



Planning Commission

240 Columbus Ave

Sandusky, Ohio 44870

419.627.5973

[www.cityofsandusky.com](http://www.cityofsandusky.com)

## **Agenda**

**December 22, 2021**

**5:00 pm**

**City Commission Chamber**

**Live Streamed on [www.Youtube.com/CityofSanduskyOH](https://www.youtube.com/CityofSanduskyOH)**

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1. **Meeting called to order – Roll Call**
2. **Approval of minutes from October 27th, 2021 meeting**
3. **New Business**
  - **Sandusco, Inc. has submitted a Similar Main Use Application for 709-F West Perkins Avenue.**
  - **Cross View Bay Ltd has submitted a Similar Main Use Application for 1231 First Street.**
  - **Presentation on 1231 First Street Site Concept by Cross View Bay Ltd.**
  - **Discussion on Small Box Discount Stores Regulation**
4. **Old Business**
  - **Discussion on Transient Rentals Regulation**
5. **Adjournment**

**NEXT MEETING: January 26, 2022 at 5:00pm**

**Please notify staff at least 2 days in advance of the meeting if you cannot attend. Thank you.**

**Planning Commission  
October 27, 2021  
Meeting Minutes**

**Meeting called to order:**

Chairman Dennis Murray called the meeting to order at 5:00pm. The following members were present: Pete McGory, David Miller, Mike Zuilhof, Conor Whelan, and Jade Castile. Alec Ochs, Arin Blair, and Jonathan Holody represented the Community Development Department. Brendan Heil represented the Law Department. Clerk Kristen Barone was also present.

**Approval of minutes from the September 22, 2021 meeting:**

Mr. McGory moved to approve the minutes as submitted and Mr. Miller seconded. All voting members were in favor of the motion.

**New Business:**

**1) Kagland, LLC submitted an application for an amendment to the zoning map for 1012 Columbus Avenue (parcel 57-68035.000).**

Mr. Ochs explained that the applicant has requested to rezone this address from "R2F" Two-Family Residential to "RMF" Residential Multi-Family as the applicant would like to turn the old church building that is not being utilized into a three-unit dwelling. The parcel is mostly adjacent to parcels zoned Two-Family Residential to the east & south, and Local Business to the north & west. Staff examined the City's Bicentennial Vision Comprehensive Plan as it relates to this area and we believe that this rezoning could offer great potential towards developing human capital, connectivity, and help shape Sandusky as a livable city. The rezoning to Residential Multi-Family is the minimum zoning change to permit the applicants proposed project. In staff's opinion, the Residential Multi-Family zoning will create a logical transition between the adjacent Local Business and Two-Family Residential zoned properties on either side. Staff recommends approval of the proposed amendment. Mr. Miller asked if the applicant would be expanding the building or if they would be subdividing the current footprint. Mr. Ochs stated that they would be subdividing the current footprint. Mr. Miller asked how long the building has been vacant and what the condition is like on the inside. Applicant Bryan Kasper of 2007 Cedar Point Road, stated that when the church that was there did meet, it was not very often. He said that he thinks they might have had an Easter service there, but over the winter, the plumbing was all broken and running in the building. He said the building is completely gutted. Mr. Zuilhof asked what other solutions were considered or exist other than rezoning the parcel. Ms. Blair stated that the only variance that would apply in this case would be a use variance and those variances are difficult to make a case for and most often advised against. She then stated that the Conditional Use Permit language is pretty vague and only applicable in small cases. Mr. Ochs stated that when staff discussed this application this was the only route that they saw that would work for what the applicant wanted to do. Faith Hixson of 115 Scott Street, stated that she walks passed this building every day and has noticed that the building next door that the applicant also owns is in big disrepair and was wondering if the applicant was going to do anything with that building. Mr. Kasper stated that he would like to fix up all of the houses in the area and have made a few offers, but the building Ms. Hixson is referring to, is currently condemned and he is working with staff to try and save it. He said that he would like to make an apartment out of that building. He said that he would have already started working on fixing it up if he were allowed, but since it is condemned he has to go through a process. Mr. Murray asked if staff could clarify for everyone what the rezoning process is like and how much longer it would take for the applicant to proceed. Ms. Blair explained that if Planning Commission recommends to City Commission approval today, the City Commission president would need to set a public hearing at the next City Commission meeting, then there would need to be a 30 day notice put in the paper, then it would be heard at the December 13<sup>th</sup> City Commission meeting. Law Director Brendan Heil stated that he is also skeptical that a Conditional Use Permit would be a quicker process, as those also require notices and other hurdles. However, if the Planning Commission wants to recommend approval to City Commission tonight and then staff finds a quicker route,

there is no reason staff cannot dual track something. Mr. Murray stated that he thinks this would improve the neighborhood, it would be a good development, and it would clean up the blight. He said he has seen Mr. Kasper's work and he does it the right way and gets it finished, so he would be in support of this application. Mr. Whelan stated that he is also in support of this application, but asked how a Planned Unit Development would work and if that would be a route that may work for this applicant. Mr. Murray stated that he believes the project would have to be much larger. Mr. Zuilhof asked what the notice requirement is for a Conditional Use Permit. Mr. Heil responded that a Conditional Use Permit does require a 10 day notice and a hearing. Mr. Heil then added that he would want staff to double check that a Conditional Use Permit would even make sense before going that route because he is not sure it does. Mr. McGory stated that since staff are able to dual track more than one process if necessary, he made a motion to recommend approval of this application to City Commission. Mr. Miller seconded the motion. Ms. Castile asked staff to explain why it was said earlier that a variance route would not make sense. Mr. Ochs responded that when an applicant applies for a use variance they have to explain why the current situation and following the code is a hardship to them and staff could not come up with a good explanation for that. All voting members were in favor of the motion.

## **Other Business:**

### **1) Discussion on Transient Rental Regulation**

Ms. Blair reminded the Planning Commission that there were recently two meetings on transient rental use in two different locations that were brought to staff by two different City residents and property owners. She stated that she put together a presentation on the findings of those meetings and the online survey and also included some considerations and recommendations from staff. At the Lion's Park meeting, there were seven people in support of the proposed transient rental overlay district, two people that were not sure, and five that were opposed. Mr. Maldonado who has property in that neighborhood said that he sent out over 300 letters himself to the neighborhood and did not receive any opposition. Someone else claimed to have 46 signatures from residents that are against the proposed transient rental overlay district, while another person claimed to have 17 signatures in support of it. At the McDonough St meeting, there were seven people in support of the proposed transient rental overlay district, five people who were not sure, and zero who were opposed. She explained that there were several comments shared from those that have had good experiences staying at transient rentals in other cities, some residents feel it would be a good experience in Sandusky, there was interest in understanding where transient rentals are currently allowed, and there was interest in the permitting process. She then explained that the following concerns were raised: fear of noise, fear of property damage, fear of parking issues, how would nuisance properties be enforced, fear of decreasing housing affordability, desire to know neighbors, fear of personal safety. Of those who took the online survey, 68% were not concerned about transient rentals happening in their neighborhood. Arin ended her presentation by stating that staff get multiple calls daily from people interested in doing transient rentals in Sandusky. She said that staff believe that transient rentals are an opportunity to bring people to Sandusky to spend money at local businesses, it will allow for some blighted properties to get cleaned up, and it may also be a way to get developers to buy and preserve some historic buildings as it is expensive to build new. Ms. Castile asked Arin if she has a map that shows where transient rentals are allowed currently and how many properties are located within that area. She said that she would be more interested in pushing investors to buy properties in those areas instead of bringing overlays to where investors want them and then adding on to where it makes most sense for the city economically. Ms. Blair said that she does have that map in the presentation. Mr. Miller asked if there is something in the ordinance to consider when establishing a transient rental overlay district that the neighborhood must be in a declining area. Ms. Blair said that is correct and brought up that slide. Mr. Miller said that then brings up a question on why there are so many transient rentals currently on the Cedar Point Chaussee. Mr. Murray stated that those must be ones that are grandfathered in before the transient rental ordinance took effect. Ms. Blair pointed out that after reading that slide, some may then wonder, what defines a declining neighborhood and what constitutes close proximity to commercial and retail areas. Ms. Blair then showed a map of where Mr. Maldonado's property is located and where transient rentals are currently permitted close by and his property is within walking distance to that district and other places that may be of interest to those that are visiting the area. She then showed some pictures of the neighborhood and stated that she believes this could be a

neighborhood that would benefit from investment. Arin then stated that the local business zoning district is currently the only commercial district that does not allow transient rental. There are a cluster of local business zoned properties along Hancock and Columbus where there is some historic architecture that needs preserved and staff believe that transient rental income could bring in a lot of money and help with the preservation of those buildings. Mr. Zuilhof stated that she is correct that the local business zoning district does not allow transient rentals, but asked Ms. Blair if it is also true that the transient rental overlay legislation does not allow the overlay to apply to local business. Ms. Blair stated that she is not sure, but would assume that it could go over top of any zoning. Mr. Zuilhof stated that he believes it was deliberate that local business is not a permitted zoning district for transient rental because local business is meant for neighborhood business. Mr. Murray said that may be true but things may have changed since then in what people would like to see in local business. Mr. McGory stated that he would like to be forthcoming in letting everyone aware that he helped Mr. Maldonado draft his letter to residents in the Lion's Park area, so he would not be able to vote on any application from him, but in general, for the city as a whole, he is in favor of transient rentals. Mr. Murray stated that he thinks it will be awhile before the Planning Commission votes on anything but would advise Mr. McGory to reach out to the Ohio Ethics Commission on any possible conflict. Ms. Blair stated that in conclusion, staff would support amending the Local Business zoning district to permit transient occupancy. Staff would also recommend to consider a slow and measured expansion of overlay districts in neighborhoods, especially in areas with strong, local interest. Ms. Castile stated that she supports transient rentals, but struggles with the idea of allowing them in random areas where people are proposing them. She said that when Ms. Blair explained why a transient rental may work in the McDonough St area from a planning perspective, that made sense. For example a 15 minute walk from downtown would include the McDonough Street area. She said she would like to see a hypothetical map of all areas that would be included in that walkable distance from downtown. Ms. Blair stated that people will generally spend about 15-20 minutes to walk somewhere, which is about  $\frac{1}{4}$  of a mile to a mile. So if it is assumed that most visitors will spend their time downtown, that kind of radius will go south to Monroe Street, Camp to the west, and Meigs to the east. Mr. Zuilhof stated that for each property that is converted to a transient rental, there is a loss in residents and we are hoping the city stays above 25,000 in the next Census, so that will be something to consider. Mr. Murray further pointed out that the largest source of revenue for the city is income tax and transient rentals do not pay income tax. Mr. Whelan mentioned that transient rentals will increase property values, but he does not think that an increase in property values will result in less people living in the city and if residents have to leave a place because it is getting turned into a transient rental that those people will just move into another place in the city. Ms. Castile stated that another thing to consider is that the more transient rentals that are allowed, the more business that will be taken away from the local hotels. Mr. Zuilhof stated that on the other hand, he just read that there will be a triathlon in Sandusky for the next three years in the summer time, when there is not a surplus of hotel rooms normally available. Mr. Murray stated that it would be helpful if staff can get some information on different approaches and also some feedback, maybe from the law director, on defining the current ordinance in regards to what a declining neighborhood is and what close proximity is. Mr. McGory stated he would like to see what the global approach is and then see if attention needs paid to the current ordinance, instead of seeing what the current ordinance says and seeing what we can do within that. Mr. Murray stated he thinks it would be good to look at both. Mr. Zuilhof stated that he needed to remind everyone that a self-selected survey is meaningless, but what can be done with the results is hear thoughts that may not have otherwise been thought of before. Mr. David Stuck of 922 West Adams Street, stated that he owns the two properties on McDonough Street that have been in discussion for transient rentals. He said that his home is adjacent to the two properties, so he would be an on-site property manager. His mother also lives in the downstairs unit of the one. The 414 property was in disrepair and bankruptcy when him and his wife bought it and they did a full renovation there. They currently allow friends and family to stay there when they are visiting, but would like to see some return on the investment and to share the home with others visiting the area. Mr. Jim Maldonado, stated that he owns the property at 3328 West Monroe Street and has been rehabbing it for awhile and has put a lot of money into it. He said that he thinks the location is great, as you can walk out the front door and see Lions Park, the water, the City of Sandusky sign. He said he has talked to a lot of people that do not want to stay at hotels anymore but say that



there are not many options for transient rentals in Sandusky, so he thinks having more transient rentals is a great way to get more people visiting the area.

**Meeting Adjourned:**

Mr. McGory moved to adjourn and the meeting ended at 6:17pm.

