

PLANNING, ZONING & BUILDING COMMISSION

CITY HALL

May 9, 22

The City of Cortland Planning, Zoning & Building Commission met on Monday, May 9, 2022 at 6:50 P.M. at the City Administration Building, 400 N. High Street, Cortland, Ohio for a Public Hearing. 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, Law Director Patrick Wilson, Service Director Kim Blasco and the following individuals:

| | | |
|------------------------|-----------------------------|-------------------------|
| David Bujak | 312 Copperlake W | Cortland |
| Donna Lyden | 143 St. Andrews | Cortland |
| Norm Cox | 176 St. Andrews | Cortland |
| Mark Hartman | 107 St. Andrews | “ |
| James B Westbay | 1440 Millers Landing | “ |
| Dennis Bryan | 208 St. Andrews | “ |
| Bob Kunze | 4811 Van Epps | Cleveland, 44131 |
| Tom Nadar | 7011 E Market | Warren, 44484 |

Curt Moll: I want to call to order the Public Hearing, 22-22. The purpose of the hearing is to consider Request for Zone Changes for the Lands of Walnut Resources, LLC Section 59 & 60 of Former Fowler Township, City of Cortland, Trumbull County, OH from Service to R-12. Come up podium and state your name and address. The microphone helps with the minutes.

Tom Nadar: Hi, I'm Tom Nadar, attorney on behalf of Walnut Resources. There are two parcels. The larger parcel is being sold from the abutting landowner, to Mr. Sova. The zone change is required because he wants to combine his land to this existing parcel that he is buying which is one of the fairways of the former golf course. To combine those, it has to have consistent zoning. That's the basis for that zone change. The land on St. Andrews that has been shown to Planning, intended to be three residential lots, but again before we can replat them for the lots, the land has to be consistent with it's intended use which will be residential. It will be 3 additional lots on St. Andrews.

Curt Moll: I think that you have had those lots marked for sale.

Tom Nadar: Yes, they are marked for sale. Again, it will take some time to get the replat and everything but yes, that is the intention. There has been some interest for them.

Curt Moll: Any questions from the board on this?

Law Director Patrick Wilson: You have the 4.45 where you are going for the split and the zone change.

Tom Nadar: Right, there are two parcels.

Law Director Patrick Wilson: Right, the second parcel is the smaller one.

Tom Nadar: Right, Mr. Sova is actually buying the larger parcel, part of fairway 1 and the other land was an access point on St. Andrews that is not necessary. It's just enough frontage for 3 lots.

Curt Moll: Those were not built before because of the golf course?

Tom Nadar: Right, they were owned by Walnut Run Land Company and not sold off with some of the other projects that Hank was doing.

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Curt Moll: In keeping with the format, is there anyone here that wants to speak in favor of this zone change? Any comments? Is there anyone that would like to speak against this change?

Dennis Bryan: Dennis Bryan on St. Andrews, I have a question. The request has gone from Service to Residential and correct me if I'm wrong but from what I saw on the website, it was also Multi-Family.

Curt Moll: No, this is R-12. R-12 is single family.

Dennis Bryan: Okay so it's not Multi-Family?

Curt & Patrick: (simultaneously) No.

Dennis Bryan: Okay, that was the first question that I had. The second question that I had; Everybody knows what we went through as far as the modular home that came in at 147 St. Andrews. Is there going to be language in this proposal for restricting those kinds of scenarios going forward?

(Several minutes of unrelated modular home discussion not pertinent to the topic at hand.)

Curt Moll: We have a couple of minutes left; any other questions or concerns or comments from anyone?

Law Director Patrick Wilson: Concerning the zone change.

Curt Moll: Yes, the subject of the hearing. Can I have a motion to close the hearing?

A motion was made to close the **22-22 Public Hearing** by **Don Fatobene** and seconded by **Sally Lane**.

