

PLANNING, ZONING & BUILDING COMMISSION

CITY HALL

October 12

15

The City of Cortland Planning, Zoning & Building Commission met on Monday, October 12, 2015 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 John Picuri, Sally Lane, Don Bell, and Donald Fatobene. Also present were Mayor Curt Moll, Service Director Don Wittman, Law Director Patrick Wilson and the following individuals:

Jean Durst	217 Stahl Ave.	Cortland
Paul Rezabek		
Dawn White	5203 Warner Rd.	Fowler
Sandy Hare	207 Grove St.	Cortland
Greg Hare	207 Grove Dr.	Cortland
Lou DeSimone	4833 Darrow Rd.	Stow
Lindsay DeSimone	4833 Darrow Rd.	Stow

Bill Sasse: Good evening. It is 6:50, Monday, October 12, 2015. I would like to call to order the Cortland Planning, Zoning and Building Commission for Public Hearing 28-15. The purpose of this public hearing is to consider a request to change the zoning of 136 S. Bank St. from S-1, Service District to C-1, Central Business District. Do we have anyone here to speak for this zoning change?

Paul Rezabek: My name is Paul Rezabek. I am a realtor with Howard Hanna. This is the property of Jean Durst. She owns the property at 136 S. Bank St. It is zoned commercial as you know at this time. I called when I first listed this property – she had the house listed before. There is no one that has any interest in the property, it is not on the main drag and being commercial there is only one use for it and that is a commercial business in it. They informed that no one can live in the house because it is a commercial piece of property. I talked to Jean about changing that because it is an older house. I think there would be a better chance for her to sell it because it is really becoming a burden to her with taxes, insurance and upkeep of the property. The other businesses that are down that stretch, I know you are all familiar with it. I don't know if one of them is still operating as a business. That is why we are here today. Changing it to C-1, Central Business District, you could then live in the property as a residence, is that correct?

Mayor Moll: You could do that and you could also use the building next door as a business – so you could have multi-use.

Paul Rezabek: Or you could just use it as a residential property with a garage. The building next door which was converted that was used as office space or whatever – you could take it back and use it as a garage. I really think that would be the best use of the property at this point in time. That is why we are here.

Mayor Moll: That is a nice layout in the house.

Paul Rezabek: Yes, you walk in and it looks like a house. I mean they did use it as a business for years and it served its purpose and it is time to move on.

Bill Sasse: Does anyone have any questions? Thank you. Is there anyone else here to speak in favor of the zoning change?

Sandy Hare: I have a question. I am a little confused on the business part of it. I understand that it could be used as a residence. But what about in the future if they decide to tear down that house and make it a regular business. We live right across the street. I am curious if that would be allowed in that business district.

Mayor Moll: It would be zoned Central Business District.

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Bill Sasse: It would be zoned Central Business District. As it stands right now, it is not out of the realm of possibility that that still could happen. It is Service District now, which encompasses an awful lot.

Patrick Wilson: But is your question if we change the zoning now and the building is torn down, then what would become of the property?

Sandy Hare: Right, because it is an historical area. My concern is could anybody buy that property, after it has been a residence and change it into a very large business – taking sections of the property and making it a business.

Mayor Moll: They would still have to come back to this board. Right now they could do that with it zoned the way it is. The only thing this really does, is it opens it up for ability to live there, plus it actually restricts some of the things you could do with it, more than it is now.

Greg Hare: What is our best option to keep the building? A very attractive building - we have enjoyed looking at it.

Bill Sasse: Commercial business would be more conducive to keeping it the way it is now because it also could be a home.

Mayor Moll: I think the best thing you could do to keep it the way it is, is to get someone to live there. That would probably be the best long term solution. If you can't get anybody to live there, then it is going to wind up being a business or being torn down at some point. Because it is going to deteriorate over time.

Patrick Wilson: So if the zoning is changed the way that it is being proposed here, then someone would be allowed to live there and also use it as a business. The way it stands now that can't happen – no one can live there.

Mayor Moll: You can only use it as a business and with the S Classification versus the C Classification, there is a lot more businesses that could go in there. It is a less restrictive business classification.

Bill Sasse: You are better off changing it to Central Business so she could sell the house as a residence. Is there anyone else to speak for the zoning change? Anybody to speak against? Hearing none, I would like to ask for a motion that the public hearing be closed.

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

Bill Sasse: Thank you and we'll start again at 7:00.

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The City of Cortland Planning, Zoning & Building Commission met on Monday, October 12, 2015 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, Vice Chairman John Picuri, Sally Lane, Don Bell, and Donald Fatobene. Also present were Mayor Curt Moll, Service Director Don Wittman, Law Director Patrick Wilson and the following individuals:

Jean Durst	217 Stahl Ave.	Cortland
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Lou DeSimone	4833 Darrow Rd.	Stow
Lindsay DeSimone	4833 Darrow Rd.	Stow
Joe DeSalvo	1491 W Liberty St.	Hubbard

Bill Sasse: It is 7:00, Monday, October 12, 2015. 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; John Picuri, here; Don Bell, here; Donald Fatobene, here.