**Next Meeting:**

November 24, 2021

**Approved:**

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Kristen Barone, Clerk

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Dennis Murray, Chairman

CITY OF SANDUSKY, OHIO  
DEPARTMENT OF COMMUNITY DEVELOPMENT  
DIVISION OF PLANNING

# PLANNING COMMISSION REPORT

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APPLICATION FOR SIMILAR MAIN USE APPROVAL  
FOR  
709 W. PEKRINS AVE – UNIT F  
(PARCEL 57-01011.000)

Reference Number: PSMU21-0003

Date of Report: December 14, 2021

Report Author: Alec Ochs, Assistant Planner



# City of Sandusky, Ohio Planning Commission Report

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## BACKGROUND INFORMATION

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Property Owner:	Sandusco, Inc. 1755 Enterprise Parkway, suite 200 Twinsburg, Ohio 44087
Site Location:	709 W. Perkins Ave – Unit F
Current Zoning:	“GB” – General Business
Adjacent Zoning:	North: “PF” – Public Facilities East: “CS” – Commercial Service “GB” – General Business West: “GB” – General Business South: Perkins Township: “C-2” – General Commercial Perkins Township: “I-1” – General Industrial
Existing Use:	Pawnshop / Retail
Proposed Use:	Pawnshop / Retail – adding the sale of firearms
Applicable Plans & Regulations:	1109.11 Determination of Other Similar Uses 1133 Commercial Districts

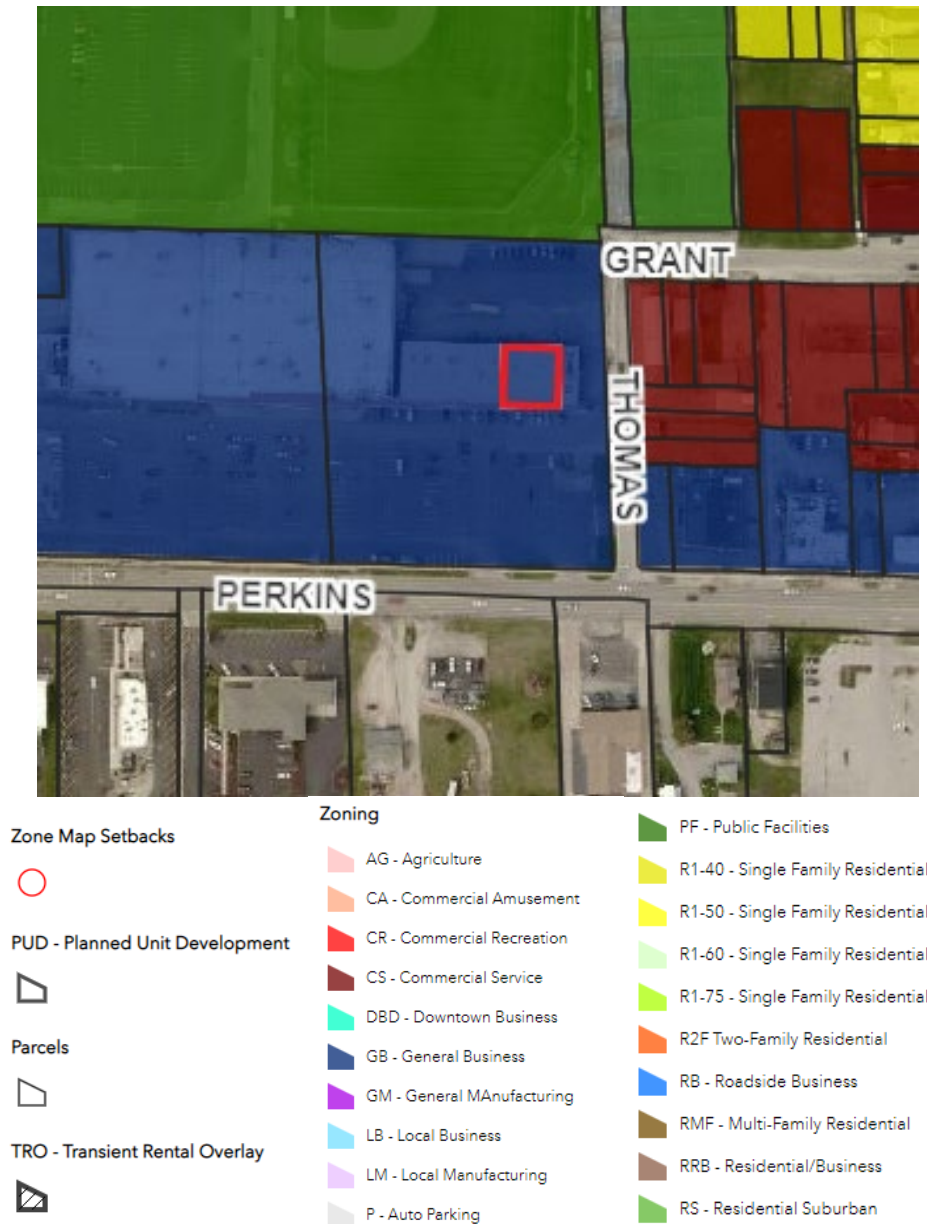
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## SITE DESCRIPTION

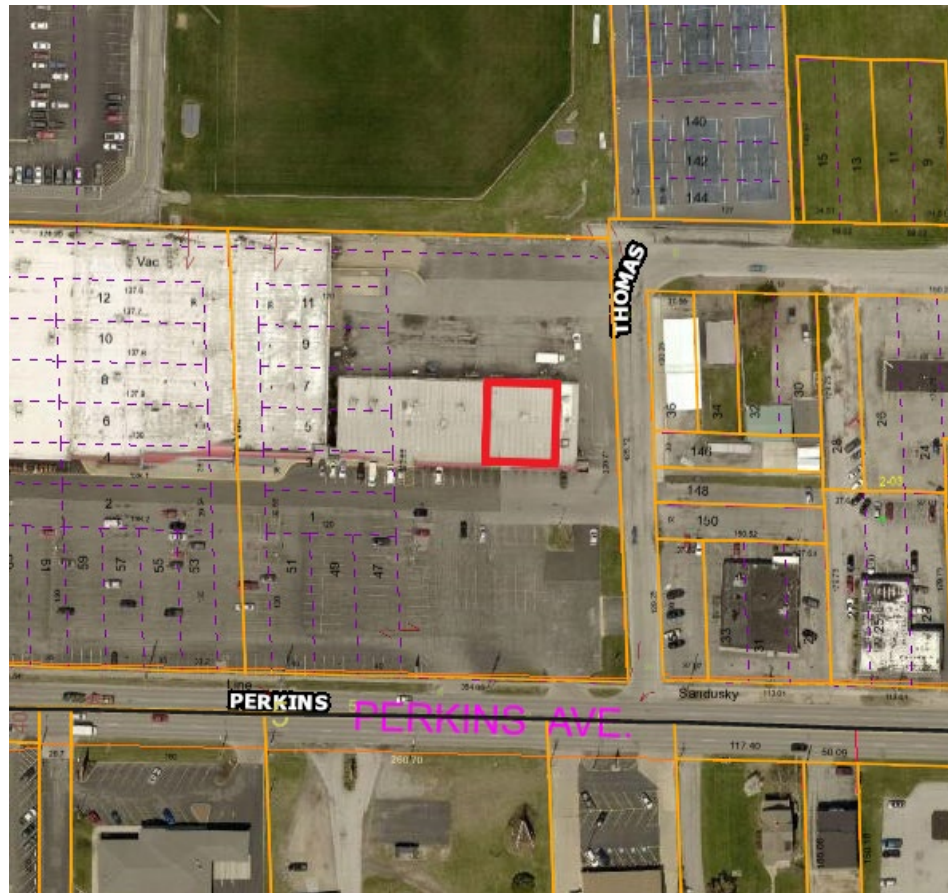
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The property at 1231 First St. is zoned GB—General Business and it is surrounded by CR to East. To the south the parcels are in Perkins Township. The properties to the west are zoned GB and north are zoned PF.

### Zoning Map (subject property outlined in Red)



### County Auditor Property Map (subject property outlined in blue)



Aerial Photo (taken March 2021)



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**PLANNING DEPARTMENT COMMENTS**

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The site of 709 W. Perkins Ave. – Unit F currently shares a portion of a single parcel with adjoining stores. The stores are a combination of retail shopping and restaurants. The commercial structure in this application totals about 5,367 sq. ft. The store in this application currently operates as a pawn shop. The company would like to offer firearms (pawn, buy, & sell) for customers.

Currently, the zoning code does not specifically permit the sale of firearms or similar uses in the General Business district. General Business does allow uses permitted in Local Business districts. The Local Business district permits the sale sporting and athletic goods. Staff feels that a firearm may be interpreted as a sporting good. Staff also feels that this could be considered a similar main use in the GB district.

**1133.06 PERMITTED BUILDINGS AND USES; GENERAL BUSINESS DISTRICT.**

(a) Main Buildings and Uses.

- (1) All stores, services, dwellings, and other uses permitted in Roadside Business Districts;

**1133.05 PERMITTED BUILDINGS AND USES; ROADSIDE BUSINESS DISTRICT.**

(a) Main Buildings and Uses.

- (1) All stores, services, dwellings, and other uses permitted in Local Business Districts;

**1133.04 PERMITTED BUILDINGS AND USES; LOCAL BUSINESS DISTRICT.**

(a) Main Buildings and Uses.

(..)

- C. **The sale of** drugs, gifts, antique and art goods, flowers, periodicals, musical instruments and supplies (provided no loudspeaker broadcasts onto the street), tobacco, and **sporting and athletic goods;**

**1109.11 DETERMINATION OF OTHER SIMILAR USES.**

Upon application for a use not specifically listed in the use classifications of that district, a similar main use may be determined by the Commission, which is in compliance with the following standards:

- (a) The use does not create dangers to health and safety, and does not create offensive noise, vibration, dust, heat, smoke, odor, glare, or other objectionable influences to an extent greater than normally resulting from other uses listed in the classification to which it is to be added;
- (b) The use does not create traffic to a greater extent than other uses listed in the classification to which is to be added;
- (c) In addition to the above general standards, appropriate specific safeguards, applying to a particular application, may also be specified in the permit;

(d) The Planning Commission may revoke the similar main use permit if the property is not maintained in the manner that would conform to the required standards.  
(Ord. 03-071. Passed 3-10-03.)

1. Firearm sales may be considered a similar main use as other land uses in the General Business District (GB), based on the following:

Our understanding of the intent of this proposal is to sell firearms—following strict ATF guidelines. After talking to the applicant, they also addressed that no ammo will be sold in this location at this time.

- a) We interpret the similar main use to be of less noise, odor, or other objectionable influences as other allowed main uses in the GB zoning district such as shops for custom work, automotive service, motels, and brewpub.
  - Staff feels that this proposal does not exceed the noise, odor or other influence generated from shops for custom work, or automotive service.
- b) We interpret the similar main use would not create traffic to a greater extent to the retail business stores and services allowed in this district.
  - Staff feels that this proposal does not exceed the traffic generated from an motel or brewpub

**\*\*Note:** The store is outside of the 500 ft. threshold requirement of Sandusky High School.

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**ENGINEERING STAFF COMMENTS**

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No concerns have been received as of the writing of this report

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**BUILDING STAFF COMMENTS**

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No concerns have been received as of the writing of this report

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**POLICE DEPARTMENT COMMENTS**

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Police Chief – Jared Oliver had no concerns at this time as long as ATF guidelines were met.

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**FIRE DEPARTMENT COMMENTS**

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Fire Marshall – Steve Rucker had no concerns at this time as long as ammo was not sold in the store.

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**CONCLUSION/RECOMMENDATION**

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Staff recommends the approval of the proposed similar main use at 709 W. Perkins Ave. – Unit F. (parcel 57-01011.000) with the following conditions:

1. All applicable permits are obtained through the Building Department, Engineering Department, Planning Department and any other applicable agency.
2. ATF guidelines of purchase / sale are properly followed
3. No ammo is to be sold at this location without further analysis





## PLANNING COMMISSION

Application for Approval

Department of Planning

240 Columbus Ave

Sandusky, Ohio 44870

419.627.5891

www.cityofsandusky.com

### TYPE OF APPLICATION:

☐ Conditional Use Permit  
☐ Flood Plain Variance  
☐ Other

☒ Similar Main Use  
☐ Front Yard Fence

### APPLICANT/AGENT INFORMATION:

Property Owner Name:

SANDUSCO, INC.

Property Owner Address:

1755 ENTERPRISE PARKWAY SUITE 200  
TWINSBURG, OH 44087

Property Owner Telephone:

234.212.3030

Property Owner Email:

\_\_\_\_\_

Authorized Agent Name:

\_\_\_\_\_

Authorized Agent Address:

\_\_\_\_\_

Authorized Agent Telephone:

\_\_\_\_\_

Authorized Agent Email:

\_\_\_\_\_

### LOCATION AND DESCRIPTION OF PROPERTY:

Municipal Street Address:

709-F WEST PERKINS AVE

Legal Description of Property (check property deed for description):

\_\_\_\_\_

Parcel Number: 57-01011000

Zoning District: G1B

**DETAILED SITE INFORMATION:**

Land Area of Property: 5367 sq ft (sq. ft. or acres)

Total Building Coverage (of each existing building on property):

Building #1: \_\_\_\_\_ (in sq. ft.)

Building #2: \_\_\_\_\_

Building #3: \_\_\_\_\_

Additional: \_\_\_\_\_

Total Building Coverage (as % of lot area): \_\_\_\_\_

Gross Floor Area of Building(s) on Property (separate out the square footage of different uses – for example, 800 sq. ft. is retail space and 500 sq. ft. is storage space:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Proposed Building Height (for any new construction): N/A

Number of Dwelling Units (if applicable): \_\_\_\_\_

Number of Off-Street Parking Spaces Provided: \_\_\_\_\_

Parking Area Coverage (including driveways): \_\_\_\_\_ (in sq. ft.)