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The City of Cortland Planning, Zoning & Building Commission met on Monday, May 9, 2022 at 7:00 P.M. at the City Administration Building, 400 N. High Street, Cortland, Ohio for their regular meeting. 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, Law Director Patrick Wilson, Service Director Kim Blasco and the following individuals:

| | | |
|-----------------|----------------------|------------------|
| David Bujak | 312 Copperlake W | Cortland |
| Donna Lyden | 143 St. Andrews | Cortland |
| Norm Cox | 176 St. Andrews | Cortland |
| Mark Hartman | 107 St. Andrews | “ |
| James B Westbay | 1440 Millers Landing | “ |
| Dennis Bryan | 208 St. Andrews | “ |
| Bob Kunze | 4811 Van Epps | Cleveland, 44131 |
| Tom Nadar | 7011 E Market | Warren, 44484 |

Curt Moll: It is 7:00, Monday, May 9, 2022. I'd like to call to order the regular meeting of the Planning, Zoning & Building Commission of Cortland. Can I have a roll call please?

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

Curt Moll: The first item on our agenda is the Approval of Commission Minutes for Minutes for the April 11, 2022 regular meeting. Can I have a motion, please?

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

Curt Moll: Any discussion on the minutes? Can we have a roll call please?

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

Curt Moll: We have no old business, so we will go right to new business. The first item is **23-22 – Parcel Split** - 4.45 acres in the Lands of Walnut Resources, LLC Section 59 of Former Fowler Township, City of Cortland, Trumbull County, OH. Could I have a motion please?

A motion was made for **23-22** by **Don Bell** and seconded by **Sally Lane**.

Curt Moll: Can you come up and give further explanation for the record please? You are going to have to do this several times.

Tom Nadar: That's okay. Again, I'm Tom Nadar, for Walnut Resources. Regarding the 4-acre split, the part of what was fairway #1 of the golf course is under contract to be sold to an abutting landowner who wants to combine it or is required to combine it with its existing parcel pursuant to your subdivision regulations. The application has been made for that. It's currently zoned Service but it got rezoned to be consistent with this present zoning which is what this application is. That will be combined as one parcel so it will all have frontage on part of his existing parcel.

Curt Moll: Any further discussion or questions from the board? It's pretty straight forward. Can I have a roll call please.

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

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Curt Moll: The second item on the agenda is **24-22 – Zone Change** – Request for Zone Change of the Lands of Walnut Resources, LLC Section 59 of Former Fowler Township, City of Cortland, Trumbull County, OH. This is the zone change for that same parcel. Could I have a motion please?

A motion was made for 24-22 by **Don Bell** and seconded by **Don Fatobene**.

Tom Nadar: I don't know if I have anything to add.

Curt Moll: We did have a Public Hearing to consider the zone change. There were people in attendance, there were questions, and the minutes will be available.

Law Director Patrick Wilson: And all of the contiguous or adjacent landowners were notified of the hearing right Christine?

Christine Dorma: Correct.

Donna Lyden: Can I have one question?

Curt Moll: Yes.

Donna Lyden: Is the man that owns it now responsible for; since it's in my backyard, it's a mess.

Curt Moll: It will be his property.

Donna Lyden: We have trees down, we have high grass... I was wondering if he was responsible for maintaining this if he wants his 4 acres.

Law Director Patrick Wilson: Yes, he will be once the deed gets recorded. I don't have any idea of the timing of the sale or anything.

Donna Lyden: Alright, I'm just asking.

Law Director Patrick Wilson: Once it's recorded with Trumbull County, he would be responsible.

Donna Lyden: Thank you.

Mayor Petrosky: Then you would have the exterior property maintenance code to fall back on.

Curt Moll: Any other questions, comments? Can we have a roll call please.

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

Curt Moll: That zone change will need to go to City Council. They will have a public hearing as well. Next on the agenda is **25-22 – Plat Approval** – Walnut Resources Plat No. 1. Can I have a motion please?

A motion was made for 25-22 by **Don Bell** and seconded by **Sally Lane**.

Curt Moll: Again Sir.

