

PLANNING, ZONING & BUILDING COMMISSION

CITY HALL

May 10, 21

The City of Cortland Planning, Zoning & Building Commission met on Monday, May 10, 2021 at 6:40 P.M. at the City Administration Building, 400 N. High Street, Cortland, Ohio. In attendance were the following board members: Chairman Curt Moll, Sally Lane, Don Bell, Don Fatobene and Brian Hodor. Also present were Mayor Deidre Petrosky, Service Director Kim Blasco and the following individuals:

Bob Kunzen	4811 Van Epps	Cleveland
Cynthia & James Shively	112 Diamond Way	Cortland

Curt Moll: I'd like to call the public meeting to order. The purpose of the public hearing is to consider a variance request. The request is to add an electric message center to the existing sign at 717 Credit Union. Tell us what you want to do there. Come to the podium and state your name and address. The reason for this is because there is a microphone, then we can hear you and get it in the minutes.

Bob Kunzen: My name is Bob Kunzen with Brilliant Electric Sign Company. We are representing 717 Credit Union. This is for their pylon sign at 3310 Niles Cortland Road. It's existing, a double faced illuminated sign. I sent drawings of the existing sign as it stands. So that it is not so close to the ground, we are going to remove the lowest cabinet that says 24-hour ATM and we would like to install a double face, electronic message center there. We've installed one of these at another one of their facilities, it has brought them great success. They can put things up there like, the 24-hour ATM is open or our lobby is open, especially with Covid. So that is why they would like one at this location also.

Don Fatobene: The sign itself; you probably don't know what their plans are but as far as the sign's capabilities. Is it something where it's going to be a changing message? The reason we ask is, that is one of our concerns when allowing these signs in the past.

Curt Moll: We have a set of guidelines that we like to propose when people want variances on signs. Obviously there is no enforcement, that would be too difficult. What we are asking for is that the good citizens of this city take it under their responsibility to run these signs like we want them to. Like the one that we run at the entrance way to our town. We don't have a lot of others.

Don Fatobene: The school.

Curt Moll: Yes, the school has one, what we have asked them to do, when someone wants a variance is to have no scroll, no flashing, to use text content only. Depending on what it is, that could be stretched a little bit. Stay away from animation.

Bob Kunzen: Traffic distractions.

Curt Moll: That's our concern. Another thing that we ask, and the City has been relatively good about following these guidelines, is that you use one text color and one color background to keep it easy to read. That is one of the problems that we have had, if you drive by you don't see any of the messages because they are too fast.

Bob Kunzen: How often can they change message?

Curt Moll: We are saying just a few changes per day. We'd rather not have something flash this and flash that. The reason is that you are going to miss both of them. That is what we have tried to do in the past and we have gotten commitments from people who have gotten variances for these before. The City didn't need a variance but we still got a commitment from them that they were going to operate it in that way.

Don Fatobene: That is probably more of a message for 717.

PLANNING, ZONING & BUILDING COMMISSION

CITY HALL

May 10, 21

Bob Kunzen: I can pass that along to them. I need to tell you that I have spoken to them about this already. This is nothing out of the ordinary, we install these all over. They don't want to see fireworks, they don't want to see twirling banners, they don't want a fast scrolling message and then a boom and a pow. They know that.

Curt Moll: It's a driving situation. It is a distraction. People don't get to read the message if it's not on there the full time that they are driving by. If it changes while they are driving by, it's a different message. We've talked about this in several meetings and the minimum duration for a message should be in the one minute range. Keep it to where when you drive by, you won't see it change.

Mayor Petrosky: The reason that the city did this is because we used to have one of those changeable letter ones. We would have to have our people go down and change it. Now, with yours as well, we can do it remotely from anywhere. If something comes up and it's an emergency... that's why we did it, not for the scrolling. We did it for the ability to change the message, as is pertinent, whether the lobby is open or closed, the hours may change. For the ease of operation.

Don Fatobene: And it looks better, way better.