Landscaped Area: \_\_\_\_\_ (in sq. ft.)

**PROPOSED DEVELOPMENT (check those that apply):**

☐ New Construction (new building(s))

☐ Addition to Existing Building(s)

☒ Change of Use in Existing Building(s)

**Description of Proposed Development (Describe in detail your development plans, for example – proposed use, size of building or proposed addition, hours of operation, days of operation, seating capacity, etc.):**

THE IDENTIFIED LOCATION IS CURRENTLY BEING USED  
AS A PAWN SHOP. THE COMPANY WOULD LIKE TO NOW  
OFFER FIREARMS (PAWN, BUY & SELL) FOR OUR  
CUSTOMERS



**REQUIRED SUBMITTALS:**

15 copies of a site plan/off-street parking plan for property

Application Fee:

Conditional Use Permit: \$100.00

Similar Main Use: \$100.00

Flood Plan Variance: \$100.00


Front Yard Fence: no charge

Other: check with staff for fee

**APPLICATION MUST BE COMPLETELY FILLED OUT**

**APPLICATION AUTHORIZATION:**

If this application is signed by an agent, authorization in writing from the legal owner is required. Where owner is a corporation, the signature of authorization should be by an officer of the corporation under corporate seal.

  
Signature of Owner or Agent

11-24-2021  
Date

**PERMISSION TO ACT AS AUTHORIZED AGENT:**

As owner of \_\_\_\_\_ (municipal street address of property), I hereby authorize \_\_\_\_\_ to act on my behalf during the Planning Commission approval process.

\_\_\_\_\_  
Signature of Property Owner

\_\_\_\_\_  
Date

**STAFF USE ONLY:**

Date Application Accepted: \_\_\_\_\_ Permit Number: \_\_\_\_\_

Date of Planning Commission Meeting: \_\_\_\_\_

Planning Commission File Number: \_\_\_\_\_

Exhibit "C"

Legal Description of Property

PARCEL 1:

Situated in the City of Sandusky, County of Erie and State of Ohio:

And known as being all of vacated Sublots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11 Novelty Street, vacated Sublots 73, 71, 69, 67, 66, 63, 61, 59, 57, 55 and 53 Perkins Avenue, vacated Sublots 2, 4, 6, 8, 10 and 12 Knapp Street, part of vacated Knapp Street, part of vacated Novelty Street, part of vacated Grant Street, and being more fully described as follows:

Beginning at a point on the North line of Perkins Avenue at the point of intersection with the centerline of vacated Knapp Street, the same being in the North line of Perkins Avenue, South 88 deg. 42' 19" West, approximately 356.30 feet from its intersection with the centerline of Thomas Street;

Thence South 88 deg. 42' 19" West along the North line of Perkins Avenue 471.54 feet to the East line of lands of the Sandusky Board of Education;

Thence North 4 deg. 53' 41" West along the last mentioned line, 320.93 feet to the South line of vacated Sublot 12, Novelty Street;

Thence North 88 deg. 42' 19" East along last mentioned line and said line produced Easterly 146 feet to the centerline of vacated Novelty Street;

Thence North 4 deg. 42' 19" West along said centerline and said line produced Northerly 86.50 feet to a point;

Thence North 88 deg. 41' 27" East 17 feet Northerly measured at right angles from the centerline of Grant Street, approximately 324.29 feet to the Northerly projection of the centerline of vacated Knapp Street;

Thence Southerly along the centerline of vacated Knapp Street to the point of beginning.

In this description from the North line of Perkins Avenue is taken to be 35 feet Northerly from the centerline of Perkins Avenue and the South line of City of Sandusky.

PARCEL 2:

Situated in the City of Sandusky, County of Erie and State of Ohio:

And known as being the Easterly two (2) acres, more or less of Outlot Number Seventy-seven (77) in Scranton's Survey as recorded in Volume 1 of Deeds, Page 28, Erie County Ohio Records.

EXCEPTING therefrom that part thereof conveyed to Rolland F. Geiss and Mary Helen Geiss by deed dated March 18, 1946 and recorded in Volume 186 of Deeds, Page 146, Erie County Ohio Records;

ALSO EXCEPTING that part conveyed to Marcus A. Kellerman by deed dated February 27, 1966, and recorded in Volume 353 of Deeds, Page 67, Erie County Records; subject to legal highways.

PARCEL 3:

Situated in the City of Sandusky, County of Erie and State of Ohio:

And known as being vacated Sublots 1, 3, 5, 7, 9 and 11 Knapp Street, 47, 49 and 51 Perkins Avenue, part of vacated Knapp Street, part of vacated Grant street, and part of Outlot 77 and being more fully described as follows:



Beginning at the Southwest of lands now or formerly owned by Rosella M. Hartleb, the same being in the North line of Perkins Avenue, due West 134.00 feet from its intersection with the centerline of Thomas Street;

Thence due West along the North line of Perkins Avenue, 220.05 feet to the centerline of vacated Knapp Street;

Thence Northerly along the centerline of vacated Knapp Street and along the Northerly projection thereof to a point 17 feet North, measured along said projection, 17 feet from the centerline of vacated Grant Street;

Thence North 89 deg. 49' 30" East along a line 17 feet North of and parallel to the centerline of vacated Grant street to the centerline of Thomas Street;

Thence South 3 deg. 67' East along said centerline 17.04 feet to the centerline of Grant Street;

Thence South 89 deg. 48' 30" West along said centerline 133.65 feet to the Westerly line of said Rosella M. Hartleb lands;

Thence South 3 deg. 44' East along last mentioned line 390.71 feet to the place of beginning, be the same more or less but subject to all legal highways, excluding therefrom the Northerly 17 feet of said parcel. In this description the North line of Perkins Avenue is taken to be 35 feet Northerly from the centerline of Perkins Avenue and the South line of the City of Sandusky, Ohio.

**PARCEL 4:**

Situated in the City of Sandusky, County of Erie and State of Ohio:

And known as being Second Ward, part of OL's #76 and #67 and being further described as follows:

Beginning at a point in the Southerly line of the lands of the Sandusky Board of Education, the same being the Northerly line of the lands of Mary D. Kellerman, said point being located also in the South line of Sublot #12 Novelty St., (vacated); said point of beginning being located as follows from the intersection of the centerline of Hayes Ave., with the South Corporation line of the City of Sandusky; North 89 deg. 30' East along the South corporation line of the City of Sandusky, a distance of 802.34 feet to a point said point being the Easterly line of lands of the Sandusky Board of Education;

Thence North 0 deg. 30' West and a distance of 355.27 feet to a point;

Thence North 89 deg. 30' East and a distance of 47.71 feet to the point of beginning;

Thence continuing North 89 deg. 30' East and a distance of 100.00 feet to a point in the Westerly line of the lands of Mary Kellerman;

Thence North 3 deg. 54' 30" West along the Westerly line of said Mary D. Kellerman lands, a distance of 88.07 feet to a point;

Thence South 89 deg. 30' West and a distance of 100.00' to a point;

Thence, South 3 deg. 54' 30" East and a distance of 88.07' to the point of beginning.

Containing 0.201 acres more or less.

**PARCEL 5:**

Situated in the City of Sandusky, County of Erie and State of Ohio:

And known as being a part of Outlot 66 and 67 West of Campbell Street in the Second Ward of the City of Sandusky, being more fully bounded and described as follows:

Beginning at the intersection of the centerline of Thomas Street and the Southeastern corner of Outlot 66 as aforesaid;

Thence Westerly along the Southerly line of Outlots 66 and 67, a distance of about 645 feet more or less to the centerline extended Northerly of Novelty street as shown on the plat of George Knapp's Subdivision as recorded in Plat Book 6, Page 47 of Erie County Records;

Thence Northerly on an extension Northerly of the centerline of Novelty Street, a distance of 17 feet to a point;

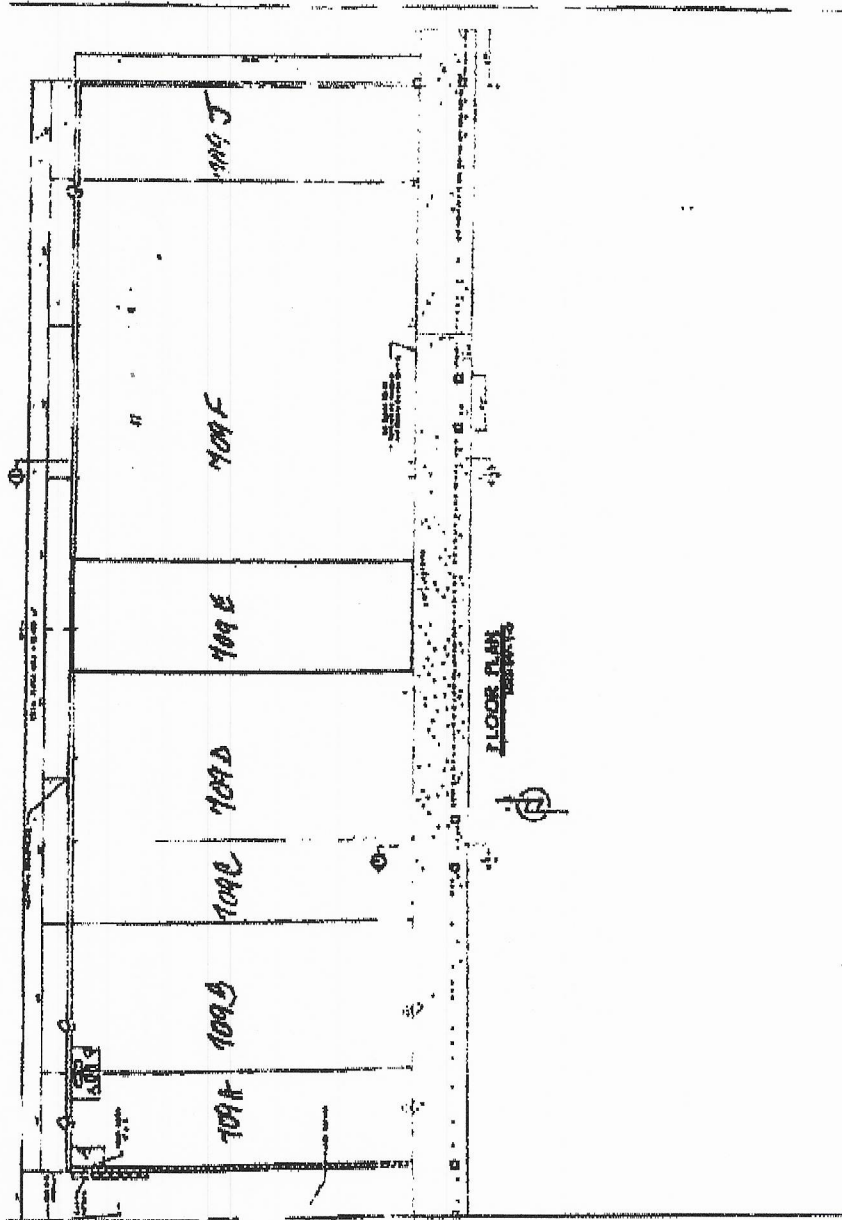
Thence Easterly a distance of 645 feet more or less to the centerline of Thomas Street as aforesaid;

Thence Southerly along the centerline of Thomas Street 17 feet more or less, to the place of beginning be the same more or less, but subject to all legal highways.

EXCEPTING therefrom that part lying Westerly of the centerline of Knapp Street extending Northerly.

Exhibit "C-1"

Site Plan





CITY OF SANDUSKY, OHIO  
DEPARTMENT OF COMMUNITY DEVELOPMENT  
DIVISION OF PLANNING

# PLANNING COMMISSION REPORT

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APPLICATION FOR SIMILAR MAIN USE APPROVAL  
FOR

1231 FIRST ST. (PARCELS 57-01436.000, 57-  
05975.000, 57-01437.000, 57-01438.000, 57-  
01436.001)

Reference Number: PSMU21-0003

Date of Report: December 13, 2021

Report Author: Alec Ochs, Assistant Planner



# City of Sandusky, Ohio Planning Commission Report

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## BACKGROUND INFORMATION

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Property Owner: CrossView Bay Ltd.  
5003 Milan Rd., Sandusky, OH 44870  
Sandusky, Ohio 44870

Site Location: 1231 First St.

