

PLANNING, ZONING & BUILDING COMMISSION

CITY HALL

May 22

17

The City of Cortland Planning, Zoning & Building Commission met on Monday, May 22, 2017 at 6:45 P. M. at the City Administration Building, 400 N. High Street, Cortland, Ohio. In attendance were the following board members: Vice Chairman Sally Lane, Don Bell, Donald Fatobene and Jim Bradley. Also present were Mayor Jim Woofter, Service Director Don Wittman, Law Director Patrick Wilson and the following individuals:

Sean O'Brien	119 W. Market St.	Warren
Jeff Goodman	119 W. Market St.	Warren
John Gnat	848 Woodland	Warren
Tony Petrocco	413 Maplewood	Cortland

Sally Lane: Good evening. It is 6:45 p.m., Monday, May 22, 2017. I'd like to call to order the Cortland Planning, Zoning & Building Commission for Public Hearing 07-17. The purpose of the public hearing is to consider a variance request for 650 S. High St. to allow an electronically variable message sign, in the form of a price panel, and to allow a sign area of 70 sq. ft. which exceeds the 32 sq. ft. maximum and the 17' height which exceeds the 12' maximum. Is there someone here to speak for this? Will you come to the podium please and just explain what you want and why?

Jeff Goodman: My name is Jeffrey Goodman. I am a lawyer with Fowler, Goodman & O'Brien in Warren. With me is Sean O'Brien also a lawyer with Fowler, Goodman & O'Brien in Warren. We are here on behalf of Mr. Isaac who has purchased the property at the address referenced. And I believe, correct me if I'm wrong, I believe everyone here is familiar with the dimensions in the proposal of the sign.

Mayor Woofter: John, would you come up and sign? This is John with Mahoning Lighting.

Jeff Goodman: This is John from Mahoning Lighting? John and I have talked on the phone, but have not met in person.

Don Wittman: John should be able to speak to the specifics as to the size of the sign.

Jeff Goodman: That is what I was just about to say. Very insightful comment. John can probably, if we can have a little bit of informality, maybe John can step in and explain exactly what this sign is and why we believe the sign is the right sign for this business.

Mayor Woofter: John, you want to stand at the podium and use the microphone please because we do record these.

John Gnat: The sign, first of all, is the typical sign that Valley View uses. We have done this same scenario many other places. This is what the owner prefers. The ID panel and the drive through, the unleaded and the diesel section is the section that illuminates with fluorescent lighting. And of course we have the digital prices. As far as size wise this is what we feel would be adequate for this location.

Don Wittman: Okay, I guess there are 3 variances that are being requested and would be discussed here at the public hearing. The first would be to allow for electronic message boards. So can you speak to the need for a electronic price panel and the justification for that?

John Gnat: I think with today's technology, this is – every gas station is using these. The need is quite frankly for convenience. Nobody likes to go out in the cold and the rain – sometimes they change prices a couple of times a day. This is what the standard has become today.

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Don Wittman: I think the second variance is to exceed the square footage requirement. For a pole mounted sign, the maximum is 32 sq. ft. and the proposal that we have before us is 70 sq. ft.

Jeff Goodman: Not to interrupt but before we leave the first request, I would just emphasize that the style of sign and the electronic numbering system on the sign is the industry standard and would be consistent with the other signs that are in that area. And we believe, if nothing else, from an aesthetic standpoint that would be the right way to go under any circumstances of any sign.

Mayor Woofter: Square footage.

John Gnat: As far as square footage, again we have to look at what we feel is adequate for the location. This location is going to have one sign – it is on the corner. The owner doesn't want to do two signs.

Jeff Goodman: If I could step in, as far as the size goes– There is an existing sign at that location now. The size of this sign would not exceed the size of the existing sign by very much at all – I think we are talking about

Don Wittman: But the thing is, the existing sign is a pre-existing non-conforming use. And that could be continued and there are other ones in that area. But we have subsequently adopted new sign regulations that have reduced the area for pole mounted signs to 32 sq. ft. And we have several new corporate stores that have come in and complied with that. So, that being taken we can't look at what the size of the existing sign is – it gives you a frame of reference, but that is 5 x 10. This one we are looking at is 7 x 10. Essentially what you are looking at before you – the proposal would be that the pylon would take up what is existing there and you would have a price panel underneath that if you wanted to put it into perspective. And then it would be I believe, 4 or 5 feet higher than the existing sign. Going back to that reference and I don't mean to hijack your public hearing here but there is no one here – we are going kind of informality.

