

PLANNING, ZONING & BUILDING COMMISSION

CITY HALL

March 12

18

The City of Cortland Planning, Zoning & Building Commission met on Monday, March 12, 2018 at 6:50 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 and the following individuals:

Greg Huffman	230 Windsor Dr.	Cortland
Mark Wilson	230 Windosr Dr.	Cortland

Curt Moll: Good evening. I'd like to call to order the Cortland Planning, Zoning & Building Commission for Public Hearing 05-18. The purpose of the hearing is to consider a variance request to allow an off-premises sign and to exceed the maximum number of signs allowed on a parcel with a single building at 100 Windsor Dr.

Curt Moll: I guess we don't have a lot of guests here. I would like to give you an opportunity to come up and make your argument for your sign. If you will come up to the podium and state your name and address, whoever would like to come up and speak or both of you can.

Mark Wilson: My name is Mark Wilson and the business address is 230 Windsor Dr. Peak Performance Physical Therapy is the business. Our situation is that our building is in the back – we poll our patients all the time and most people in Cortland don't know we're there. There is not enough signage they can see and so we are frustrated. The business is doing okay but it is not as good as it could be and a lot of patients said we don't know where it is at – we don't necessarily see any sign. I know it is on that kiosk there but it is not good enough signage for us and so we are just asking to put a sign out there, like Middlefield Bank has, so when people go by they can see. Physical Therapy is a big draw and there is a lot of competition. Obviously you have Action Physical Therapy in Cortland. But anywhere you go if you don't have good signage for physical therapy – because lot of times it is direct access – you can come in without a physician's script anymore. But again, if people don't know we're there we are not going to get the business so we are kind of struggling. That is where we are at.

Curt Moll: Any questions from the board? We have a letter which I guess I should read into the minutes. This is from Jerry Carleton, he is an adjacent property owner.

Patrick Wilson: And he was notified pursuant to the rules about the variance.

Curt Moll: “Concerning the sign variance request for 100 Windsor Dr. The existing signage contains multiple businesses, some of which no longer exist & need to be updated. The existing business requesting the off-premise sign already has exposure on the existing sign. If the variance is granted for one business, would it not open the door for other existing businesses to request similar signage variances? With a new variance in place, the City of Cortland may be faced with as many as 8 or 10 individual sign variance requests for one parcel of ground with less than 240 ft. of road frontage on St. Rt. 46. As an adjacent property owner, I would like to request that the Cortland Planning, Zoning & Building Commission consider the long term effects of granting such a variance and perhaps make suggestions to the improvement of the existing sign. Thank you for your consideration. Jerry Carleton.”

I would, I guess I echo some of his concerns about how we would control the number of signs up there in that situation. I certainly can understand your concern. Have you looked at any other alternatives as far as being more obvious on that big sign?

Mark Wilson: Well, it's kind of tricky because he already gave us an extra two – we have three on there. But for whatever reason it is just not good enough – people just

PLANNING, ZONING & BUILDING COMMISSION

CITY HALL

March 12

18

don't see that. We even have a mobile sign we can put out there. We need more patients because it is a big, big deal to us and they say they just can't see. Obviously a lit sign is way more significant than what little signage is out there. We know that is a concern that other businesses may want to, but so far no one has come forward to do it. But I am sure you could get somebody in there...

Curt Moll: Well once this one is out there, I am sure.

Mayor Woofter: Yes. That is going to be a real issue. It sort of flies in the face of our sign ordinance and there is a potential as the email alludes to that any one of those businesses could come and request the same thing. And if not them, a business moving into the park – a future business moving in – somebody moving out and somebody moving in. Well they have it so then we should be able to have it too. The city, the planning commission wouldn't have an argument against it. That is the issue. I would, I am pro-business in Cortland. I really, really am. I am pro-business in Cortland, but where you are and the significance of, if the board would rule in favor of this, what could happen in that short span of area there would just be one sign after another sign after another sign. And that is just not what we want in the City of Cortland. It is up to this board, I don't have a vote here. It is up to this board to do whatever they choose to do with this.