Current Zoning: "CR" – Commercial Recreation

Adjacent Zoning: North: N/A  
East: "CR" – Commercial Recreation  
West: "GB" – General Business  
"R1-40" – Single Family Residential  
"CR" – Commercial Recreation  
South: "RRB" – Residential Business  
"CR" – Commercial Recreation

Existing Use: Marina / Storage

Proposed Use: Transient Occupancy / RV Park, and Marina / Storage

Applicable Plans & Regulations: 1109.11 Determination of Other Similar Uses  
1137 Commercial Districts

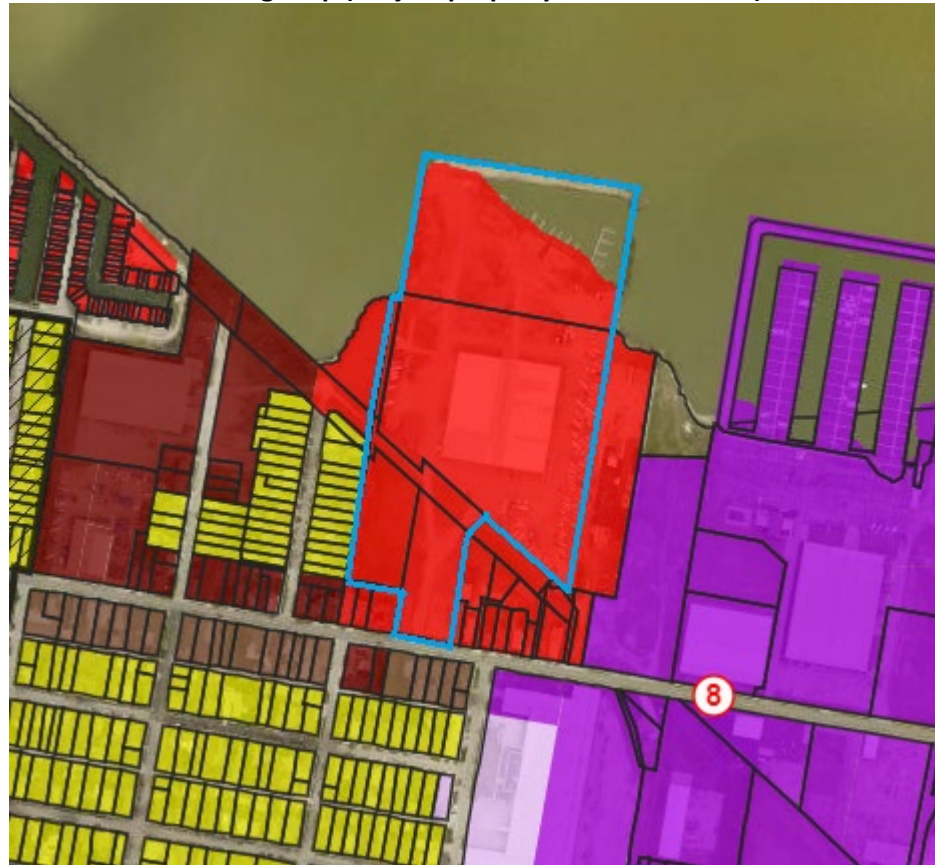
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## SITE DESCRIPTION

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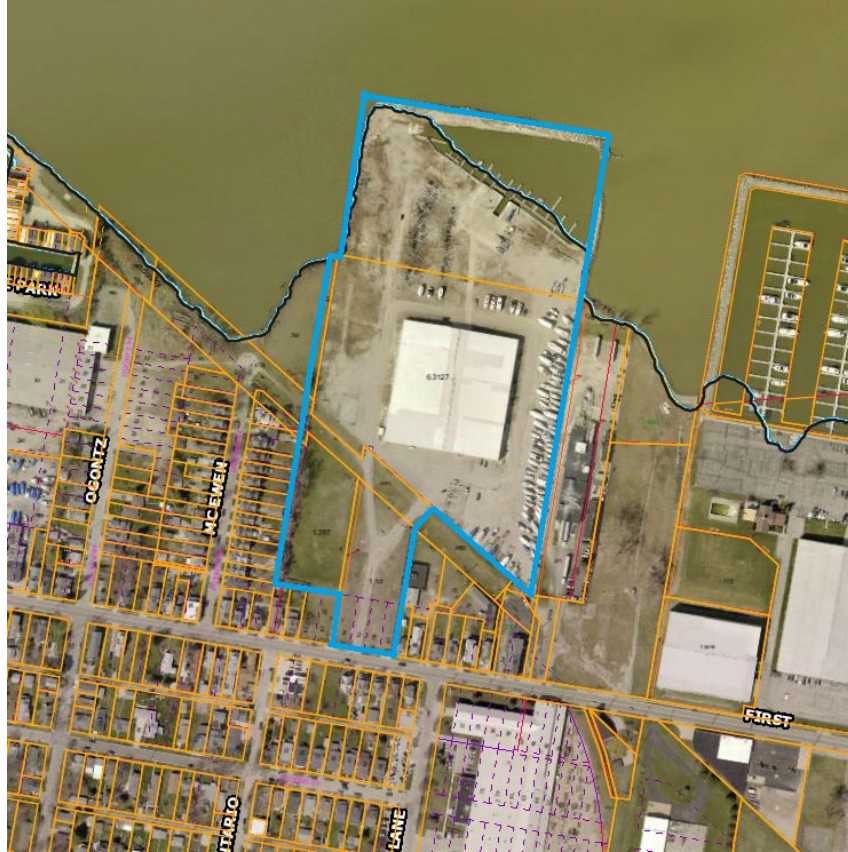
The property at 1231 First St. is zoned CR—Commercial Recreation and it is surrounded by CR to East. To the south the parcels are zoned RRB and CR. The properties to the west are zoned CR and R1-50 R1-40.. There are no adjoining parcels to the North. The parcel directly to the east is residential and industrial uses. The CR parcel to the west is vacant and the R1-50 lots are used as residential.

**Zoning Map (subject property outlined in Blue)**



<b>Zone Map Setbacks</b>	<b>Zoning</b>	
	AG - Agriculture	PF - Public Facilities
<b>PUD - Planned Unit Development</b>	CA - Commercial Amusement	R1-40 - Single Family Residential
	CR - Commercial Recreation	R1-50 - Single Family Residential
<b>Parcels</b>	CS - Commercial Service	R1-60 - Single Family Residential
	DBD - Downtown Business	R1-75 - Single Family Residential
<b>TRO - Transient Rental Overlay</b>	GB - General Business	R2F Two-Family Residential
	GM - General MAnufacturing	RB - Roadside Business
	LB - Local Business	RMF - Multi-Family Residential
	LM - Local Manufacturing	RRB - Residential/Business
	P - Auto Parking	RS - Residential Suburban

**County Auditor Property Map (subject property outlined in blue)**



**Aerial Photo (taken March 2021)**



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**PLANNING DEPARTMENT COMMENTS**

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The site of 1231 First St. sits on 19 acres and has a total building coverage of 12%. This property currently contains five parcels—one parcel has a commercial structure, three parcels are undeveloped, and one parcel has a marina / dockage. The existing commercial structure totals about 93,600 square feet.

The proposal contains 59 paved parking spaces for RV's and vehicles, a community center, and an outdoor pool. The applicant wishes to make this land a luxury recreational vehicle park as an amenity to the marina facilities also owned by the applicant. Some sites will be available to rent to customers other than marina customers, as sites are available. The proposed RV park is designed for the public to bring their own RV's but some sites are expected to have owner-provided moveable structures available for transient rental. Tent camping will not be permitted. Marina staff will operate the park during the daytime hours with one onsite resident manager for evening hours. The park hours will be 24 hours a day with a quiet time from 10 pm – 7 am. The RV camping is anticipated to be seasonal (April – October). The marina is expected to be open year-round to allow for boat storage and maintenance. The applicant wishes to use the existing building for winter boat storage and maintenance.

The applicant must acquire an occupancy permit through the building department and obtain site plan approval from the Planning Commission in order to operate the site. The number of permitted spaces will be determined during site plan approval.

Currently, the zoning code does not specifically permit RV parks in this district. Transient occupancy and motels are permitted. The applicant is seeking a similar main use permit to operate an RV park on the site.

**1137.03 PERMITTED BUILDINGS AND USES, COMMERCIAL RECREATION DISTRICTS.**

(a) Main Buildings and Uses.

- (1) One- and two-family dwellings, boathouses, motels;
- (2) The following amusement establishments, whether open or enclosed:
  - A. Beaches and swimming pools, with accessory bath houses and locker rooms;
  - B. Manufacturing, rental, repair, and storage of boats, marinas; sale of live bait for fishing;
  - C. Hunting and fishing clubs, shooting ranges;
  - D. Arenas, auditoriums;
  - E. Golf courses, driving ranges;
  - F. Riding academies, stables, race tracks;
  - G. Assembly and meeting halls, bowling alleys, dance halls, skating rinks.
  - H. All retail stores, services and offices as permitted in General Business Districts.
  - I. Transient Occupancy.

**1109.11 DETERMINATION OF OTHER SIMILAR USES.**

Upon application for a use not specifically listed in the use classifications of that district, a similar main use may be determined by the Commission, which is in compliance with the following standards:

- (a) The use does not create dangers to health and safety, and does not create offensive noise, vibration, dust, heat, smoke, odor, glare, or other objectionable influences to an extent greater than normally resulting from other uses listed in the classification to which it is to be added;
  - (b) The use does not create traffic to a greater extent than other uses listed in the classification to which it is to be added;
  - (c) In addition to the above general standards, appropriate specific safeguards, applying to a particular application, may also be specified in the permit;
  - (d) The Planning Commission may revoke the similar main use permit if the property is not maintained in the manner that would conform to the required standards.
- (Ord. 03-071. Passed 3-10-03.)

1. A campground should be considered a similar main use as other land uses in the Commercial Recreation District (CR), based on the following:
  - Our understanding of the intent of this operator is to provide a day service to customers to allow camping and festivities during the proposed non-quiet hours. Overnight stays will be allowed of transient residents occupying the sites of the RV park.
  - We interpret the RV park to be of similar or less noise, odor, or other objectionable influences as other allowed main uses in the CR zoning district such as transient occupancy, arenas, auditoriums, race tracks, and motels.
    - Staff feels that this proposed use would not exceed the noise generated from a race track or shooting range.
  - We interpret the RV park use would not create traffic to a greater extent than the retail business stores and services allowed in this district.
    - Staff feels that this proposed use would not exceed the traffic generated from an arena or stadium.
2. An RV park is an appropriate land use in the Commercial Recreation District. It provides a valuable service to Sandusky's Bicentennial Vision: 2018 priorities in the form of:
  - A Destination City: Waterfront Recreation
  - A Vibrant City: Reclaim and repurpose blighted land/sites for industrial development/commercial development.
  - A Connected City: Bike Infrastructure

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**ENGINEERING STAFF COMMENTS**

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No concerns have been received as of the writing of this report

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**BUILDING STAFF COMMENTS**

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No concerns have been received as of the writing of this report

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**POLICE DEPARTMENT COMMENTS**

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No concerns have been received as of the writing of this report

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**FIRE DEPARTMENT COMMENTS**

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No concerns have been received as of the writing of this report

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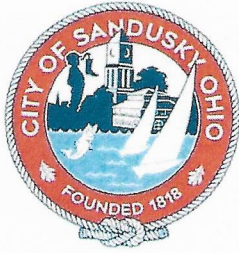
**CONCLUSION/RECOMMENDATION**

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Staff recommends the approval of the proposed similar main use at 1231 First St. Parcels: (parcels 57-01436.000, 57-05975.000, 57-01437.000, 57-01438.000, 57-01436.001) with the following conditions:

1. All applicable permits are obtained through the Building Department, Engineering Department, Planning Department and any other applicable agency.





## PLANNING COMMISSION

Application for Approval

Department of Planning  
240 Columbus Ave  
Sandusky, Ohio 44870  
419.627.5891  
www.cityofsandusky.com

### TYPE OF APPLICATION:

☐ Conditional Use Permit  
☐ Flood Plain Variance  
☐ Other

☒ Similar Main Use  
☐ Front Yard Fence

### APPLICANT/AGENT INFORMATION:

Property Owner Name: Cross View Bay Ltd.  
Property Owner Address: 5003 Milan Road, Sandusky OH 44870  
Property Owner Telephone: 419.609.7000  
Property Owner Email: jm@hoty.com  
Authorized Agent Name: Todd Hart  
Authorized Agent Address: 5003 Milan Road, Sandusky OH 44870  
Authorized Agent Telephone: 419.626.9696  
Authorized Agent Email: hb@hoty.com

### LOCATION AND DESCRIPTION OF PROPERTY:

Municipal Street Address: 1231 First Street, Sandusky  
Legal Description of Property (check property deed for description):  
Exhibits attached  
Parcel Number: Exhibit attached A Zoning District: CR  
7 parcels



**DETAILED SITE INFORMATION:**

Land Area of Property: 19 acres +/- (sq. ft. or acres)

Total Building Coverage (of each existing building on property):

Building #1: 93,600 (in sq. ft.)

Building #2: \_\_\_\_\_

Building #3: \_\_\_\_\_

Additional: \_\_\_\_\_

Total Building Coverage (as % of lot area): 12%

Gross Floor Area of Building(s) on Property (separate out the square footage of different uses – for example, 800 sq. ft. is retail space and 500 sq. ft. is storage space:

93,600 storage  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Proposed Building Height (for any new construction): 25'

Number of Dwelling Units (if applicable): \_\_\_\_\_

Number of Off-Street Parking Spaces Provided: 85

\* Parking Area Coverage (including driveways): 153,400 (in sq. ft.)

Landscaped Area: 87,000 (in sq. ft.)