Bill Sasse: Can I have a motion for approval of commission minutes for September 14, 2015 meeting?

John Picuri made a motion to approve September 14, 2015 meeting minutes, seconded by **Don Bell**.

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

Bill Sasse: Seeing no old business, I will go directly to new business. Can I have a motion for approval of **29-15: Zone Change Request** – The request is to change the zoning of 136 S. Bank St. from S-1, Service District to C-1, Central Business District.

Sally Lane made a motion for approval of **29-15**, seconded by **John Picuri**.

Bill Sasse: Do we have someone here to speak for this zoning change?

Mayor Moll: Do you have anything to add?

Patrick Wilson: It is just a formality. Do you have anything to add in addition to what we discussed in the public hearing?

Paul Rezabek: It is the same as we discussed earlier. I think I covered all of the bases.

Patrick Wilson: That gives the board any opportunity to ask additional questions.

Bill Sasse: Does anyone have any further questions? Thank you. Is there anyone else to speak for the zoning change? Anyone here to speak against? Hearing none, can I have a vote on 29-15 please?

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

Bill Sasse: Can I have a motion for approval of **30-15: Set Public Hearing** – The purpose of the public hearing is to consider a request to change the zoning of 113 and 123 Walnut St., from R-M, Residential Multi-family to C-2, Highway Commercial District. **Public Hearing to be set for November 9th, 2015 at 6:50 p.m.**

Donald Fatobene made a motion for approval of **30-15**, seconded by **Don Bell**.

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

Bill Sasse: Can I have a motion for approval of **31-15: New Business** – Little Caesars – 417 S. High St. **John Picuri made a motion for approval of 31-15, seconded by Sally Lane.**

Bill Sasse: Is there anyone here to speak for Little Caesars?

Joe DeSalvo: Joe DeSalvo, DeSalvo Construction. I am here on behalf of my clients so they didn't have to come all the way from Erie.

Bill Sasse: That is going into the old shopping center there, right?

Multiple: Yes, the old Belleria Pizza.

Mayor Moll: Long before that, it was Little Caesars Pizza.

Joe DeSalvo: That is what I heard.

Don Wittman: Yes, DeSalvo is going to be here representing – making the official presentation for the sign. The proprietor of the new Little Caesars also submitted the information for the new business. It is an expressly permitted use in an existing shopping center with adequate parking. Essentially, it complies with all of our existing zoning ordinances.

Bill Sasse: Is there one knox box for that shopping center or does each business have their own?

Don Wittman: You would have to ask the representative from the fire department. I am not sure.

Mayor Moll: There are knox boxes there. There have to be.

Don Wittman: Like we have discussed in the past, that is an ordinance outside of zoning.

Bill Sasse: But it is something we always ask, to make sure it is complied with.

Don Wittman: Right, but this board can't enforce that – approve or deny based on that.

Mayor Moll: I think it is – I am pretty sure because of the other businesses that have relocated there recently it probably is okay.

Joe DeSalvo: The Fire Department will be inspecting.

Mayor Moll: They will be. They won't let you move in without a knox box.

Bill Sasse: Does anyone have any questions? Thank you. Can we have a vote on 31-15 please?

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

Bill Sasse: Can I have a motion for approval of **32-15: Wall Mounted Sign** – Little Caesars – 417 S. High St. – 36 sq. ft. **Don Bell made a motion for approval of 32-15, seconded by John Picuri.**

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Bill Sasse: Are you representing that, too?

Joe DeSalvo: Yes.

Bill Sasse: Does anyone have any questions about the sign?

Mayor Moll: What is the background color?

Joe DeSalvo: Gray to match the existing landlord.

Don Wittman: The existing landlord has red awnings.

Joe DeSalvo: O'Reilly's has a red awning but the rest of the background is gray, and the sign goes on top of the gray.

Don Wittman: So the background of the sign is being converted from that red to a gray to match the wall?

Joe DeSalvo: The awning is gone and we have constructed a new façade which is gray. The gray matches the rest of the plaza.

Mayor Moll: So that is the way it is going to be. I saw it today.

Joe DeSalvo: Yes, and the sign is going to go right to that as shown in the drawing of the sign. I believe it is orange. Little Caesars orange.

Don Wittman: Just for the record – whenever we have a wall mounted sign with lettering, to meet the area requirement we look at the actual area of the letters, not the whole block that it will be on. So, that is why you have the e-mail confirming that the area of the sign is 36.06 sq. ft. It falls within the sign ordinance of 1.5 sq. ft. per every foot of frontage. I think it is 25 foot frontage for the building so that would give them 37.5 sq. ft.