Curt Moll: We don't allow banners or those stand up people that wave their arms back and forth and are inflated, none of that stuff.

Bob Kunzen: No, they might put their rate up there or something.

Curt Moll: One message at a time. You are not going to get two messages to one person. You are better off with one at a time.

Bob Kunzen: 717 is completely prepared to (inaudible) common sense prevails.

Curt Moll: Okay, is there anyone else to speak for this? Is there anyone to speak against it? Any comments either way? I think that's a message that we'd like you to take back strongly to them if this passes. It will be voted on in the regular meeting. If there aren't any further comments, I'll take a motion to close the public hearing.

A motion to close the 10-21 public hearing was made by **Don Bell** and seconded by **Sally Lane**.

Curt Moll: Thank you. Stick around and at 7:00 we'll start the regular meeting and we'll have an action at that time. The next public hearing is **11-21**. The purpose of the public hearing is to consider a variance request. The request is to build a slab home on a foundation at Parcel 34-106931 on Leckrone Way. Who do we have to speak for that?

Cynthia Shively: My name is Cynthia Shively, 112 Diamond Way. We would like to build a handicap accessible ranch on Leckrone. It will be 5 courses, the foundation, which complies with the County building code. I believe that our contract and lot layout has already been submitted, that's when we found out that we needed to get a variance.

Curt Moll: The real question that I have is there a reason that you want to do this and not a crawl space?

Cynthia Shively: We don't want any stairs. My husband broke his leg last year, the top of his Fibia and wasn't allowed to bare weight for 7 weeks. I tell people all the time that this is the last place we are going other than the nursing home or the furnace (laughter). We really don't want a crawl space.

James Shively: We are going to put radiant heat in the cement floor.

PLANNING, ZONING & BUILDING COMMISSION

CITY HALL

May 10, 21

Curt Moll: Okay. Does that bring any questions? Should we change our regulations? We will need to bring them in to get some real discussion on that at some point. Is there anyone else here to speak for this? Anyone to speak against this? I'll take a motion to close this public hearing.

Don Fatobene made a motion for 10-21, seconded by **Don Bell**.

PLANNING, ZONING & BUILDING COMMISSION

CITY HALL

May 10, 21

The City of Cortland Planning, Zoning & Building Commission met on Monday, May 10, 2021 at 7:00 P.M. for a regular meeting at the City Administration Building, 400 N. High Street, Cortland, Ohio. In attendance were the following board members: Chairman Curt Moll, Sally Lane, Don Bell, Don Fatobene and Brian Hodor. Also present were Mayor Deidre Petrosky, Service Director Kim Blasco and the following individuals:

Bob Kunzen	4811 Van Epps	Cleveland
Cynthia & James Shively	112 Diamond Way	Cortland
Joe Stiver		Cortland

Roll Call: Brian Hodor, here; Sally Lane, here; Curt Moll, here; Don Bell, here; Don Fatobene, here.

A motion to approve **Commission Minutes from the April 12, 2021 Zoom** regular meeting was made by **Don Bell** and seconded by **Brian Hodor**.

Roll Call: Curt Moll, yes; Don Bell, yes; Sally Lane, abstain; Don Fatobene, yes; Brian Hodor, yes; MOTION APPROVED.

Curt Moll: We have no old business, going to new business. The first item is **12-21 – Variance Request** – the request is to allow an electric message center to the existing sign at 717 Credit Union. Can I have a motion for that please.

A motion was made for 12-21 by **Don Fatobene** and seconded by **Don Bell**.

Curt Moll: When we consider variances, we consider 6 things.

(1) There are special conditions and circumstances which are peculiar to the land structure, or building involved which are not applicable to other lands, structures, or buildings in the same district.

(2) A literal interpretation of the provisions of this Zoning Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Zoning Ordinance.

(3) The special conditions and circumstances do not result from the actions of the applicant.

(4) Granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same district.