Jeff Goodman: I am all for that.

Don Wittman: Just to go through the issues – we have a relatively new board here that doesn't know the history of the sign ordinances. The proposal before us is for the 70 sq. ft. which exceeds the current ordinance which would be required to be complied with which is the 32 sq. ft.

Jeff Goodman: And that is all understood. I would assert that in the context of this location, this sign would be consistent with the other similarly situated businesses in the area. If we look around that area,
(pause)

Mayor Woofter: Go ahead. I will have my opportunity to speak.

Jeff Goodman: And you are welcome to interrupt me if you... I would assert especially for instance if you look at Circle K.

Mayor Woofter: Circle K is in Bazetta township. It is not in the city at all. But the Circle K that is in the city has recently updated their sign and they fall within our city ordinances.

Jeff Goodman: But from our client's perspective, that location and it is a situation of had he come in before this change in the ordinance –

Mayor Woofter: That was several years ago.

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Jeff Goodman: If he, if his location was in a different spot it perhaps would make more sense from a business standpoint. But where that location is, and that is I believe abandoned right now and has been for quite some time. Where that location is and the other competing businesses around it – in order for him to be competitive from a sign standpoint and to be consistent with what is around there – And I do appreciate your point about that Circle K with the giant sign is in Bazetta but it is 100 yards down the road. He believes and we would assert that this is appropriate. And again when we look at what is there now and what is proposed – you are talking about really the addition of two feet on the bottom which represents the digital numbers. And that is why at that location – if we were talking about something deeper in town I would whole heartedly agree with you that that would be an anomaly that would stand out and there would be no justification for it. In this unique location at that intersection, it would be consistent with the businesses that are around it.

Don Wittman: So I guess if what I am hearing, the need for the variance is to be consistent with other signs that are in the area.

Jeff Goodman: That is correct and that is something that is two-fold in its impact. #1 from an aesthetic standpoint for the community it creates consistency in that area. And #2 from a business standpoint for our client who is taking a piece of property and investing a significant amount of money in renovating it and putting a business in there that is going to look nice and make that intersection which is really one of the crossroads of this community – give it a whole lot more curb appeal.

Don Wittman: But that doesn't pertain to the sign. And don't get me wrong, the city is appreciative of that and that we have this private money coming in – But, at the same time it is at the crossroads, we do have a sign ordinance, there is some need for consistency with that. When Walgreens came in they went to a ground mounted sign as was suggested as opposed to a pole mounted sign. They came in with a variance and they worked well with the city to get what they wanted and we met in a compromise.

Jeff Goodman: I would acknowledge that everything you just stated is true with respect to my client and that location and the city indeed – my client has in every conversation that I have had with him noted how cooperative the city has been with him on other issues at that location. I believe Mr. Mayor he has referenced conversations that he has with you several times in securing some permits and he feels that his efforts have been facilitated in every way possible. I do not in any way mean to imply that he should be granted the variance just because he is investing so much money in this location. But it is, as we view it, a win-win situation for everyone involved and we would just like to keep it that way.

Mayor Woofter: Are we moving on to the next phase of this?

Patrick Wilson: In fairness, they did identify 3 variances so if you want to address the final one.

Don Wittman: The following would be the height which is to exceed the 12 ft. requirement by 5 additional feet.

Mayor Woofter: How high is the one that is there now, Don? Do you know? Is it like 15 feet? Do you know, John?

Don Wittman: No, I think it is 13 feet. To the bottom of the existing sign is 8 feet. But basically, the height of the proposed sign is being driven by the area and the necessary clearance underneath that.

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John Gnat: Just for the location. We do not want to be hit by a small truck. It needs to be at least 10 feet or more.

Don Wittman: A U-haul driver coming through around the corner.

Sally Lane: Okay, we have reached the point – is there someone here to speak against it?

Mayor Woofter: Okay, that would be me. Let me ask you a question first, before we do this. Do you have a variation, do you have something with you that will comply not with our sign ordinance but something that would fit with the existing frame that is there?

John Gnat: The existing frame?

Mayor Woofter: With the size of the frame that is there which is 10 x 5. You don't have an alternative smaller drawing?

John Gnat: Not that would fit the existing frame. It is another sign that is a little bit...

Mayor Woofter: What is the square footage?

John Gnat: I have one that is 55 sq. ft.