Curt Moll: What you are proposing here, it is lighted internally?

Mark Wilson: Yes. And we recognize the fact. If we saw that potentially there was a problem – we thought what if we put a sign with extra lighting. But I don't know if that solves the problem of other businesses seeing that thinking well why don't I do it?

Mayor Woofter: It sounds like your issue is people aren't aware of where you are. Have you looked into doing additional advertising through TV, radio, papers, direct mail whatever? Doing additional advertising to educate people where you are? That is usually the solution to problems you are having.

Mark Wilson: We have obviously – we do a ton of marketing ... As far as the community – in the past we tried TV and radio and for whatever reason that just wasn't enough. People don't listen or they pass over that stuff. That kind of failed. So now it comes down to just pure – how does the community see it – people driving by. Obviously a sign is the best – our other option would be direct mailing which is expensive – very, very expensive. We thought about going door-to-door and just letting the community know where we are at. Those are all things we have thought about but obviously a sign is one of our big deals there. I see the dilemma but by the same token I am not sure what we do to get better exposure. We thought about putting out a van – a wrapped van – with Peak Performance where you park in front so people can see. I don't know if that would be a viable solution. I don't really want to do that – it is kind of tacky but I don't know.

Patrick Wilson: You say you've tried movable?

Mark Wilson: We have a small sign, it is a removable sign, but for whatever reasons - it is small and nobody...

Greg Huffman: Greg Huffman. The problem with the current sign for anybody who is up there is everybody is going 45 or 50 so nobody really has the time to look at the size of what is on the board.

Mayor Woofter: I owned a business for 32 years and still own property at Elmview Professional Park. We are on Rt.5 – it is a 55 mph road in front of Elmview Professional Park if you are familiar with it. We have a joint sign much like yours except it was better

PLANNING, ZONING & BUILDING COMMISSION

CITY HALL

March 12

18

planned. That sign out in front of Windsor really needs to be re-thought if anything. But we have the same space that you have and we did not at Elmview Professional Park, we are an association and we did not allow additional signs out front. We have thriving businesses in there. I don't know what to tell you except personally as the Mayor I am not in favor of it. I am certainly in favor of your business being in Cortland so don't misunderstand that at all. But just the can of worms that this is going to open up is not a good thing.

Curt Moll: Have you looked at alternatives for that sign out front as far as could there be another sign for additional buildings such as a sign for each building?

Mayor Woofter: What do you mean?

Curt Moll: Like you have at Elmview.

Mayor Woofter: We have one big sign.

Mark Wilson: I think what hurts us is that the two or three businesses in that front building – they potentially could have something on that building to advertise their business. I don't how much it helps us because first of all they would have to be willing to pay for it and then two do they not get a bigger part of that sign and we get half that sign. We would be faced with the same problem. Anybody that comes in - I don't know if that solves it.

Mayor Woofter: Something that would have to be worked out with the owner of the property.

Curt Moll: I don't know how to solve the other problem – the number of signs. I don't think we have a way, do we?

Mayor Woofter: Not with our existing sign ordinance.

Curt Moll: And once we grant a variance, we are granting it for everybody that wants to do the same thing, pretty much.

Patrick Wilson: Pretty much, because everybody that comes in then points to this and then the next one that is allowed they would point to these two and so on and so forth. Technically, no, you look at every variance on its own merits, but you do start to create past practice and a precedent. That does come into play, no question.

Curt Moll: I don't know how we separate this from that precedent.

Severall: Right.

Mayor Woofter: I don't see how you can.

Jim Bradley: Trying to think of your building and I think of where I go to my dentist which is behind Perkins across from the mall. You go up that road and there are buildings like yours behind Perkins – medical buildings. They don't have signs down on 46.