Bill Sasse: Thank you, Don. Does anyone have any questions?

John Picuri: This is backlit with LED's?

John DeSalvo: Yes.

Bill Sasse: Anyone else? Hearing no further questions, can I have a vote on 32-15 please?

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

Joe Desalvo: Do I get a permit at this meeting?

Terri Barnovsky: We can either put it in the mail to you or we can do it after the meeting. We did receive your check.

Don Wittman: If you want to wait 5 to 10 minutes, I can process it and have it for you.

Joe DeSalvo: Okay. Thank you.

Bill Sasse: Can I have a motion for approval of **33-15: Pole Mounted Sign** – New 2 You – 149 N Mecca St. – 16 sq. ft. – 12 ft. Height **Sally Lane** made a motion for approval of **32-15, seconded by John Picuri.**

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Bill Sasse: I really don't have any questions, myself. Does anybody else have any questions? The sign fits into our dimensions and everything fine. I like the way it looks. Anyone have any questions? Don, do you have anything you would like to add?

Don Wittman: This is Dawn White and she has purchased the property and after some contemplation of possibly opening a new business, she has decided to continue with the New 2 You. So technically, it is not a new business but if you put a banner out it would be "Under New Management". So part with that is installing the new sign out front.

Mayor Moll: The top of the sign is the same and we are adding lettering under it? Oh the changeable is already there and we are adding a sign on top of it. I misunderstood that.

Patrick Wilson: The structure is already there?

Dawn White: Yes. That is the actual picture with the proposed sign shown.

Don Wittman: There is a pole with an arm across and so long as the sign is less than 12 feet above the ground however it becomes fastened to that pole...

Bill Sasse: Thank you for doing such a good job on this. This makes our job a lot easier.

Dawn White: Well actually FastSigns did this. She came out and took pictures and I told her what I wanted and she photoshopped that in. She did a wonderful job.

Don Wittman: And speaking for a former board member, Charlie Peck, we are glad to see the address on the sign – the 149, because that definitely helps out.

Bill Sasse: Does anyone have any further questions. Hearing none, can I have a vote on 33-15 please?

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

Bill Sasse: Next on the agenda, can I have a motion for approval of **34-15: Wall Mounted Sign** – New 2 You – 149 N Mecca St. – 18 sq. ft. **Don Bell** made a motion for approval of **34-15, seconded by Donald Fatobene.**

Bill Sasse: Does anyone have any questions about this sign?

John Picuri: Is this one lit?

Dawn White: No, it is not lit. Neither one of them are going to be lit.

Bill Sasse: Does anyone have any further questions. Can we have a vote on 34-15 please?

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

Bill Sasse: Can I have a motion for approval of **35-15: Property Split** – 21.461 Acres of Parcel 30-000063 owned by LMD Properties. **Don Bell** made a motion for approval of **32-15, seconded by Donald Fatobene.**

Bill Sasse: Is there anyone here to speak for this?

Lou DeSimone: So what happened is we changed the 18.22 acres to 21.461 acres per Don Wittman's guidance because of the fact when we originally did this Hank Grover put

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a street in here. Don brought up a good point, the fact that why put the street in because the developer may not want to have the street put in and turned over to the city. He may want to have his own street. So Grover and Don worked it out in regards to the suggestion of how we should lay out the property and what you are looking at is what that came out to be.

Mayor Moll: A 60 foot radius in the back is big enough to do a turnaround for a truck or not?

Don Wittman: I don't know. You have 18 acres that have been rezoned industrial. So the issue was if someone was going to come in and put a cul-de-sac up in the middle of that – either way the original plan showed a 60 foot right-of-way. If this were being brought to the board with a right-of-way dedication it would have to be platted. This is not the intent – it or more or less to create a separate property description through a deed. We are staying above the threshold of a lot split where it can be done simply as a property split.

Mayor Moll: So this could be sold to a developer to put in utilities or whatever for an industrial park.

Don Wittman: Correct. Otherwise if we dedicate the 60 foot right-of-way and they don't want to do that or it goes to someone else who wants to farm the 18 acres now you are going to have a paper street out there. This will eliminate a paper street until such time as a roadway is ready to be built.

Bill Sasse: Does anybody have any questions? Can we have a vote on 35-15 please?

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

Bill Sasse: Is there any other business to come before this board this evening? Is this a good time to bring up portable signs, Don, or should we wait until after the meeting? There are a couple popping up in town. There is one on 46 selling rental space for storage.

Mayor Moll: We were aware of that and it is being addressed.

Bill Sasse: Is there anything else to come before this board? Hearing nothing, can I have a motion to adjourn?

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

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

Meeting Adjourned: 7:18 pm.

William Sasse, Chairman

Date

Teresa Barnovsky, Secretary