Curt Moll: I think that we need to begin to look at that. Any other discussion before we motion to adjourn? Motion to adjourn.

A motion to adjourn was made by **Donald Fatobene** and seconded by **Don Bell.**

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

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Meeting Adjourned: 7:14 pm.

Chairman

Date

Secretary