Mark Wilson: What the difference is for a dentist or doctor – you can look it up. PT is one of those kinds of businesses where you can drive by and say I didn't know that was there. Because you live in Cortland – they either go to Action or they have to go outside Cortland for PT – they don't know we are there. You look up your dentist or doctor and you go there. Gibson doesn't care about advertising his business because people look him up and go there – his existing patients, he doesn't take that many new ones. Most of

PLANNING, ZONING & BUILDING COMMISSION

CITY HALL

March 12

18

the time they have existing. For us, we survive off of new patients every month – so it constantly changes. So if they don't know where we are at. You are welcome to stop, it is a very nice facility – it is clean and nice. People like it, but we lose off of the fact that people don't know we are there. And that is our biggest dilemma. We don't want to leave there because we like it and Grant Oakes is a great landlord but we are just in a serious situation.

Curt Moll: Does he own the other building as well?

Mark Wilson: Yes, he owns the front one and back one and somebody else owns the one on the left. I don't know. I see the dilemma, but I don't know what to do either because we are in a dilemma. I see if down the road, if somebody would want to. I am half-tempted to say if it was a big deal we would take the stupid sign down. I am not so sure – the place to the right of us, she is there every two weeks and doesn't care. The dentist to the left, he is not that busy – he has a real small practice. I don't even know, right now they are looking for two renters on the other side. So I am saying I am not so sure, if somebody wanted to come in there, we could either work something out with them or we could take the sign down. It might be worth it for us just to have it up for a year just to get good exposure and you say the stipulation is if somebody else wants to do it, we walk. It is kind of expensive but I am not so sure I wouldn't be willing to take that risk. Because I think it is that important to us to have something in there. We need exposure, daily exposure really.

Don Bell: The cost of that sign is no -

Mark Wilson: It is \$5,000.00.

Unidentified: A serious investment.

Mark Wilson: To be honest with you if we could do it and say if somebody else wanted to do it I would either work something out with them where we could share the sign or I would take it down. Someday if we ever went there we could put it somewhere else. That might be a solution.

Curt Moll: Or a building two sign. Call it a building number two sign.

Mayor Woofter: Then there has to be room on there for every business that potentially – I don't see it.

Curt Moll: Then you might have to reconfigure it if you have other people move in. Do you occupy the entire building or just part of it?

Mark Wilson: We have 4000 sq. ft., but by the same token if and when they move out we would seriously consider taking the whole building and putting a gym in there and making it a nice place for the residents. Again another reason we would need exposure for that, but we would take the other two sides.

Curt Moll: Any other comments from the board? With that, I will ask for a motion to close the hearing.

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

PLANNING, ZONING & BUILDING COMMISSION

CITY HALL

March 12

18

The City of Cortland Planning, Zoning & Building Commission met on Monday, March 12, 2018 at 7:06 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 and the following individuals:

Greg Huffman	230 Windsor Dr.	Cortland
Mark Wilson	230 Windosr Dr.	Cortland

Curt Moll: I would like to call to order the regular meeting of the City of Cortland Planning, Zoning & Building Commission on Monday, March 12, 2018 at 7:06 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: I need a motion for approval of commission minutes for February 12, 2018 regular meeting. Members present were myself, Don Bell, and Donald Fatobene.

Donald Fatobene made a motion to approve February 12, 2018 meeting minutes, seconded by Don Bell.

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

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

Curt Moll: There is no old business. We have two items of new business. The first item one is **07-18 Variance Request** – The request is to allow an off-premises sign and to exceed the maximum number of signs allowed on a parcel with a single building at 100 Windsor Dr. I need a motion for that, please.

Don Bell made a motion to approve 07-18, seconded by Donald Fatobene.

Curt Moll: Can you explain exactly what you want to do here so we can put that in the record for this meeting?