66,057 new  
in sq. ft. Coverage

**PROPOSED DEVELOPMENT (check those that apply):**

- ☒ **New Construction (new building(s))**  
☐ **Addition to Existing Building(s)**  
☐ **Change of Use in Existing Building(s)**

**Description of Proposed Development (Describe in detail your development plans, for example – proposed use, size of building or proposed addition, hours of operation, days of operation, seating capacity, etc.):**

Attached Exhibit B

**REQUIRED SUBMITTALS:**

~~15~~ <sup>1</sup> copies of a site plan/off-street parking plan for property

Application Fee:

Conditional Use Permit: \$100.00

Similar Main Use: \$100.00

Flood Plan Variance: \$100.00

Front Yard Fence: no charge

Other: check with staff for fee

**APPLICATION MUST BE COMPLETELY FILLED OUT**

**APPLICATION AUTHORIZATION:**

If this application is signed by an agent, authorization in writing from the legal owner is required. Where owner is a corporation, the signature of authorization should be by an officer of the corporation under corporate seal.

Todd Hart  
Signature of Owner or Agent

11-24-21  
Date

**PERMISSION TO ACT AS AUTHORIZED AGENT:**

As owner of 1231 First Street  
Crossview Bay Ltd, (municipal street address of property), I  
hereby authorize Todd Hart to act on my behalf during the  
Planning Commission approval process.

[Signature]  
Signature of Property Owner

11-24-21  
Date

**STAFF USE ONLY:**

Date Application Accepted: \_\_\_\_\_ Permit Number: \_\_\_\_\_

Date of Planning Commission Meeting: \_\_\_\_\_

Planning Commission File Number: \_\_\_\_\_

## **Parcel Numbers**

### **1231 First Street**

Known as Parcel 1

57-01436.000

57-01436.001

Known as Parcel 2

57-01437.000

57-01438.000

Known as Parcel 3

57-05975.003

Parcel 57-01435.000

### **1221 First Street**

Parcel 57-01762.000

**Transferred**  
In Compliance with sections  
319-202 and 322-02 of the  
Ohio Revised Code.

FEE \$ see first

Exempt: deed

R.E. TRANSFER:  
\$ 20,000.00

Richard W. Jeffrey  
Erie County Auditor

Trans. Fees: \$ 0

Date: 8/1/16

Per O.R.C. 319.203  
Erie County Auditor's Office  
Date

Barbara A. Sessler  
County Recorder, Erie County OH  
201606520 Total Pages: 3  
08/01/2016 02:00:52 PM Fees: \$36.00

*Richard W. Jeffrey*

## QUIT CLAIM DEED

KNOW ALL PEOPLE BY THESE PRESENTS:

That **SANDUSKY BAY INVESTMENT COMPANY, LTD.**, an Ohio Limited Partnership,  
the Grantor,  
which claims title through documents recorded in  
Office, for valuable consideration received to its full satisfaction of: RN 9908860, Erie County Recorder's  
CROSS VIEW BAY, LTD., an Ohio limited liability company,  
the Grantee,

whose Tax Mailing Address will be: 4918 Milan Road  
Sandusky, OH 44870

does give, grant, bargain, sell and convey unto the said Grantee and its successors and assigns, the premises  
(herein called "Premises") situated in the City of Sandusky, County of Erie and State of Ohio and more fully  
described on Exhibit A which is attached hereto and incorporated herein by reference.

To have and to hold the Premises with the appurtenances thereunto belonging, unto the said Grantee and its  
successors and assigns, so that neither the said Grantor, nor its successors and assigns, nor any other person or  
entity claiming title through or under it, shall or will hereafter claim or demand any right or title to the Premises  
or any part thereof; but they and every one of them shall by these presents be excluded and forever barred.

EXECUTED this 1 day of August, 2016.

HARTUNG TITLE ORDER # 5010740

Writing Must Not Exceed Box Boundaries

SANDUSKY BAY INVESTMENT COMPANY, LTD.  
By: Sandusky Bay Development Company, Its General Partner  
*Paula J. Rengel President*  
By: Paula J. Rengel, President

STATE OF OHIO

)

) SS:

COUNTY OF ERIE

)

BEFORE ME, a Notary Public in and for said County and State, personally appeared the above named Sandusky Bay Investment Company, Ltd. by Sandusky Bay Development Company, its General Partner, by and through Paula J. Rengel, its duly authorized President, who acknowledged that she did sign the foregoing warranty deed and that the same is her free act and deed individually and as such officer and the free act and deed of said Company. I hereby state that either: (i) Paula J. Rengel is personally known to me or (ii) provided sufficient identification (driver's license, passport, etc.) to me.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal at Sandusky, Ohio, this  
1 day of August, 2016.

Writing and Seal Must Not Exceed Box Boundaries



SALLY A. CROW  
NOTARY PUBLIC, STATE OF OHIO  
MY COMMISSION EXPIRES  
JANUARY 25, 2018

*This Instrument Prepared By:*  
Attorney John D. Frankel  
WICKENS, HERZER, PANZA,  
COOK & BATISTA CO.  
414 Wayne Street  
Sandusky, OH 44870-2709  
14008-208114579621bas

*Title to the real estate described herein has not been examined by Wickens, Herzer, Panza, Cook & Batista Co. and Wickens, Herzer, Panza, Cook & Batista Co. makes no warranty, representation or opinion (either express or implied) as to the marketability or condition of the title to the subject real estate, the quantity of lands included therein, the location of the boundaries thereof, the existence of liens, unpaid taxes or encumbrances, or the conformity of this deed to agreements between the Grantor and Grantee.*

Exhibit 'A'  
DEED LEGAL

Situated in the City of Sandusky, County of Erie and State of Ohio:  
Situated in the Second Ward of the City of Sandusky, Erie County, Ohio and being part of  
Lots 35 and 36, Darlings Survey East of Sycamore Line, and being part of that parcel of  
land conveyed by Consolidated Rail Corporation to Sandusky Bay Realty, Inc., D.V. 526,  
Pg. 388 more particularly described as follows:

Beginning for reference, at a cross cut found in the concrete sidewalk in the north Right of  
Way line of First Street (50' in width) at the east line of said Lot 35, said point also being  
the southeast corner of lands owned by Nancy Sharpe, D.V. 506, Pg. 714 and O.R. 101, Pg.  
348, thence upon the east line of said tract, North  $10^{\circ} 14' 34''$  East, 103.15 feet to a point  
in the southerly line of the old pier track Right of Way, thence upon said Right of Way line  
and with said lands of Nancy M. Sharpe and with lands of Robert C. Rengel Sr. and  
LaDonna J. Rengel, D.V. 512, Pg 586, D.V. 513, Pg. 596 and D.V. 523 Pg. 996, North  
 $46^{\circ} 45' 57''$  West, 414.22 feet to a 1" iron pipe found and the true point of beginning;

Thence continuing upon said Right of Way line and with lands of Sandusky Bay  
Investment Company, Ltd., O.R. 292, Pg. 53, Parcel 2, North  $46^{\circ} 45' 57''$  West, 377.74  
feet to a 5/8" iron rod found in the west line of Lot 35 at the northeast corner of lands of  
Sandusky Bay Investment Company, Ltd., O.R. 292, Pg. 53, Parcel 2;

Thence upon the west line of said Lot 35, South  $10^{\circ} 15' 26''$  West, 35.78 feet to a 5/8" iron  
rod found;

Thence North  $46^{\circ} 45' 57''$  West, 17.71 feet to a 1/2" iron rod set in the east line of Brown  
and McEwen Subdivision, P.V. 1, Pg. 69;

Thence upon said line and the northerly projection thereof, North  $10^{\circ} 15' 43''$  East, 119.21  
feet to a 1/2" iron rod set in the northerly line of said old pier track Right of Way and in the  
southerly line of lands of Sandusky Bay Investment Company, Ltd., O.R. 292, Pg. 53,  
Parcel 1;

Thence upon said line, South  $46^{\circ} 45' 57''$  East, 17.83 feet to a 1/2" iron rod set in the west  
line of Lot 35;

Thence upon said line, South  $10^{\circ} 15' 43''$  West, 35.74 feet to a 3/4" iron pipe found;

Thence continuing upon said Right of Way line with said lands of Sandusky Bay  
Investment Company, Ltd., O.R. 292, Pg. 53, Parcel 1, South  $46^{\circ} 45' 57''$  East, 179.10 feet  
to a 3/4" iron pipe found;

Thence continuing with said lands, North  $10^{\circ} 17' 19''$  East, 35.73 feet to a 1/2" iron rod set;

Thence continuing upon the northerly line of said old pier tack Right of Way and with  
lands of Sandusky bay Investment Company, Ltd., South  $46^{\circ} 45' 57''$  East, 243.91 feet to a  
1/2" iron rod set;

Thence through the aforementioned lands of Sandusky Bay Realty, Inc., D.V. 526, Pg. 388,  
South  $43^{\circ} 14' 03''$  West, 70.00 feet to the point of beginning, containing 0.5609 acres,  
more or less, subject to any easements, rights-of-way or restrictions of record.

This description was prepared by James A. Faetanini, P.S. Ohio R.L.S. 7379, from an  
actual survey of the premises. Bearings herein are based upon an existing record bearing of  
North  $46^{\circ} 45' 57''$  West for the old Right of Way line of the railroad. *JAF/HH*

***First American Title Insurance Company***

**OWNERS POLICY  
Schedule A Continued**

File No. E-27274SC

Policy No. 5011439-0162899e

4. Description Continued:

**PARCEL NO. 1:**

Situated in the Second Ward of the City of Sandusky, County of Erie and State of Ohio and being part of Lots 35 and 36 Darling's Survey East of Sycamore Line, City of Sandusky, County of Erie and State of Ohio and being more particularly described as follows:

Beginning at an iron pin set marking the intersection of the east line of McEwen Street with the north line of the Old New York Central Railroad Co. Right of Way as recorded in Deed Volume 38 page 28, Volume 30, pages 177 and 337 Erie County Deed Records said point being north 10 ° 15' 43" east, 493.54 feet; thence north 46 ° 45' 57" west, 157.57 feet from the southeast corner of lot 2 Brown's Subdivision Plat Volume 1 page 69 Erie County Plat Records; thence north 10 ° 15' 43" east, along the projection of the east line of McEwen Street 60.17 feet to the low water mark of Sandusky Bay; thence north 36 ° 39' 49" east, along the low water mark of Sandusky Bay, 189.52 feet to a point; thence north 67 ° 46' 24" east, along the low water mark of Sandusky Bay, 98.30 feet to an assumed fill line; thence south 78 ° 34' 39" east, along the assumed fill line, 614.19 feet to the low water mark of Sandusky Bay; thence south 47 ° 21' 11" east, along the low water mark, 14.48 feet to the west line of Cellulo Co. as recorded in Deed Volume 122 page 534 Erie County Deed Records and an iron pin set; thence south 10 ° 14' 34" west, along the west, line of Cellulo Co. 760.21 feet to an iron pin set; thence south 79 ° 35' 46" east, along the south line of said Cellulo Co. 17.60 feet to the east line of Lot 35 and an iron pin set; thence south 10 ° 14' 34" west, along the east line of said Lot 35, 28.60 feet to the north line of the Old New York Central Railroad Co. Right of Way and an iron pin set; thence north 46 ° 45' 57" west, along the north line of the Old New York Central Railroad Co. Right of Way, 612.71 feet to a point and R-R Spike set; thence south 10 ° 17' 19" west, along the north line of the Old New York Central Railroad Co. Right of Way, 35.78 feet to an iron pin found; thence north 46 ° 45' 57" west, along the north line of the Old New York Central Railroad Co. Right of Way, 179.10 feet to an iron pin found; thence north 10 ° 15' 43" east, along the north line of the Old New York Central Railroad Co. Right of Way, 35.78 feet to an iron pin set; thence north 46 ° 45' 57" west along the north line of the Old New York Central Railroad Co. Right of Way, 175.28 feet to the point of beginning, containing 9.5643 acres more or less, but subject to all legal rights of way and easements of record.

North is based on the east line of Lot 35 bearing north 10 ° 14' 34" east.

The above description is based on an actual survey in January of 1987 by Carl M. Feick, P.S. #7035 and revised February 25, 1988.

EXCEPTING THEREFROM the following described real estate as set forth in Deed Volume 379, Page 234:

(For Description of PARCEL NO. 1 see Schedule A Continued attached hereto and made a part hereof.)



***First American Title Insurance Company***

**OWNERS POLICY**

**Schedule A Continued**

File No. E-27274SC

Policy No. 5011439-0162899e

4. Description Continued:

**PARCEL NO. 1 CONTINUED:**

Being situated in the State of Ohio, County of Erie, Sandusky City, Second Ward, Part of OL #36 and further described as follows:

Beginning at a point marking the intersection of the east line of McEwen Street produced with the north line of the New York Central Railroad Company; thence S 47 ° 06' E along said north line of the New York Central Railroad Company a distance of 157.21' to a point; thence N 10 ° 00' E a distance of 357.12' to the low water mark of Sandusky Bay; thence continuing along said low water mark of Sandusky Bay S 73 ° 51' W a distance of 80.15 to a point; thence S 36 ° 01' W a distance of 138.30' to a point marking the intersection of the east line of McEwen Street produced with the low water mark of Sandusky Bay; thence S 10 ° 00' W along said east line of McEwen Street produced a distance of 111.60' to the point of beginning. Containing 0.789 acres more or less, but subject to all legal highways.