Mayor Woofter: 55 sq. ft. Okay. So, I made a list today of every one of the businesses down Rt. 5 that comply with our sign ordinances. Walgreens, which we did make a variation but they are very close to the existing. Speedway, they complied with a 32 sq. ft. sign. A lot of these are newer signs that were recently erected: Chemical Bank, they comply with our sign sizes; Huntington Bank, Family Dollar, Dollar General, Dr. Davenport, Dr. Bedich, Wollam Chevrolet, El Torero, Lane Funeral Homes, Furniture Décor n More, Wollam Chevrolet – recently remodeled the front of their store and they complied within our sign ordinances with their ground mounted sign. Circle K in Cortland, I already mentioned Speedway and Walgreens, O'Reilly's and the plaza in front – they complied with our sign ordinance with a ground mounted sign, Cortland Commons Plaza, Cooper's, Cortland Healthcare with a brand new sign right across the street, Bowers and Campbell Carpet. For this commission to allow that particular sign being twice that size is going to open up a huge can of worms in this town and I would respectfully ask that you consider not allowing a 70 sq. ft. sign. I would suggest that you maybe take a moment, I am not sure when you can do this, and look at their alternative sign. The signs that are around him fall under a different – Greenwood Chrysler is larger but is offset from the road which allows him to have a bigger sign because of the distance set back from Rt. 5. The other ones have been in place before this new sign ordinance was changed. That is probably all I will speak to but if you have something else that this board could look at.

John Gnat: If I could add to the ground mounted sign that you mentioned – a ground mounted sign is fine as people become aware of the business. Chemical Bank – or whoever has a ground mounted sign. They know that establishment – the sign doesn't become as important. When you are looking at price panels...

Mayor Woofter: I am not suggesting that you go with a ground mounted sign.

John Gnat: Not having that visibility – this business is driven by the price of gas. A lot of people will stop because of it or not stop because of it. It is one of the reasons why it is important.

Don Bell: The sign that is there, is 50 sq. ft. Is that correct?

Multiple: Yes.

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Don Bell: And that is grandfathered in?

Patrick Wilson: It would only be technically grandfathered in, if it was the same business coming back in and hadn't left for less than two years. That is not the case here.

Don Bell: But if they use, the existing sign...

John Gnat: That is a rotating sign and I don't think that is something you want to have there.

Mayor Woofter: What I am suggesting is that you consider approving something that is the size of what is there now.

Patrick Wilson: Not the actual sign itself. Not the same standard, but

Jeffrey Goodman: A replacement sign that is of the same dimensions as that old sign but would be a fixed sign not a rotating sign.

Mayor Woofter: And I am not suggesting that that includes the mechanical box that sits below it. I am talking about the actual sign itself.

Don Wittman: John, you are taking the whole sign away and starting with a new base. You are not going to weld anything onto that...

John Gnat: We are re-using the foundation and the pole. The box and the cabinet are going to be removed.

Sally Lane: Any other remarks?

Mayor Woofter: One other thing. Just so you know that we have allowed the digital price panels and I would suggest that we continue to do so. I think the digital price panels are prudent in this case. We are not looking at flashing color changes. I think the digital price panels are fine.

Donald Fatobene: Is the height a concern? The variance for the height itself?

Don Wittman: That would be up to the board's discretion. If anything, it would improve safety. The additional five feet – and the Speedway sign, since we brought in other signs in the area, it complies with the sign ordinance as far as the area. However, there was a variance granted to exceed the height so that they could maintain the existing and there was a variance granted for those signs – two locations – one on 46 and one on SR 5. So even though they complied with the sign area requirement, they were granted three variances actually: Number of signs, height and the electronic boards.

Mayor Woofter: This is your variation?

Jeff Goodman: That is the alternate proposal.

Patrick Wilson: With the same height though, correct?

Several: It is a little shorter.

Mayor Woofter: 16' 4.

Patrick Wilson: I am not hearing an issue with the height.

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Jeff Goodman: It is 10 feet to the bottom, but this sign would be smaller in conformity with what is currently there.

Sally Lane: Can I close the hearing?

Patrick Wilson: Sally, just ask one more time if there are any other questions or if there is anyone else to speak in support of or against the proposal?

Sally Lane: Any other for or against?

Jeff Goodman: I would only like to say in closing – I am not going to make a closing argument which I am sure will disappoint you (laughter), but we would like to get this done this evening. Whether we get the initial approval we are asking for or the alternative approval that we presented to you is important to our client's business plan that he be able to move forward on this. My understanding is that this board does not meet again until June and that would create some significant hardships on Mr. Isaac. And so, if at all possible or if there are any other questions related to facilitating that agenda, I would be happy to answer that.