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Tom Nadar: Thank you Mr. Chairman. Regarding the plats of 3 lots on St. Andrews that was done by Advanced Land Measurement, Matt Hart, licensed Surveyor with the State of Ohio. It complies with the subdivision regulations of the City of Cortland. He is a very experienced surveyor. He laid it out, with adequate frontage for the 3 lots, and adequate depth to comply with your zoning requirements regarding setback and side lines. The basis for the lots was the land with frontage on St. Andrews and the demand for some people to build some homes in the community.

Curt Moll: Any questions? Then I guess that we can have a roll call on the plat.

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

Curt Moll: Next on the agenda is the second zone change **26-22 – Zone Change** – Request for Zone Change of the Lands of Walnut Resources, LLC Section 59 & 60 of Former Fowler Township, City of Cortland, Trumbull County, OH from Service to R-12, Walnut Resources Plat No. 1. That’s the plat we just approved. Can we have a motion for the zone change?

A motion for 26-22 was made by **Don Fatobene** and seconded by **Don Bell.**

Tom Nadar: Again, it’s just to be consistent with regulations of the City of Cortland that the land can be parceled as residential land has to be zoned as residential land so, we are trying to comply with the subdivision regulations of the city.

Curt Moll: This is the same zoning classification as the rest of the subdivision which was rezoned at the residents request several years ago.

Tom Nadar: It is all consistent with the neighboring lands on St. Andrews.

Curt Moll: Which only allows single family homes of a certain sized lot. Any comments on that? Again, we had a public hearing.

Law Director Patrick Wilson: All of the contiguous property owners were notified, right Christine?

Christine Dorma: Correct.

Curt Moll: 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: **27-22 – Parcel Split** – 2.76 acres in the Lands of Walnut Resources, LLC Section 59 of Former Fowler Township, City of Cortland, Trumbull County, OH.

A motion was made for 27-22 by **Don Bell** and seconded by **Don Fatobene.**

Tom Nadar: To make the split consistent with the zoning code so that it can be subdivided, to be in compliance with the City of Cortland subdivision regulations. This is just a split, it is being kept as Service because of the frontage.

Donna Lyden: On Realtor.com, you list the property as residential. How can you list it as residential? You are not changing the zoning on it. That was part of the golf course.

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Tom Nadar: The usage will be for the new owner to define. It's not required for the subdivision to be for a zone change because it is its own lot with frontage. It will be up to the neighboring landowner what he wants to do with it.

Donna Lyden: Well, I don't know about that.

Curt Moll: Yes, it would be.

Mayor Petrosky: I am going to speak about the zone change since there isn't one. Because we are trying to be consistent, I'm wondering why a zone change wasn't submitted. I talked to Michael Stevens, the listing agent for this property, in February and brought up that same point. It's currently zoned Service, no homes can be built without a zone change, there is some question as to what school district it was in... The response that I received was that it's marketing; these issues will be handled contractually prior to closing. It is not being handled to my satisfaction. The general warranty deed, although it says, premises shall be used for no other purpose than for a single-family residential purpose. It doesn't matter what the deed says, our zoning code says that you can't build a home in a Service district.

Tom Nadar: I am not saying that anything is going to be built there Your Honor. It's the buyer who will do what they want with the land. Of course, they cannot build a single-family home there without the correct zoning. I do not know if that is the buyer's intent. I think that he is just buying more adjoining land. Since it wasn't needed to have a zone change and he doesn't have to combine it with his existing parcel; for expediency, he can buy that lot as a stand-alone lot because it has adequate frontage and adequate depth. What the use is will be up to that homeowner. If he wants to use it as residential, he will have to come back to the Commission. That is not what the base of that sale is., it is just buying some excess land.

Mayor Petrosky: Right, but I want to make sure that the purchaser knows that this warranty deed is not correct.