JB/ALH

**PARCEL NO. 2:**

Situated in the Second Ward of the City of Sandusky, County of Erie and State of Ohio and being part of Lots 35 and 36 Darling's Survey East of Sycamore Line, City of Sandusky, County of Erie and State of Ohio and being more particularly described as follows:

Beginning at an iron pin set in the southeast corner of Lot number 2 McEwen Street (Brown's Subdivision Plat Volume 1 page 69, Erie County Plat Records); thence north 10 ° 15' 43" east, along the east line of Brown's Subdivision, 374.30 feet to the south line of the Old New York Central Railroad Co. Right of Way as recorded in Deed Volume 38 page 28, Volume 30 pages 177 and 337 Erie County Deed Records and an iron pin set; thence south 46 ° 45' 57" east, along the south line of the Old New York Central Railroad Co. Right of Way, 17.71 feet to an iron pin found; thence north 10 ° 15' 43" east along the south line of the Old New York Central Railroad Co. Right of Way, 35.78 feet to an iron pin found; thence south 46 ° 45' 57" east, along the south line of the Old New York Central Railroad Co. Right of Way, 377.73 feet to the west line of lands in the name of Robert Rengle Deed Volume 512 page 586, Volume 512 page 588, Volume 513 page 596 and Volume 523, page 996 Erie County Deed Records and an iron pin found; thence south 10 ° 24' 4" west, along the west line of the said Rengle lands, 327.68 feet to the north line of First Street and an iron pin found; thence north 79 ° 35' 46" west, along the north line of First Street, 166.02 feet to the east line of lands in the name of Thomas Lamarca Deed Volume 474 page 945 Erie County Deed Records and an iron pin found; thence north 10 ° 17' 19" east, along the east line of said Lamarca lands, 132.00 feet to an iron pin found; thence north 79 ° 35' 46" west, along the north line of said Lamarca lands and the lands of T. Ball and E. Ebeling Deed Volume 422 Page 9 and 378 page 445 respectively, 165.00 feet to the point of beginning, containing 2.7969 acres more or less but subject to all legal rights of way and easements of record.

North is based on the east line of Lot 35 bearing north 10 ° 14' 34" east.

The above description is based on an actual survey in January of 1987 by Carl M. Feick, P.S. #7035 and revised February 25, 1988.

(For Description of PARCEL NO. 3 see Schedule A Continued attached hereto and made a part hereof.)

***First American Title Insurance Company***

**OWNERS POLICY**

**Schedule A Continued**

File No. E-27274SC

Policy No. 5011439-0162899e

4. Description Continued:

**PARCEL NO. 3:**

Situated in the City of Sandusky, County of Erie and State of Ohio:

Situated in the Second Ward of the City of Sandusky, Erie County, Ohio and being part of Lots 35 and 36, Darlings Survey East of Sycamore Line, and being part of that parcel of land conveyed by Consolidated Rail Corporation to Sandusky Bay Realty, Inc., D.V. 526, Pg. 388 more particularly described as follows:

Beginning for reference, at a cross cut found in the concrete sidewalk in the north Right of Way line of First Street (50' in width) at the east line of said Lot 35, said point also being the southeast corner of lands owned by Nancy Sharpe, D.V. 506, Pg. 714 and O.R. 101, Pg. 348, thence upon the east line of said tract, North 10 ° 14' 34" East, 103.15 feet to a point in the southerly line of the old pier track Right of Way, thence upon said Right of Way line and with said lands of Nancy M. Sharpe and with lands of Robert C. Rengel Sr. and LaDonna J. Rengel, D.V. 512, Pg 586, D.V. 513, Pg. 596 and D.V. 523 Pg. 996, North 46 ° 45' 57" West, 414.22 feet to a 1" iron pipe found and the true point of beginning;

Thence continuing upon said Right of Way line and with lands of Sandusky Bay Investment Company, Ltd., O.R. 292, Pg. 53, Parcel 2, North 46 ° 45' 57" West, 377.74 feet to a 5/8" iron rod found in the west line of Lot 35 at the northeast corner of lands of Sandusky Bay Investment Company, Ltd., O.R. 292, Pg. 53, Parcel 2;

Thence upon the west line of said Lot 35, South 10 ° 15' 26" West, 35.78 feet to a 5/8" iron rod found;

Thence North 46 ° 45' 57" West, 17.71 feet to a 1/2" iron rod set in the east line of Brown and McEwen Subdivision, P.V. 1, Pg. 69;

Thence upon said line and the northerly projection thereof, North 10 ° 15' 43" East, 119.21 feet to a 1/2" iron rod set in the northerly line of said old pier track Right of Way and in the southerly line of lands of Sandusky Bay Investment Company, Ltd., O.R. 292, Pg. 53, Parcel 1;

Thence upon said line, South 46 ° 45' 57" East, 17.83 feet to a 1/2" iron rod set in the west line of Lot 35;

Thence upon said line, South 10 ° 15' 43" West, 35.74 feet to a 3/4" iron pipe found;

Thence continuing upon said Right of Way line with said lands of Sandusky Bay Investment Company, Ltd., O.R. 292, Pg. 53, Parcel 1, South 46 ° 45' 57" East, 179.10 feet to a 3/4" iron pipe found;

Thence continuing with said lands, North 10 ° 17' 19" East, 35.73 feet to a 1/2" iron rod set;

Thence continuing upon the northerly line of said old pier tack Right of Way and with lands of Sandusky bay Investment Company, Ltd., South 46 ° 45' 57" East, 243.91 feet to a 1/2" iron rod set;

Thence through the aforementioned lands of Sandusky Bay Realty, Inc., D.V. 525, Pg. 388, South 43 ° 14' 03" West, 70.00 feet to the point of beginning, containing 0.5609 acres, more or less, subject to any easements, rights-of-way or restrictions of record.

This description was prepared by James A. Faetanini, P.S. Ohio R.L.S. 7379, from an actual survey of the premises. Bearings herein are based upon an existing record bearing of North 46 ° 45' 57" West for the old Right of Way line of the railroad.

For Assign, See Lease Vol. 43-Pg. 420-  
Do Raffle of Assign, see Lease Vol. 43 Pg. 638

Approval of  
Assign, see  
Lease Vol. 43  
Pg. 690

Do Assign to:  
Deoxy Cross, see  
OR Book 7 Pg. 817

Do Raffle of  
Assign, changing  
assignee to:  
Sand Bay Fisheries  
see OR Book 4  
Pg. 232.

Do Assignment  
to Sandusky Bay  
Investment Co., see  
OR Book 292 Pg. 59.

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LAND LEASE

WHEREAS, on April 2, 1965 pursuant to Section 123.031, Revised Code, a Finding and Recommendation to James A. Rhodes, Governor of the State of Ohio, was made by Alfred C. Gienow, Director of Public Works, pursuant to the application of the Farrell-Cheek Steel Company of Sandusky, Ohio received February 11, 1965 for the perpetual lease of Lake Erie submerged land, and

WHEREAS, under date of April 16, 1965, James A. Rhodes, the Governor of the State of Ohio, requested the Auditor of State by letter to proceed with a preparation of the draft of the lease carrying out the recommendations of the Director of Public Works;

NOW, THEREFOR, pursuant to the provisions of Section 123.031 of the Revised Code of Ohio, this lease is prepared for execution and delivery in accordance with Section 5301.13 of the Revised Code of Ohio and I, James A. Rhodes, Governor of the State of Ohio as lessor, for the consideration of \$10.00 having been paid to the City of Sandusky, the receipt of which is hereby acknowledged, does hereby grant and lease to The Farrell-Cheek Steel Company, as lessee, Sandusky, Ohio, in perpetuity for a permanent industrial improvement on the following described submerged lands:

Being in the City of Sandusky in Erie County, Ohio, northerly of First Street, between McEwen Street on the west and the northerly extension of Arthur Street on the east and commencing at the intersection of the northerly line of the New York Central Railroad Company right-of-way with the easterly line of Outlot No. 35; thence in a generally northwesterly direction, in the northerly line of said railroad right-of-way to the intersection thereof with the westerly line of the easement from First Street granted to the Cellulo Company by deed dated June 3, 1924 and recorded in Volume 122, page 534, said point of intersection being the point of beginning; thence in a generally northerly direction, in the westerly line of said easement and in the westerly line of the real estate conveyed in fee simple to the Cellulo Company in the last mentioned deed, to the present low water mark of Sandusky Bay; and thence continuing in the same course to within one foot of the dock line of the City of Sandusky, which dock line is approximately 1400 feet from the northerly line of First Street; thence in a generally westerly direction, parallel to the northerly line of First Street a distance of approximately 645 feet to the intersection of the northerly extension of the westerly line of Outlot No. 35; thence in a generally southerly direction in the westerly line of Outlot No. 35 a distance of approximately 800 feet to the northerly line of the aforesaid railroad right-of-way; thence in a generally

southeasterly direction, in the northerly line of such railroad right-of-way to the place of beginning, EXCEPTING therefrom that part thereof that lies southerly of the original shore line of Sandusky Bay, containing, exclusive of such exception, approximately 10.98 acres.

025 MAR 105

THIS LEASE IS GRANTED UNDER THE FOLLOWING TERMS AND CONDITIONS

- 1 - That the said lease shall be subject to assignment or transfer upon the approval of the Director of Public Works in each case.
- 2 - That the consideration for said lease shall be Ten Dollars (\$10.00) per year, payable to the City of Sandusky, Ohio, at such time and in such manner as may be prescribed by the City of Sandusky.
- 3 - This lease reserves to the State all mineral rights as required by Section 155.01 Revised Code, except that the removal of any such minerals shall be conducted in such a manner as not to damage any improvements placed by the littoral owner or lessee on such leased land.
- 4 - That the lessee and its assignees and transferees will comply with all state and local laws and ordinances in its use of the leased premises.
- 5 - Any violation of the terms and conditions of this lease by the lessee shall constitute grounds for the cancellation thereof at the option of the lessor.

IN TESTIMONY, I, JAMES A. RHODES, GOVERNOR, for and in the name of the State of Ohio, have signed this lease at Columbus, Ohio, and have caused the same to be countersigned by the Secretary of State, and the Great Seal

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of the State of Ohio to be hereunto affixed this 26th day of April,  
in the year of Our Lord, One Thousand Nine Hundred and Sixty-five.



THE STATE OF OHIO

BY James A. Rhodes  
JAMES A. RHODES  
GOVERNOR Authorized Facsimile  
(Ohio Rev. Code Sec. 107.15)

025 MAR 106

APPROVED:

DATE

W. B. Saxbe  
WILLIAM B. SAXBE  
ATTORNEY GENERAL

COUNTERSIGNED

BY T. W. Brown  
TED W. BROWN  
SECRETARY OF STATE

This instrument drafted  
by CHESTER W. GOBLE  
AUDITOR OF STATE

Recorded in the Office of the  
Auditor of State, Various State  
Lands Volume 4, Part 3, Page 88.

202852

FILED

1965 MAY 7 PM 3 57

CARLA SPER  
REGISTRAR  
ERIE COUNTY OHIO

Recorded May 10th, 1965 in the Erie County  
Lease Records, Vol. 25 Pg. 104 to 105 Incl.  
Carl A. Spahr, Recorder

May 8, 1965  
Auditor - Fee 35¢

W. B. Saxbe  
202852  
B. J. C. 202852

**EXHIBIT "A"**  
Legal Description

**For APN/Parcel ID(s): 57-01762.000**

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Situated in the City of Sandusky, County of Erie and State of Ohio: Being a parcel of land taken from the west part of Outlot No. 35, east of Sycamore Line and described as follows: Being 82-1/2 feet in width on First Street, next west of 12' alley located about the center of said lot, and running thence northerly at right angles to said First Street and with the same width for a distance of 132', said parcel may also be described as being Lots 62 and 63 on First Street, Sandusky, Ohio.

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ALTA Owner's Policy (08/17/2008)

Page 5

Printed: 08.08.17 @ 08:59 AM  
OH-FT-FILL-01040.455081-SPS-306-1-17-600171078





**Transferred**  
In Compliance with sections  
319-202 and 322-02 of the  
Ohio Revised Code.

FEE \$ 67.00

Exempt: \_\_\_\_\_

R.E. TRANSFER:  
\$ 201.00

Richard H. Jeffrey  
Erie County Auditor

Trans. Fees: \$ 55.00

Date: 7/18/17 By: [Signature]

Per O.R. 19.203

Erie County Auditor

Barbara A. Sessler  
County Recorder, Erie County OH  
201706391 Total Pages: 2  
07/18/2017 11:47:20 AM Fees: \$28.00

## GENERAL WARRANTY DEED

TROY D. KEEGAN, MARRIED, for valuable consideration paid, grants to  
CROSS VIEW BAY, LTD., whose tax mailing address is 1221 First Street, Sandusky, Ohio  
44870, the following real property:

**SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF**

Permanent Parcel No.: 57-01762.000

Prior Deed Reference: RN200406980  
Erie County, Ohio Official Records

These premises are transferred with general warranty covenants, excepting  
taxes and assessments, both general and special, from the date of the recordation of this  
deed and thereafter, which Grantee assumes and agrees to pay, easements, restrictions  
and reservations of record and zoning ordinances, if any.

Patricia Keegan, Wife of Grantor, releases all rights of dower herein.

EXECUTED this 17th day of July, 2017.