Sally Lane: Okay, we can close this hearing and get along with the meeting. Can I have a motion to close the hearing?

Don Bell made a motion to close the public hearing, seconded by **Donald Fatobene**. The public hearing closed at 7:12 p.m.

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The City of Cortland Planning, Zoning & Building Commission met on Monday, May 22, 2017 at 7:16 P. M. at the City Administration Building, 400 N. High Street, Cortland, Ohio. In attendance were the following board members: Vice Chairman Sally Lane, Don Bell, Donald Fatobene and Jim Bradley. Also present were Mayor Jim Woofter, Service Director Don Wittman, Law Director Patrick Wilson and the following individuals:

Sean O'Brien	119 W. Market St.	Warren
Jeff Goodman	119 W. Market St.	Warren
John Gnat	848 Woodland	Warren
Tony Petrocco	413 Maplewood	Cortland

Sally Lane: Good evening. It is 7:16 p.m., Monday, May 22, 2017. I'd like to call to order the regular meeting of the City of Cortland Planning, Zoning & Building Commission. Can we have roll call please?

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

Sally Lane: May I have a motion for the approval of commission minutes for May 8, 2017 regular meeting? **Donald Fatobene made a motion to approve May 8, 2017 meeting minutes, seconded by Don Bell.**

Sally Lane: Can we have a roll call please?

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

Sally Lane: Seeing no old business, we will move on to new business. We are going to do the last two items on the agenda first. Can I have a motion for approval of **16-17 – Final Plat Approval – Petrocco Plat #14 Lots 3, 5, & 6?** **Don Bell made a motion for approval of 16-17, seconded by Donald Fatobene.**

Sally Lane: Who is here to speak for this?

Tony Petrocco: Tony Petrocco. I am here on behalf of W.A.E. Corporation, the landowners. We bring before you Petrocco Plat #14, there is only three lots in it. The reason we have been waiting and submitting the way we have been is simple, it is money of course. We are trying to keep the taxes down. So bringing to you as they are sold or getting ready to sell has helped us keep the tax payments down.

Don Wittman: Good idea. Where did you get that?

Tony Petrocco: I don't know, probably my dad. Like I said, there are three lots in this plat and these are in the multi-unit phase of our development. In other words, on the northern side of the creek in this property is all multi-unit lots. The south of the creek is all single family lots. We bring forward this plat 14 for your approval.

Don Wittman: Just for members of the commission that are new, this goes way back to when Maplewood was put in. All of the roadway, waterline, storm sewer, and sanitary sewer have been accepted with the surplus acreage bounding the roadway. The intent, I think we actually arrived at that plan because you wanted to develop the cul-de-sac lots first.

Tony Petrocco: Correct.

Don Wittman: So we came up with leaving the middle between the old Maplewood and the new Maplewood as acreage – so this is basically a minor subdivision on an already dedicated street – taking that section of acreage and platting it out based on a previously submitted preliminary plat sketch plan. I was remiss in getting you that information, but

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it was several years ago. So this is consistent with the plan and is no departure from what has come before previous boards.

Tony Petrocco: We will probably be bringing more, hopefully bringing more to you.

Don Wittman: And you do have one of the lots ready to go for someone to build?

Tony Petrocco: Right, chomping at the bit.

Sally Lane: Is there any more discussion on this? Can we have a vote on 16-17?

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

Sally Lane: We need a motion for approval of **17-17 Zoning Permit Approval – Duplex, Lot #3 Petrocco Plat #14 on Maplewood Drive – Tony Petrocco, W.A.E. Corporation. Donald Fatobene made a motion for approval of 17-17, seconded by Don Bell.**

Sally Lane: Can you tell us about this?

Tony Petrocco: It is pretty simple. It is almost identical to the duplexes that we built a few years back. It is the same gentleman in fact. It is on one of the lots we are trying to get approved. Each side is 1055 sq. ft., 2 BR, 2 BA, nice size living room – enclosed garages. Pretty nice units.

Mayor Woofter: Are these rentals or condos?

Tony Petrocco: These will be rentals.

Sally Lane: Do we have any other questions?

Don Wittman: Yes, just for formality sake. This would be obviously contingent upon approval of the plat. I would not issue – Ultimately you guys authorize me to issue the zoning permit. But I will not issue a zoning permit for a plat which does not exist. 16-17 goes up for approval by council which will be at the first Monday in June.

Sally Lane: Any other comments?

Don Wittman: Just as far as – this is exactly the same unit as what is that 348 – 350. The garage area required for multi-family is 1 ½ spaces per dwelling unit I do believe. That is what I reviewed because I couldn't remember if we had a variance or not.