(5) The variance requested will be in harmony with the general purpose and intent of this ordinance, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

(6) The variance requested is the minimum variance that will make possible the legal use of the land, building, or structure.

Those are the things that we are supposed to consider. Come back up and do what you did in the public hearing to tell us why this business needs a variance for this sign.

Bob Kunzen: My name is Bob Kunzen, representing 717 Credit Union. On top of the ease of use and it is good for their business; their business is changing. They do not just have ATMs, they are also installing what they call PTMs. It stands for personal teller machines. You can actually go up to a screen and the teller can see your face and you can see theirs. This is extending their hours for people when lobbies are closed. This message center could really help them to do their business properly, to let people know that it's open on top of other items that I have mentioned. It enables their business to move with the times.

Curt Moll: Any other questions from the board? I wanted to mention that we did discuss the guidelines that we have for those signs. He has agreed that those are guidelines that

PLANNING, ZONING & BUILDING COMMISSION

CITY HALL

May 10, 21

work within the parameters that he has been discussing with his customer. With that, we can have a roll call.

Roll Call: Curt Moll, yes; Don Fatobene, yes; Sally Lane, yes; Don Bell, yes; Brian Hodor, yes. MOTION APPROVED.

Curt Moll: Very good, that approves the variance for the sign. All 6 of us will show up there and pull the plug if it doesn't run right. Laughter.

Bob Kunzen: Thank you for your consideration.

Curt Moll: Now we have to approve your sign. I need a motion for **12A-21 – New Sign** – 717 Credit Union 2' x 4', 2 sided LED mounted to existing pole sign.

Sally Lane made a motion for 12A-21, seconded by **Don Bell**.

Curt Moll: How are we doing on restrictions as far as square footage on that sign? Is it good?

Kim Blasco: It is.

Curt Moll: Does anyone have any questions about the sign? You can vary the size of the lettering?

Bob Kunzen: Yes, that sign has many capabilities, more than they will ever use. The size of the copy could go smaller than you would ever want. It's a high-resolution sign.

Curt Moll: In their interest, make it readable.

Bob Kunzen: That's right. They are envisioning two lines at a time, most of the time. I have seen what they have done on their other message centers. They control them from their headquarters.

Curt Moll: I guess that we can have a vote on this. Can I have a roll call please.

Roll Call: Brian Hodor, yes; Sally Lane, yes; Don Bell, yes; Don Fatobene, yes; Curt Moll, yes. MOTION APPROVED.

Curt Moll: That approves your sign. You will have to get a permit from Kim. (He is provided with the electric sign regulations.) The next item on our agenda is **13-21 - Variance Request** – the request is to allow a slab home to be built on a foundation at Parcel 34-106931 on Leckrone Way. Can I have a motion please.

A motion for 13-21 was made by **Don Bell** and seconded by **Sally Lane**.

Curt Moll: I'm not going to read the criteria again. The reason that we have you come up twice is because this is the official public record of the meeting of the Zoning Board. The other was a public hearing which we don't have as many requirements for minutes.

Cynthia Shively: Cynthis Shively, 112 Diamond Way, Cortland, Ohio. We are requesting a variance to build a handicap accessible slab home on Leckrone Way. We did consider a basement with an elevator, but there is only the two of us, we don't need that many square feet. It will have radiant heat in the floor, 5 course down, it meets all of the other zoning requirements of the county.

Curt Moll: I'm looking through the criteria and I don't see where this would have any significant impact on the neighborhood.

PLANNING, ZONING & BUILDING COMMISSION

CITY HALL

May 10,

21

Cynthia Shively: It's going to be a very nice home.

Curt Moll: I saw the drawings, it looks very nice. Any comments or questions from the board? Roll call.

Roll Call: Brian Hodor, yes; Sally Lane, yes; Curt Moll, yes; Don Bell, yes; Don Fatobene, yes. **MOTION APPROVED.**

Curt Moll: The only other thing that we have on our meeting is a final plat approval. Is someone here for that? No? Kim is there any questions about what we are doing with this plat?