[Signature]  
Troy D. Keegan

[Signature]  
Patricia Keegan

STATE OF OHIO, COUNTY OF ERIE: ss

**BEFORE ME**, a Notary Public in and for said County and State, personally  
appeared the above-named **TROY D. KEEGAN AND PATRICIA KEEGAN, HUSBAND AND  
WIFE**, who represented to me to be said persons and who signed the foregoing Instrument  
and acknowledged the same as their voluntary act and deed.

**IN TESTIMONY WHEREOF**, I have hereunto set my hand and official seal at  
Sandusky, Ohio, this 17th day of July, 2017.



Staci L. Mariscal  
Notary Public  
State of Ohio  
My Commission expires  
May 4, 2020

[Signature]  
Notary Public

Prepared by the Law Firm of **TONE, GRUBBE, MCGORY & VERMEEREN, LTD.**, 1401 Cleveland  
Road, Sandusky, Ohio 44870; Telephone: 419-826-0055.

## EXHIBIT "A"

Order No.: 600171078

For APN/Parcel ID(s): 57-01762.000

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Situated in the City of Sandusky, County of Erie and State of Ohio: Being a parcel of land taken from the west part of Outlot No. 35, east of Sycamore Line and described as follows: Being 82-1/2 feet in width on First Street, next west of 12' alley located about the center of said lot, and running thence northerly at right angles to said First Street and with the same width for a distance of 132', said parcel may also be described as being Lots 62 and 63 on First Street, Sandusky, Ohio.

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## Exhibit B

The proposed development is a luxury recreational vehicle vacation park. The park is planned as an amenity to nearby marina facilities managed by Hoty Marine Group, although the park will also be marketed to outside users if sites are available. The park is designed for clients to bring their own recreational vehicles, but there will also be park provided recreational vehicles or other manufactured movable structures that are available for transient rental. There will be no tent camping permitted. Additional amenities will include a park-like common area with view of the water, community center and outdoor pool for use by guests only. The hours of the park will be 24 hours per day, and we anticipate most of the operations being seasonal (April through October), but will likely keep the park open year round as boaters do work on their boats indoors during the winter season. Marina staff will operate the park during the daytime hours and we anticipate having an onsite resident manager for evening hours. The applicant will continue to use the existing building for winter storage of boats and this use will be buffered from the park by landscaping possibly fencing.

CITY OF SANDUSKY, OHIO  
DEPARTMENT OF COMMUNITY DEVELOPMENT  
PLANNING DIVISION

# PLANNING COMMISSION MEMORANDUM

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## NOTES ON REGULATION OF SMALL BOX RETAIL STORES

Date: October 23, 2021

Author: Arin Blair, Chief Planner

## Arin Blair

---

**From:** Dennis Murray  
**Sent:** Monday, November 22, 2021 7:02 AM  
**To:** Arin Blair; Alec Ochs  
**Cc:** Eric Wobser; Jonathan Holody; John Orzech; mzuil@accelogy.com (mzuil@accelogy.com)  
**Subject:** Fw: "Dollar" Stores

I would like to take this up at the next PC mtg. with the announcement that the closing of 900 CVS stores, the belief is that Dollar General stores will fill the retail void. residents want grocery stores, but the Dollar General-type business model makes that impossible.

---

**From:** Dennis Murray  
**Sent:** Sunday, November 17, 2019 8:31 AM  
**To:** Angela Byington <abyington@ci.sandusky.oh.us>; Greg Voltz <gvoltz@ci.sandusky.oh.us>; Thomas Horsman <thorsman@ci.sandusky.oh.us>; mzuil@accelogy.com (mzuil@accelogy.com) <mzuil@accelogy.com>; Joseph Galea (joe.galea@gmail.com) <joe.galea@gmail.com>  
**Cc:** Trevor Hayberger <thayberger@ci.sandusky.oh.us>; Eric Wobser <EWobser@ci.sandusky.oh.us>; Dave Waddington <dwaddington@ci.sandusky.oh.us>  
**Subject:** "Dollar" Stores

Attached is an article about zoning legislation that address the scourge of junk food stores that have contributed to the food desert that we have today. The convenience stores are no better. We hope to bring a grocery store back to town. Great! But we also need to takes steps to make sure that it remains a stable, viable source of god food for people. Otherwise, it may fail as Sandusky's prosperity causes others to come in and nibble at the edges. I think CVS on Warren St. may sell more groceries than drugs.

If the Planning Commission would like to run with this, great. If not, I will work with Trevor to propose something to the city comm.

<https://www.nytimes.com/2019/11/15/opinion/sunday/tulsa-dollar-stores.html?action=click&module=Opinion&pgtype=Homepage>



### Opinion | How a City Fought Runaway Capitalism and Won - The New York Times

North Tulsa is a fitting place for a dollar store backlash to begin. The area's Greenwood district was once a thriving neighborhood filled with small businesses owned by African-Americans, known ...

[www.nytimes.com](https://www.nytimes.com)

11/23/2021

Notes prepared for Sandusky Planning Commission

Re: "Dollar" Stores message 11/22/2021

# Research at University of Minnesota

- NYT article notes
  - o Customers 3x as likely to buy fruits and vegetables in stores that carried at least 90 pounds of those foods as opposed to stores that carried 30 pounds or less.

## Tulsa, OK

- NYT article notes
  - o "small box" discount retailers to be built at least a mile apart unless they carry at least 500 square feet of fresh fruits, vegetables, and meats

### Zoning Code language:

#### Section 20.060 HNO, Healthy Neighborhoods Overlay

##### 1. Purpose and Intent

The regulations of this section are established for properties located within the boundaries of the healthy neighborhoods overlay (HNO) district. The purpose of the healthy neighborhoods overlay (HNO) is to modify and supplement regulations in a specified area where there is a desire for greater diversity in retail options and convenient access to fresh meats, fruits and vegetables. These regulations are intended to:

- a) Avoid and reduce over-concentration of small box discount stores in the area.
- b) Encourage and streamline grassroots access to fresh meats, fruits and vegetables
- c) Encourage a greater diversity of retail activity and purchasing options within the area.
- d) Allow for a more community-based approach to distributing and purchasing fresh meats, fruits and vegetables in a specified area.
- e) Promote investment and development in a community where change is desired.

##### 20.060-A Applicability

Except as otherwise expressly stated, the regulations of this section apply within the boundaries of the HNO district to all new uses and structures and all building alterations and site modifications that require a building permit.

##### 20.060-B Exemptions

- a) Uses that contain a prescription pharmacy or offer for sale gasoline or diesel fuel are exempt from the dispersal standards established in Section 20.060-C.
- b) Uses that dedicate a minimum floor area of 500 square feet to the sale of fresh meat, fruits or vegetables are exempt from the dispersal standards established in Section 20.060-C.
- c) Grocery Stores are exempt from the dispersal standards established in Section 20.060-C.

11/23/2021

Notes prepared for Sandusky Planning Commission

Re: "Dollar" Stores message 11/22/2021

#### 20.060-C Dispersal Standards for Small Box Discount Stores

To avoid over-concentration, a small box discount store, as defined in Section 35.050-L4, within the overlay area must be separated from another small box discount store within or outside the overlay area by a minimum distance of 5,280 feet. The required separation distance must be measured in a straight line from the nearest point on the lot line of the property occupied by a small box discount store to the nearest point on a lot line of the other property occupied by a small box discount store. The separation distance requirements of this section may be reduced if approved through the special exception approval process.

#### 20.60-D Community Gardens

Community gardens within the boundaries of the HNO district are governed by the regulations of Section 40.090, unless expressly stated by this section. On-site sale of community garden products is permitted by right in all zoning districts within the boundaries of the HNO district.

#### 20.060-E Grocery Store

The minimum parking ratios established in Section 55.020, Table 55-1 for a Grocery Store use are reduced by 50% in the HNO district.

#### 20.060-F Nonconformities

Nonconformities that exist within the HNO district are governed by the regulations of Chapter 80.

### Section 30.050 Commercial Use Category

#### 35.050-L4 Small Box Discount Store

Retail sales uses with floor area less than 12,000 square feet that offer for sale a combination and variety of convenience shopping goods and consumer shopping goods; and continuously offer a majority of the items in their inventory for sale at a price less than \$10.00 per item. Does not include medical marijuana dispensaries.

## Mesquite, TX

- NYT article notes
  - o New dollar stores be built at least 5,000 feet apart and dedicate 10 percent of floor space to fruits and vegetables
- Did not find exact ordinance language on [their site](#)

11/23/2021

Notes prepared for Sandusky Planning Commission

Re: "Dollar" Stores message 11/22/2021

# Birmingham, AL

- Adopted healthy food overlay district similar to Tulsa

## Article V. Healthy Food Overlay District Regulations

### Section 1. Administration.

#### A. Intent and Purpose.

The intent of this Article is to establish a Healthy Food Overlay District for the City of Birmingham. The United States Department of Agriculture (USDA) has identified low-income census tracts where a significant number (at least 500 people) or share (at least 33 percent) of the population is greater than ½ mile from the nearest supermarket, supercenter, or large grocery store for an urban area or greater than 10 miles for a rural area. These areas are known as food deserts.

The purpose of this Overlay District is to modify existing regulations to allow for more diverse retail options and convenient access to fresh meats, fruits and vegetables. These regulations are intended to:

1. Limit over-concentration of small box discount stores within the Overlay District.
2. Encourage a greater diversity of retail options within the Overlay District.
3. Promote a community-based approach for access to fresh meats, fruits and vegetables.

#### B. Applicability.

Except as otherwise stated, the regulations of this section apply to all new uses and structures within the boundaries of the Healthy Food Overlay District. And a ½ mile buffer on either side of the Healthy Food Overlay District boundaries. The Healthy Food Overlay District boundaries are mapped using the low income/low access census tract data identified as food deserts by the USDA. The map titled "Healthy Food Overlay District Including 0.5 Mile Buffer" shows those properties in the City of Birmingham that are included in the Healthy Food Overlay District.

### Section 2. Definitions.

The following terms shall have the meaning provided herein. Terms not defined herein shall have the meaning provided in the City of Birmingham Zoning Ordinance and/or City Subdivision Regulations.

**Grocery Store:** Retail store that provides assorted goods for sale, including but not limited to, food, beverages and personal health items. A minimum of 25% of sales floor area or more than 3,000 square feet of sales floor area dedicated to the sale of fresh or pre-packaged meats, fruits, vegetables, and dairy, whichever is greater. Accessory uses may include restaurants, dining areas, and pharmacies.

**Small Box Discount Store:** Retail store that provides assorted, inexpensive items that are continuously offered at a discounted price that is usually under \$10 per item. Products sold typically include processed food and drink items, personal hygiene products, office supplies and decorations. Gross floor area is typically less than 12,000 square feet. Does not include convenience retail stores.

11/23/2021

Notes prepared for Sandusky Planning Commission

Re: "Dollar" Stores message 11/22/2021

Convenience Retail Store: Retail store that provides assorted or specialty goods for sale, including food and beverages for off-premise consumption and personal health items. Typical uses include bakeries, convenience stores, drug stores, specialty food stores, gift shops, newsstands or florists. Small box discount stores are not included.

### Section 3. Regulations

#### A. Small Box Discount Stores

1. To avoid over-concentration, a new small box discount store within the Healthy Food Overlay District shall not be closer than 1 mile (5,280 feet) from another existing small box discount store located in the Healthy Food Overlay District. The required separation distance must be measured in a straight line from the nearest point on the lot line of the property to the nearest point on the lot line of the other property.

B. Grocery Stores. Any new grocery store constructed within the Healthy Food Overlay is subject to the following:

1. In C-1 and MU-L zoning districts, a new grocery store may have up to 20,000 square feet of gross floor area.
2. A parking reduction of up to 50% is available for any new grocery store.

C. Community Gardens. On-site sale of produce is allowed in the following districts: D-1, D-2, D-3, D-4, D-5, D-6, MU-L, MU-M, MU-H, MU-D, C-1, C-2, I-1, I-2, I-3, and MXD when a community garden is located in the Healthy Food Overlay District (see Title 1, Chapter 4, Article II, Section 8.A).

## Cleveland

- Council adopted a citywide moratorium on new construction of dollar stores in the city June 2020
- [News 5 Cleveland article](#)
  - o [More detailed News 5 article](#)

11/23/2021

Notes prepared for Sandusky Planning Commission

Re: "Dollar" Stores message 11/22/2021

# New Orleans

## ARTICLE 20 **USE STANDARDS**

### **20.3.NNN SMALL BOX VARIETY STORE**

1. A small box variety store is prohibited within two (2) miles or 10,560 feet, of any other small box variety store, except within the boundaries provided in subpart a. herein, where a small box variety store is prohibited within one (1) mile, or 5,280 feet, of any other small box variety store. The required separation distance must be measured in a straight line from the nearest point on the lot line of the other property occupied by a small box variety store. The distance requirement herein may be subject to variance as provided in the Comprehensive Zoning Ordinance.

a. The area generally bounded, on the east bank of the Mississippi River, by the Orleans/Jefferson Parish line, Metairie Road, Interstate 10, Norfolk-Southern Railroad track, Orleans Avenue, City Park Avenue, Wisner Boulevard, Interstate 610, Florida Boulevard, the Orleans/St. Bernard Parish line, and the Mississippi River; on the west bank of the Mississippi River, by Atlantic Avenue, Bodenger Boulevard, the Orleans/Jefferson Parish line, and the Mississippi River.