Tony Petrocco: I don't believe we did.

Don Wittman: It meets the off street parking requirements for a duplex.

Sally Lane: Can we have a vote on 17-17?

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

Sally Lane: Next, we have **10-17 Variance Request – 650 S. High St. – Electronic variable message sign in the form of a price panel. I need a motion to approve this. Donald Fatobene made a motion for approval of 10-17,**

Jeff Goodman: Before you move forward, if I may address the panel. At this time, I believe we would request leave to withdraw the prior zoning request for the 70 sq. ft.

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Sally Lane: Okay, that would be the next variance on our agenda.

Jeff Goodman: In place of that, supersede that request with one that includes the alternative sign – the dimensions of which I provided you this evening.

Don Wittman: Pat, do we need to do anything at that point?

Patrick Wilson: No, the variance or the request for a variance is still on the table. Sally introduced the first variance request which is electronically variable message sign 10-17. Let's vote on that first if we could.

Don Wittman: We have a motion but we need a second for that.

Donald Fatobene made a motion for approval of 10-17, seconded by **Don Bell**.

Patrick Wilson: Any questions or further discussion on that variance request?

Sally Lane: Can we have a vote on 10-17?

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

Patrick Wilson: So, we are good on electronically variable messaging – now we will move on to 11-17, the area issue.

Sally Lane: Mr. Goodman would like to withdraw and supersede with the alternative size of the sign.

Mayor Woofter: You will do that in 15-17. Right now what you are going to do is ask for the variance to exceed the 32 sq. ft. That is what you are voting on at this point.

Sally Lane: Can I have a motion for approval of 11-17 Variance Request – 650 S. High St. Area of Pole-Mounted Sign to exceed 32 sq. ft.

Donald Fatobene made a motion for approval of 11-17, seconded by **Don Bell**.

Sally Lane: Is there other discussion? I am the sub tonight. (laughter)

Don Wittman: I guess the vote would be based on to exceed the 32 sq. ft. maximum and not exceed 55 sq. ft.

Patrick Wilson: So with that in front of you to vote on, do you have any questions, comments or further discussion needed by the board?

Sally Lane: Can we have a roll call?

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

Sally Lane: Okay, motion passed. Next we have 12-17 Variance Request – 650 S. High St. Height of Pole-Mounted Sign to exceed 12 ft. I need a motion to approve that.

Don Bell made a motion for approval of 12-17, seconded by **Donald Fatobene**.

Sally Lane: Any discussion?

Don Wittman: I think we pretty much covered most of it in the public hearing.

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Patrick Wilson: Unless somebody from the board has questions or wants further discussion.

Sally Lane: Can we have a vote please?

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

Sally Lane: Okay, May I have a motion to approve **13-17 New Business** – 650 S. High St. Valley View – Gas Station?

Donald Fatobene made a motion for approval of 13-17, seconded by Don Bell.

Sally Lane: Do we have any discussion?

Don Wittman: Just for the record, there was some modification done to the parking lot to widen the one entrance and to allow for vehicles to go around the gas pumps. The intent is to have diesel on that one side of the roadway. It is a minor modification to open the driveway and does not adjust any of the need for parking requirements.

Sally Lane: Anything else? Can we have a vote on 13-17?

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

Sally Lane: Can I have a motion for approval of **14-17 New Sign** – 650 S. High St. Wall Mounted Sign – 35 sq. ft. – Internal Lighting?

Don Bell made a motion for approval of 14-17, seconded by Donald Fatobene.

Sally Lane: Any conversation on this?

Don Wittman: Just for the record, this is a wall mounted sign and it meets all the city zoning ordinances for that type of sign.

Sally Lane: Can we have a vote on 14-17?

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

Sally Lane: Okay, now this is

Jim Woofter: This is the one where they have requested a variation to change their original request of 70 sq. ft. to not exceed 55 sq. ft. so you will be voting to approve that.

Sally Lane: Can I have a motion for approval of **15-17 New Sign** – 650 S. High St. Pole Mounted Sign – with the new area of 55 sq. ft., 17 ft. in height – Internal Lighting

Don Bell made a motion for approval of 15-17, seconded by Donald Fatobene.

Sally Lane: Can we have a vote on 15-17?

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

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Sally Lane: I need a motion for adjournment.

Donald Fatobene made a motion to adjourn the meeting, seconded by **Don Bell**.

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

Meeting Adjourned: **7:32 pm.**

Chairman

Date

Secretary