Kim Blasco: (Inaudible)... it's a continuation. It's this remaining lot; one big lot and now it's divided into, I believe four.

Curt Moll: Okay, I need a motion for **14-21 – Final Plat Approval** – Petrocco Plat 16 Lots 2,4,8 & 7 Part of Lot No. 342 & as Part of Lands Annexed in Cortland Village formerly in Lot Nos. 30 & 31 in the Original Survey Bazetta Township County of Trumbull State of Ohio. Can I have a motion please.

A motion for 14-21 was made by **Don Bell** and seconded by **Sally Lane**.

Curt Moll: Since Mr. or Mrs. Petrocco isn't here to talk about this, can you explain what they are doing?

Kim Blasco: There is a remaining piece of property that wasn't originally platted. This property already has utilities, retention ponds, and everything is in place other than to have this remaining lot divided into sellable lots. They want four lots. They all meet the zoning criteria for buildable lots.

Mayor Petrosky: Do we have any issues with wetlands there?

Curt Moll: I think that was all resolved with the original plat. There was a stream that ran in the middle and they took care of adjusting some lot sizes based on that.

Kim Blasco: Lot 4 is the largest, it includes a 30' sanitary easement, a detention pond and a wetland area that is between the detention and the stream itself.

Curt Moll: The one across from it is also larger.

Kim Blasco: That is already built on. There is a duplex there.

Curt Moll: So they are platting 2,4,7, and 8 now. Any questions from the board on this? Very good, can I have a roll call please.

Roll Call: Don Fatobene, yes; Sally Lane, yes; Brian Hodor, yes; Curt Moll, yes; Don Bell, yes. **MOTION APPROVED.**

Kim Blasco: I would like to say one final thing for the record. The detention pond out there is retaining water, holding water and it really should not. I think that it should be required that he fix whatever is necessary to make sure that the pond drains properly. When there are heavier rains, it is probably overflowing.

Curt Moll: Yes, it needs to be a structure that will take water out of it slowly.

PLANNING, ZONING & BUILDING COMMISSION

CITY HALL

May 10, 21

Kim Blasco: Right, I think it's plugged and it's just holding the water. Every time that I go out there, it's full. Whether it's a dry period, a wet period it doesn't matter, it's full of water.

Curt Moll: They should take care of that. Do we need a letter?

Kim Blasco: I will pass it on to him. I will let him know.

Curt Moll: Okay, super. I have something to bring up. There was some concern at the onset of this meeting about the scheduling of the public hearings. Patrick is going to give me some words on it, he hasn't yet but he will for the next meeting. I think that we are going to pass a motion to instruct the secretary to set up time and place for a public hearings when required so they are provided adequate time for discussion and take place before and in the same location as the regular scheduled Planning and Zoning meeting. I looked through the Charter and the zoning ordinances and I found nothing that would lead me to believe that it's not possible. Patrick agreed with me and said that he'd put some words together. We are looking at this so that we can delegate to the secretary so that we don't have to take action to schedule a public hearing. We had always done that because the public hearings used to be 30 days. You always had enough time to schedule them, now it is 20 days. You can have a public hearing required and there is no meeting to schedule it. We can't do this anymore in a timely manner so this will help us speed the process. Make it better for people. Anything else?

Joe Stiver: I've been in contact with Kim for the last couple of weeks. My name is Joe Stiver, I'm the owner and CEO of MedLab International. We wanted to come here and hopefully get some feedback about the 4880 Warren Rd. I know that it was recently rezoned from commercial back to residential. Our hope is to one, rezone it, dependent on what the community has to say obviously. Then hopefully build a warehouse to consolidate. We are currently working out of three locations in Cortland alone.

Curt Moll: The only concern that I have is whether that ever really was commercial property. I know that it was originally zoned that way for the demos. You couldn't have that kind of structure without zoning it that way. I think that needs looked at, which zoning classification would fit your business, the most restrictive one so that no one can come in later on and put in truck depot in.