Mark Wilson: I am Mark Wilson, 230 Windsor Drive, Peak Performance Physical Therapy. The request is to put a lit sign out front for exposure for the business. I think I would be remiss if I didn't say this – if I walked out of here – I know it is a difficult decision for anyone voting on this thing, but I think if we went the route if someone else came to the zoning committee and said they put up a sign, I want a sign for those two back buildings we would be willing to take it down. It is that important to us that we would take it down if there was a conflict with other businesses.

Mayor Woofter: I think we should hear Patrick's opinion on that.

Curt Moll: It is a difficult proposition.

Patrick Wilson: It is, because the precedent is the actual vote in the approval by the Commission in the allowance of the sign. Even though a stipulation would be in there, there is nothing to enforce that down the road. I don't think there is anyone here that doesn't trust that you would do that, but there is no mechanism built in to enforce that. If you move out and someone else moves in and wants to put their sign in that box then arguably the precedent is set.

Mark Wilson: Could the precedent be that we would allow it based off the fact if there were other requests – I kind of understand what you are saying and so if a second person comes and they said we will accept it based on the fact if a second person comes in we will take it down. I know it's tricky.

PLANNING, ZONING & BUILDING COMMISSION

CITY HALL

March 12

18

Mayor Woofter: Do you realize that once you put your sign out there that another business within another week or two could actually come in and ask for that?

Mark Wilson: What do you mean – ask for a sign themselves?

Mayor Woofter: Yes. We have no control over that. You could spend thousands of dollars to build this sign and once one of the other businesses in there sees that or a future business that might move in on either side of Gibson back there could move in – they are actively trying to rent that and they are going to want the same exposure that you have.

Mark Wilson: That is a good point and I would probably have to check with the other three and make sure they didn't care.

Mayor Woofter: Even if you did, you don't know what's going to happen in the future as they are actively trying to rent that property by Dr. Gibson's.

Curt Moll: Have you discussed with Grant any possibility that they might be willing to do something different with the sign that is there?

Mark Wilson: It is tricky. Grant has been pretty good. He asked what he could do and I said I'm not sure. He is the one that suggested maybe getting that wrapped sign where you could see it there parked – he would allow us to do that out front if we don't get the sign. I don't know any other solution. We were out there and we couldn't find any other good solutions – there is potentially a lot of businesses that are on that main kiosk sign and I just don't see it. So I don't know what else to do other than a vehicle or something like that.

Jim Bradley: Is the existing sign lit?

Mark Wilson: There is exterior lighting. I drove all over because I wanted to see what we could do. Exterior lighting if it is one sign, maybe, but when you have multiple ones I just don't see it.

Mayor Woofter: Jim, we have pictures of the existing sign that is out there because I stopped and took it.

Jim Bradley: And it is not lit from the back?

Mark Wilson: No.

Jim Bradley: I just keep in my head coming back and saying boy I wish the business owners and the property owner could come together and do something to retrofit what is there. You are looking at spending almost \$5,000.00. I don't know what the cost would be to do this whole thing – we see signage here a lot. Maybe going down that road first. I don't know what this is made of or what behind your physical therapy is or can that portion of it be lit first until the other business owners come on board and maybe that would help you stand out. Something like that along those ideas – because it is very difficult, if we have 10 or 15 going down this road and other places where we have multiple businesses. As soon as this happens it could happen there as well.

Mayor Woofter: And look, the other thing you have to consider is recently there is a sale in process of that property that surrounds you – that potentially a plaza could be built in there. That is what the new property owner is thinking about and that is not part of your property but there's very small portion of that L-shaped property that surrounds you – they are going to see this. If we have a plaza back there and there is 10 or 15 businesses back there are they going to cram all of their – we are not going to allow that in the city.