Tom Nadar: Oh, you are talking about the private covenant. Not to give you a tutorial on real estate law because you have a law director but those are private covenants. Walnut Resources put those in there to protect it from... they don't want commercial development there either. They put those private covenants in there and the buyer is aware of them because it is part of the contract. The two zone changes are necessary because of the way the subdivision is being created. The 4 acres to go to Mr. Sova or the 3 lots on St. Andrews. To do those types of lots, and to comply with Cortland's zoning, the zone change was necessary. In this case, the zone change wasn't necessary to split that land off. It can be split off as Service and if the owner wants to go through the extent of a zone change, they can do it if they want. Those private covenants, Walnut Resources can enforce. Even if he gets a zone change, he can't do anything because of the private covenants. We don't have to rely on the City of Cortland to enforce that covenant because we have the ability to enforce those covenants privately.

Law Director Patrick Wilson: They don't want to happen what you are worried about happening either. The only way that they can do it, without joining with Cortland, is by putting it in a deed. We just assumed, because you were doing it the other way with the other two parcels, that you might have been looking for a zone change down the road.

Curt Moll: This is exactly like the exchange of the other properties involved here. They were all Service District as well.

Law Director Patrick Wilson: Correct.

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Tom Nadar: A different goal is driving it. The goal for the subdivision was; the subdivision regulations which said to have this type of lot zoned before you could do the split. This land, with the frontage on Everett Hull Rd., can exist on it's own as a Service lot. Whatever the owner will want to do with it will be up to him to pay for. Walnut Resources gets more protection by putting in the private covenants because administrations change and Zoning Commissions change and perhaps a zone change could happen that Walnut Resources doesn't want in it's future development of a residential neighborhood. There is zoning which Mr. Wilson can enforce and the private covenant which I can enforce as the attorney for Walnut Resources.

Law Director Patrick Wilson: This should actually give the neighbors a high level of comfort. The sellers don't want anything going on there other than residential.

Tom Nadar: That's right.

Mayor Petrosky: That is what I was concerned about. When someone comes for a zoning permit, they don't bring us the deed.

Tom Nadar: If someone started building a convenience store, it would comply with Service. Even if it was zoned Residential and then re-zoned back to Service for some reason; Walnut Run Resources doesn't want that, they want it maintained Residential. That's how we can enforce the private covenant.

Curt Moll: The wording in the private covenant is single-family home.

Tom Nadar: Right, regardless of what the City of Cortland does... Industrial, the landowner couldn't use it Industrially because of the private covenant of Walnut Resources.

Mayor Petrosky: Thank you.

Curt Moll: Any other comments from the board? Roll call..

Mark Hartman: I have a question. I've wanted to buy those 2.7 acres. That's right behind my house. Michael Stevens told me that it was going to be changed from Commercial, Service to Residential because I don't want to pay the property taxes on Commercial. Now you are saying that it's going to stay Service?

Tom Nadar: It will be up to the property owner what they want to do with it.

Mark Hartman: That's not what Michael Stevens the realtor told me.

Tom Nadar: He's a realtor.

Mark Hartman: You're a lawyer.

Laughter from audience.

Law Director Patrick Wilson: He is putting into the record tonight, on behalf of his client, who has one of their principles here tonight as well. They are putting into the record a restriction that is going to become part of the land. You are not going to get any more protection than that. I think what you can rely on is what is being said tonight and what is being voted on tonight.

Curt Moll: Can I have a roll call please.

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

Curt Moll: The next item is **28-22- New Sign** – Ground/Pole sign, 6' x 4', 24 sq. ft., 7'3" high, internal lighting. Could we have a motion please?

A motion was made for 28-22 by **Don Bell** and seconded by **Sally Lane**.

Bob Kunze: I'm Bob Kunze with Brilliant Electric Sign Company, representing Farmers Bank for this sign. Farmers National Bank acquired this, there was signage there. It was Chemical Bank at one time...(people in the audience speaking to each other)

Law Director Patrick Wilson: We have a meeting going on and we need to hear the transactions going on so that Christine can prepare the minutes. If any of you have to discuss anything with each other, feel free to go out in the hallway. We are going to need to have it quite in the council chambers, thank you.

Bob Kunze: We will start with the wall sign if that's okay. As the photos that I submitted show, there was a wall sign there originally. This is now replacing it with Farmers National Bank. It's internally illuminated, has a painted face, it's a nice sign, it couldn't be offensive. It follows their new branding.