Joe Stiver: We need somewhere between a 10 and 15,000 square foot building. It would be exceedingly nice.

Curt Moll: Exceedingly nice?

Joe Stiver: Yes, it would be very nice. Quote me.

Curt Moll: The main thing in a situation like that, you are in a mixed-use area. Keeping it well off of the highway and buffered with plantings or trees would be beneficial. Most of the neighbors there are not Cortland citizens. I don't know how we would address that in our meeting.

Mayor Petrosky: That's a very good question.

Curt Moll: We'll have to look at what we did on 46 south because they are the same situation. They aren't going to tell us what they are going to do. The only issue there might be the entrance into the housing area. It's not a huge thing. I would look favorably upon that, I would like to keep it as restricted as possible so we can keep it to the kind of business that you are talking about. You were talking about not a lot of truck traffic or deliveries, you don't deal with the public directly.

PLANNING, ZONING & BUILDING COMMISSION

CITY HALL

May 10, 21

Joe Stiver: We only have four or five cars that work with us and daily mail pick-up, a semi delivery. We don't have trucks sitting, we don't have any through traffic.

Curt Moll: Would you have loading docks?

Joe Stiver: Yes.

Curt Moll: Are you aware of our restrictions on dustless parking?

Joe Stiver: I am not but, I'm sure that... (inaudible) something that I'm going to have to learn.

Curt Moll: Do you see any reason to be pessimistic about approval?

Kim Blasco: No, I don't.

Joe Stiver: She has spent a lot of time trying to help me with this reclassification, how it gets zoned and under what standard. I think that part of the concern was the size of the warehouse. Maybe falling under a restriction where the code said that we could only build 2,000 sq. ft. and if we'd need a special consideration or variance from the committee.

Curt Moll: I'd rather have it be a variance on the size than I would go with letting it be a zoning district that allows you to go wide. We have a Service District zoning that allows you to do whatever you want to do practically. We've gotten in trouble with that before. We had an area that was zoned Service, we tried to re-zone it Highway Commercial which is (inaudible). The people didn't want to do it so now they have the wrong thing. I'd like to avoid that if we can.

Joe Stiver: I appreciate your feedback. We made an offer on it and wanted to figure things out prior.

Curt Moll: Thank you for coming in.

Joe Stiver: Thank you for having us.

Don Fatobene: I've had a couple of questions asked of me about the wonderful diner. I don't think that it violates anything, I've looked.

Mayor Petrosky: No, it does not. We are treating him as a peddler under section 731. He meets all of the criteria, he was invited there by Top Notch, a permit is not required and a license is not required. The only thing that we can do is restrict his hours of operation. Initially he was very compliant, he hasn't been so compliant as of late. The police chief and the law director are out of town today. I imagine that we will be speaking tomorrow about where we are forward. It's a First Amendment issue, Freedom of Speech. Although we find it offensive, he can say whatever he wants. I empathize and understand that people don't like that but under the law, there is nothing that I can do. I approached him in a kind way to get him to cooperate which he did initially. He took down the profanity and moved the van with additional profanity to the back of the display and put a positive message out front. With respect to the guns and other kinds of statements, truly there is nothing that I can do under the law. If anyone has any zoning law application, I'd be willing to listen. As much as we have rights, they have rights also. It's not political. We are not ignoring it, we are still pursuing it, looking for things that we can do to regulate it.

Brian Hodor: How long does he plan on being there, has he said?

Mayor Petrosky: No.

PLANNING, ZONING & BUILDING COMMISSION

CITY HALL

May 10, 21

The Mayor explained to the board what a Safety Town is and that it is being planned to open at Pearl Park.

Adjournment moved for by **Don Fatobene** and seconded by **Don Bell**.

Roll Call: Sally Lane, yes; Brian Hodor, yes; Don Fatobene, yes; Curt Moll, yes; Don Bell, yes. **MOTION APPROVED.**

Meeting Adjourned: 7:27 pm

Chairman

Date

Secretary