PLANNING, ZONING & BUILDING COMMISSION

CITY HALL

March 12

18

Mark Wilson: Let me say this – maybe I’ll make it easy cause I know the dilemma and I know you guys want us to succeed. I know that, otherwise it would be easy to just say no. What do think if we just, maybe that doesn’t make sense. I don’t want to make it such a big deal and everyone is complaining they want their sign. The other option I am just sitting here thinking, I wonder would we have to come back if Grant allowed us on that front building – we tried to switch buildings. Unfortunately it is a senior daycare – neither one of us can afford to take more than a week off without crushing our business – we were going to switch. I wonder if you put Peak Performance on the front building if they were okay with it. If the senior home doesn’t care and we put Peak Performance Physical Therapy with an arrow on the back then we didn’t harm anything. If those guys were okay with it then maybe we could go that route instead of setting a precedent. Would that be okay?

Curt Moll: A roof mounted sign would be okay there, right?

Patrick Wilson: You are talking that would be mounted to the wall?

Mark Wilson: On that front building in the middle so people driving by would see it – it would be better and a lot of exposure.

Simultaneous conversations.

Patrick Wilson: We need to have one conversation at a time or Terri is never going to get the minutes ready.

Curt Moll: We can end the discussion.

Patrick Wilson: We can continue the discussion. I think Mark brought up a valid option.

Curt Moll: I am not sure how it relates to this necessarily. We have to make a decision on this variance.

Patrick Wilson: It would be separate issues and I don’t think the landlord would need a variance to come back, but he may need approval to put a sign on the building, okay but not a variance so there wouldn’t be a public hearing.

Mayor Woofter: I am not so sure about that, Patrick. I think he would need a variance.

Curt Moll: It is still off premise. It is a separate parcel. It depends on how tight we are on that.

Patrick Wilson: Yes, because there are two separate Tax ID numbers and two separate parcel numbers for those.

Curt Moll: We have dealt with that before and haven’t really let it concern us too much.

Mayor Woofter: Dr. Benton is going to be moving soon, he is building a new – so that is going to free up that space. Middlefield Bank really shouldn’t be there any longer because they are not in that property. They are not there because they are next door - they had a location in the front building and their sign was never removed.

Donald Fatobene: They had a loan center or commercial banking center or something.

Mayor Woofter: Dennis Linville’s office was in there for awhile, so that shouldn’t even be there.

PLANNING, ZONING & BUILDING COMMISSION

CITY HALL

March 12

18

Sally Lane: So if you had the sign redesigned.

Donald Fatobene: Even if you can take Carl Cook and move over to where Dr. Benton was and you had both of those three blocks you could probably have something much more prominent than what is there now.

Mayor Woofter: There are issues with the sign. Why is Over the Rainbow there twice with exactly almost the same thing? It seems to me that this is a landlord issue.

Sally Lane: You could have the orthodontics and dentist all on same row.

Curt Moll: That really is up to the property owner though. We still have a variance to consider.

Patrick Wilson: None of those options would affect the variance tonight.

Curt Moll: It certainly would be worth looking into if this doesn't go well.

Patrick Wilson: They would be options for the applicant to consider down the road.

Curt Moll: Any further discussion? I think we need to have a roll call on this.

Roll Call:

Curt Moll, I am going to have to vote No, for the reason of the precedence – I don't believe we can open up this can of worms – I would like to have that recognized in the minutes;

Don Bell, I agree with the chairman, No;

Sally Lane, No – for the same reasons;

Jim Bradley, No;

Donald Fatobene, No, again for the same reasons – my concern is you could almost have a sign war after the fact;

MOTION FAILED.

Curt Moll: And I appreciate you were willing to make those kinds of commitments that you would take it down, but I just don't think we can control to the extent that we need to, to make this work. I would encourage you to talk to the building owner about other alternatives that might be inside the sign ordinance or not lead to that kind of precedence. A sign on top of the building may require a variance but not set a precedence.

Mark Wilson: If we did go that route, would we have to go through the same process?