Curt Moll: It is all within our regulations.

Kim Blasco: It is.

Curt Moll: We will be addressing the wall sign in the item but,

Bob Kunze: Oh, these are two separate..

Curt Moll: Yes, they were but that's okay, we understand. Can we have a roll call for the pole sign please?

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

Curt Moll: Next on the agenda is **29-22- New Sign** – Wall Sign – 7' x 4', 28 sq. ft., internal lighting. You have prior to this explained what that was. Can we have a motion for that please?

A motion was made for 29-22 by **Don Bell** and seconded by **Sally Lane**.

Curt Moll: Anymore comments on your wall sign? It's basically what was there before.

Bob Kunze: Yes, just Farmers National Bank.

Curt Moll: Questions from the board? Roll call please.

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

Curt Moll: Thank you, Sir. The last item for this evening is **30-22 – Zoning permit approval** - Triplex 10,11,12 Bayview Circle (building 8) – Bayview, LTD. - James Westbay. I need a motion for 30-22.

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A motion was made for 30-22 by **Don Bell** and seconded by **Don Fatobene**.

James Westbay: James Westby 1440 Millers Landing Cortland, Ohio. I'm going to start building this next building.

Curt Moll: This is across the street from the 2 that you just built?

James Westbay: Across the street from the one that I just built because, that makes the circle.

Curt Moll: That will be a complete pavement circle then to go around through there? You are getting rid of the dead-end driveway situation.

James Westbay: There will is no dead-end driveways, it will make a complete circle like I showed when I presented the whole drawing.

Curt Moll: Okay and those are private streets right?

James Westbay: Yes.

Curt Moll: Okay, any questions for Mr. Westbay? It's basically what we have seen before, the drawings are here. Comments?

Kim Blasco: This is the last unit of the 4 as part of this group that was approved for the Planned Residential Development.

Curt Moll: Any additional will have to have another Planned Residential Development.

Kim Blasco: Correct.

James Westbay: I can't just do one unless I get the other 3 because I have to move a gas line, gas well. It's about \$6,000 to move that line. Unless I can do 3 to compensate for moving that line...

Kim Blasco: We'll talk this week.

James Westbay: Okay, good.

Curt Moll: Any other comments? Roll call please.

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

Curt Moll: Anything else from the board, anything that needs to be discussed?

David Bujak: I have a question. I just purchased property on Copperlake West. Obviously, the golf course isn't coming back, things are being parceled; just curious if this commission plans to keep the existing homeowners safe from cramming in condos, apartments or anything else on the existing greens?

Curt Moll: We have to follow our existing ordinances. On a lot of those properties, there is not opportunity to do that and there is a lot that could be developed in a number of different ways. So, that will have to brought back to us at the time that they want to do that. At this time, no one has submitted anything to the Zoning Board for approval of any building back there except for these 3 that have come up tonight. The one doesn't sound like they are going to build on it right away. So, that's all we know about at this point.

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Mayor Petrosky: You might want to go to the city’s website and you can sign up for the eNews there. The city’s website and eNews will tell you what is on the agenda for Planning & Zoning meetings and City Council meetings. Keep an eye on that.

David Bujak: It sounds like, if I’m an adjoining landowner...

Curt Moll: You will be notified.

Mayor Petrosky: If you are an adjoining landowner, yes. If you are just in the neighborhood, no; that’s why I’m saying to keep an eye on the website and watch the agendas.

Curt Moll: Most of that on the east side of that property is zoned Service. It would have to come back here and go to City Council for re-zoning for something other than Service. There isn’t much opportunity to build; a lot of it is too narrow and landlocked.

David Bujak: Okay, thank you.

Curt Moll: Anything else? Hearing nothing, I would like to have a motion to adjourn.

A motion for adjournment was made by **Don Fatobene** and seconded by **Don Bell**.

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

Meeting Adjourned: 7:26 pm

Chairman

Date

Secretary