Patrick Wilson: What you should do then – our Service Director who handles all the initial requests for signage is on vacation this week. So next week, I would give Don a call. He will know by then that this didn't work out and that you had a couple of ideas for other options that you would like to sit down with Grant Oakes about and he could say yes, you are going to need a variance for the wall mounted sign but we could do it because it wouldn't be real precedent setting, that kind of thing or moving the panels around on the existing sign wouldn't be a city issue, that is just a landlord issue.

Curt Moll: I think if that were internally lit and decent size panels on it, it would accomplish the same thing you want to do and you might not have to spend more than the \$5,000 you are talking about from the beginning because I am sure a big part of that is getting electricity out there.

Greg Huffman: I have a question. Greg Huffman, Peak Performance Physical Therapy, 230 Windsor Drive. So on that sign, we have the back building there where Gibson is

PLANNING, ZONING & BUILDING COMMISSION

CITY HALL

March 12

18

which is a different owner. So anything you do with that sign, you have to get – Our owner doesn't own that back building. He can't control everything he does with the sign, because he doesn't own the back building.

Curt Moll: Who owns the sign?

Mayor Woofter: Originally, Ed Repphun who built that complex owned all of those buildings in there. The reason you see that sign the way it is, all he had there was the "Windsor Place", the real nice brick portion. That is all that was there. Because he didn't plan properly for what the businesses, especially retail type or – it was a professional park so he was looking for professional businesses such as yours. So what happened historically was that all the different businesses that were in there at the time and this was 15 or 20 years ago complained they don't have signage by the street so they added that additional sign. They came back to the planning commission and requested to have that additional signage put on. So that is how that came about.

Mark Wilson: Do you know if that existing sign is at the maximum height?

Mayor Woofter: It probably is not.

Mark Wilson: That gives us an option to maybe adding on to the top.

Mayor Woofter: I think our sign ordinance calls for twelve foot. Ground mounted sign is ten.

Mark Wilson: So there is a limit on that?

Patrick Wilson: There is definitely a limit.

Mayor Woofter: I don't know where that sign falls. There is not only a limit to the height but to the area – that sign already exceeds the allowable square footage.

Curt Moll: You are talking about a single business ground mounted sign – this would be different.

Mayor Woofter: I understand that, so I am not exactly sure if that exceeds that or not.

Patrick Wilson: Again, that takes us back to your best bet would be to sit down with Don Wittman when he gets back and the landlord and see what your options are.

Mayor Woofter: Perhaps if you could Grant and yourself to come in and sit down with Don.

Greg Huffman: Anything we do with that sign has to be cleared by the owner of the back building, the other owner.

Mayor Woofter: I don't believe that is true, but I am not going to go down that path – that back building is not part of the original property any longer. Again that is something you have to discuss with your landlord – I don't know if when Grant bought that property if he made any kind of concession to that back building or not. I mean that is going to be a thorn in our side if that back building wanted to do something different because now the property is not jointly owned.

Curt Moll: Theoretically, if you look at the actual sign ordinance you are allowed one ground mounted sign for each building. You could be a ground mounted sign for each of those buildings – on-premise. There are other alternatives – you could take this issue to

PLANNING, ZONING & BUILDING COMMISSION

CITY HALL

March 12

18

the Planning & Zoning Board of Appeals which is another process you have available to you. You have, I believe, 30 days to appeal if you would like to do that.

Mark Wilson: You mean to appeal the fact that this was denied?

Curt Moll: Yes.

Mark Wilson: I see the dilemma so I feel like we should see about another option. I will talk to Grant and see if we can figure something out.

(Several comments)

Patrick Wilson: There is something in Grant's deed that talk about signage – an easement or something I would think because of the other building back there.

Curt Moll: Okay, the next item 08-18 I think we are going to withdraw. That's it for this evening unless somebody has something they want to bring up. I would like to call for a motion to adjourn.

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

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

Meeting Adjourned: 7:29 pm.

Chairman

Date

Secretary