2. One litter can shall be placed for every thirty (30) linear feet of street frontage. At least one (1) litter can shall be placed directly outside the primary entrance. Where more than one (1) litter can is required, the operator shall place additional cans outside the structure in locations generally used by customers, according to their discretion.

3. The operator of the small box variety store shall provide daily litter cleanup of the site and along the public rights-of-way abutting the property.

4. Outside storage is prohibited except for propane tanks and ice. All business, servicing, processing, and storage operations shall be located within the structure.





## DEPARTMENT of COMMUNITY DEVELOPMENT

*Division of Planning*  
240 Columbus Ave  
Sandusky, Ohio 44870  
419.627.5973  
[www.cityofsandusky.com](http://www.cityofsandusky.com)

**To:** Planning Commission

**From:** Arin Blair, Chief Planner

**Date:** December 7, 2021

**Subject:** Transient Rental Regulation, Research & Resources

### **Items for Consideration:**

- Process for adding Transient Rental Overlay Districts (TRO) to the city
- Ammending Local Business district regulations to allow Transient Rental
- Other regulatory changes as deemed appropriate by the Planning Commission

### **Context:**

1. Two potential new TRO districts have been discussed by the community—McDonough Street near Adams Street on the west side of the downtown neighborhoods, and West Monroe Street near Winnebago Avenue and the Lions Park entrance.
  - Immediate neighboring residents and property owners support the prospect of allowing transient rental in both areas. They cite encouragement for investment in the housing there, support for the interested property owners, and appropriateness for the location for transient occupancy.
  - Some residents on adjacent blocks to the Lions Park area are opposed to allowing transient rental in the area. They cite desire to know their neighbors, concern for children's safety in the neighborhood, and fear of lack of regulation.
  - The Community Development Department supports slow and measured expansion/addition of TRO districts, especially in areas with strong, local interest.
2. Several community members including residents and property owners have inquired about allowing transient rental in the Local Business zoning district.
  - Local Business is the only business district in the city that currently does not permit Transient Occupancy.
  - Several dozen vacant and underutilized historic buildings along Columbus Avenue and Hancock Street are zoned Local Business.
  - The Community Development department strongly supports a zoning text amendment to allow Transient Occupancy in the Local Business zoning district. Staff opinion is transient rental is an

appropriate land use for the district and would direct new investment to structures significant to the character of our city.

### **Research Findings**

- Every city regulates transient occupancy differently. There are no clear best practices or single proven solution.
- Cities with the most regulation / largest press coverage of their regulations are those with high population growth, high tourism, and significant workforce housing need, i.e. San Francisco, Denver, New Orleans, Barcelona.
- Sandusky has already implemented most of the commonly suggested transient occupancy regulations: e.g. create a permit process, make sure you're capturing bed tax, make sure there's an enforcement mechanism for non-compliance.

### **Q&A from the October 27 Planning Commission Meeting**

- How many properties are available in areas that currently allow transient rental?
  - o Six zoning districts allow transient rental: Commercial Recreation (CR), Commercial Service (CS), Downtown Business (DBD), General Business (GB), Roadside Business (RB) and Residential Business (RRB). They are also permitted within the boundaries of the Transient Rental Overlay district (TRO). See attached maps
  - o Residential properties in the areas that allow transient rental sell quickly. For example, the cove district has very few listings for purchase and homes often go into contract within a few days of listing. When homes go up for sale in that neighborhood, the listings often mention the ability to operate the property as a transient rental.
- What is a declining neighborhood?
  - o The current code suggests allowing transient occupancy is an appropriate regulatory mechanism to target "declining neighborhoods" for new investment. There is no specific definition of a declining neighborhood. See attached property value maps as one metric.
- How close is "proximity to commercial and retail" measured?
  - o Typical walkability measurements rely on the ¼ mile (5 minute) and ½ mile (10 minute) and ¾ mile (15 minute) approximate walkshed measurements. See attached walkability map
  - o All locations within the city of Sandusky are within a 15-minute drive of our major retail and commercial areas including Cedar Point, downtown, Cleveland Road, Perkins Ave, and businesses along Route 250. Catawba Island and Marblehead are 20-25 minutes' drive from the center of Sandusky and 15-20 minutes' drive from the west side of the city near Lions Park.

### **Points for Regulatory Consideration:**

1. Unmet Demand
  - There is clear market demand to create more transient rental units in Sandusky. This is a local business opportunity as well as an attractor for outside investment.

## 2. Income, Sales, and Lodging Tax Implications

- Transient renters increase sales and lodging tax in the city. They are located in different areas than the city and township hotel accommodations and may bring more dollars into retail, food and beverage establishments downtown. Local transient rental operators pay income and sales tax on their units that contributes to the local economy.

## 3. Affordable Housing

- If owners shift properties from long-term rental to short-term rental these units will subtract from the availability of long-term rental inventory in the city. If single-family homes are operated as transient rentals this will subtract from the inventory of homes available to full time residents in the city.

## 4. Population

- Sandusky's population has not been growing. If the city dips below 25,000 residents our eligibility for certain types of federal funding programs will shift. Transient rentals in the city could subtract from the availability of housing for full-time residents in the city. On the other hand, transient rentals in the city could add to the momentum of the revitalization that has been attracting new residents to the city within the past few years, and therefore increase the market for new housing construction within city limits. Adding transient rental, in that case, could have a net gain effect on city population.

## 5. Local Entrepreneurs / Income Generation

- Transient rental is an opportunity for building local wealth and job creation – including property ownership, real estate transactions, property management, maintenance, and redevelopment contractors.

## 6. Real Estate Investors

- Transient rental can attract wealth from other communities into the city. However, out of town owners are a concern mentioned by residents.

### **Menu of Regulation Options**

- **Overlay district** – regulation framework in place
  - Maintain or expand current overlay districts
  - Add new overlay districts to target investment areas, such as those walkable to downtown and local business districts
- **Local Business district** – direct investment to historic commercial corridors
  - Allow Transient Rental in the Local Business zoning district
- **Maximum unit counts** – strategy for regulating total number of units in broader geographic location
  - Regulate a maximum number of transient rental permits in a designated area
    - E.g. Austin, Texas, limits short-term rentals (STRs) to no more than three percent of non-primary residences in any census tract. Huron, OH allows transient rental in the entire

city with a maximum total number of 165 permits. About 120 properties are registered as of September 2021.

- **Percent of structures** – strategy to retain rental units in multifamily structures
  - Regulate a percent of any given structure to allow transient rental
    - E.g. Traverse City, Michigan regulates the percentage of units in a building that can be used for transient rental. In ranges in permitted zoning districts from 25% - 100%
- **Minimal required spacing** between units (such as # of feet) – strategy to limit concentration of units to preserve neighborhood cohesion
  - Regulate required spacing of registered properties to ensure entire blocks don't become transient rental districts
- **Primary Residence, Owner-occupied rental** – also referred to as “hosted rental” – strategy to increase resident-owned transient rentals and ensure operators are proximate to units
  - Permit owner-occupied transient rental units in all residential district(s), specific designated areas, or specific structure types. Eg an owner who lives in one unit in a multifamily building and operates transient rental in the other unit(s).
- **Primary Residence, Maximum number of nights** – strategy to allow homeowners to rent out their homes for a specified amount of time per year
  - Permit homeowners to rent their homes to transient occupants for a certain amount of time per year, commonly up to 30 days in one year or less than 90 days in one year. Sources caution the difficulty of enforcing this type of regulation.
- **ADU's** – (accessory dwelling units) – strategy to allow transient rental as an accessory use
  - Permit transient rentals in accessory dwellings units on residential properties such as converted garages/carriage houses or new accessory structures.

**Correlation to the Comprehensive Plan:** The Bicentennial Comprehensive Plan outlines several priorities pertinent to the discussion of regulating transient occupancy. These include:

- 1) Repurpose Vacant Buildings: Target redevelopment efforts toward repurposing vacant buildings, including the upper floors of buildings that are only occupied on the first floor, to create mixed-use office, residential, retail and hospitality opportunities within the city, particularly downtown.
- 2) Support the development and rehabilitation of a variety of housing types that meet the needs of current and future residents including: rehabilitated homes, townhomes, new in-fill single family housing, upper floor condos and lofts, affordable housing, senior housing, permanent supportive housing, assisted living, and short-term transient rental.

**Correlation to the Downtown Plan:** The vision of the Downtown Sandusky Master Plan is to leverage Sandusky's small-town appeal to residents and visitors, promote the waterfront appeal of downtown, and become the gateway to the region's destinations of Sandusky Bay, Cedar Point, Kelleys Island, Put-in-Bay, and Pelee Island. The plan's guiding principals outlines several priorities pertinent to the discussion of regulating transient occupancy. These include:

- 1) Establish downtown as a year-round destination with things to do every season
- 2) Increase the number of visitors to downtown and increase how long they stay
- 3) Foster the success of downtown retail with public realm investments and a vision for infill development

### **Resources:**

See attached PDFs and map package. Excerpt from Planning.org article “Harnessing the Economic Power of Short-Term Rentals for Growth in 2021”:

#### WHAT'S AT STAKE FOR COMMUNITIES

Because STRs help meet a need for diverse income streams both now and in the future, communities have a tremendous amount of tax, permit, and license revenue at stake through proper compliance programs. As more people rent and the STR market continues to grow in communities, it is crucial to have a framework in place to capture that revenue.

In doing so, communities can have positive impacts that extend beyond tourism. STR revenue can enable financially-strained homeowners to generate income in a safe and productive way that can, in the long run, prevent affordable housing impacts. Communities such as Nashville and Denver have already seen millions of dollars from STR programs provide realistic offsets to budget shortfalls.

With a successful compliance program in place, STR revenue can be allocated for affordable housing, community improvement, pandemic aid, tourism initiatives, or other related programs, creating significant, long-term change.

### **Options:**

Given the research and community conversations on this topic, staff have identified the following options for the Commission to consider. One or more options may be deemed appropriate.

- 1) Adopt a zoning text amendment to allow Transient Occupancy in the Local Business zoning district. Staff recommends this course of action.
- 2) Move forward with one or more new Transient Rental Overlay districts in the city. Direct staff to draw draft boundaries and set a public hearing at a future meeting to discuss. This is a minimal intervention to allow more transient rental activity in the city while monitoring the progress. However, this approach continues to concentrate transient rentals into specific areas. Staff has no objection to this course of action.
- 3) Create legislation to allow transient occupancy in a larger area, such as the opportunity zone or other defined area, to allow transient rental as part of a strategy for citywide revitalization and destination economy. Include additional regulatory mechanisms to control the number or type of transient rentals, such as maximum unit counts, primary residence, minimal required spacing, etc. This approach would allow transient rentals to organically spread across a larger area and may mitigate the potential for concentrated / transformative effect on individual blocks and neighborhoods. Staff recommends further consideration of this course of action.
- 4) Maintain the status quo. Continue to operate with current regulations and ordinances in place. Due to high demand from residents and property owners for increasing transient rental options in the city, and its potential for continuing the momentum of citywide revitalization, staff recommends choosing some course of action rather than maintaining the status quo at this time.

12/7/2021

Proposed Changes to Sandusky Planning & Zoning code

Section 1133.04 Local Business District

Proposed new text

#### 1133.04 PERMITTED BUILDINGS AND USES; LOCAL BUSINESS DISTRICT.

##### (a) Main Buildings and Uses.

(1) Dwellings, of the type permitted and as regulated in the least restrictive contiguous district;

(2) Retail stores and services conducted wholly within enclosed buildings, and devoted to supplying neighborhood needs to the following limited extent:

A The sale of baked goods, confectionery, groceries, meats, fruits, vegetables, and dairy products.

B. The sale, serving, and consumption of soft drinks, juices, ice cream, beer, and wine, at such places as lunchrooms and tea rooms;

C. The sale of drugs, gifts, antique and art goods, flowers, periodicals, musical instruments and supplies (provided no loudspeaker broadcasts onto the street), tobacco, and sporting and athletic goods;

D. The sale of tools, paint, seed, garden supplies, and household appliances;

E. Personal services, such as beauty and barber shops, laundry agencies, laundromats, shoe and hat repair, radio and television repair, interior decorating, tailor, pressing and dry cleaning shops in which only nonexplosive and nonflammable solvents are used, provided that not more than one pressing or cleaning machine shall be used, or not more than 2 persons are engaged in such work, and no work shall be done on the premises for retail outlets elsewhere;

F. Automotive service stations; the sale of gasoline and oil, and the parking of automobiles are permitted in open areas. Services are limited to lubrication and minor repairing services, and only where performed wholly within an enclosed building;

G. Principal offices for dentists, doctors, and similar professions, financial institutions, and principal offices of real estate and similar businesses.

(3) Brewpub.

(4) Transient Occupancy.

(b) Similar Main Uses. Any other retail neighborhood store, shop, service, or office not listed above, or in any subsequent use classification, and determined as similar by the Commission according to standards set forth in Section 1109.11. Main uses set forth in the General Business District may be permitted in a Local Business District if a conditional use permit is granted.

##### (c) Accessory Buildings or Uses.

(1) Accessory off-street parking and loading facilities as required and as set forth in Chapter 1149;

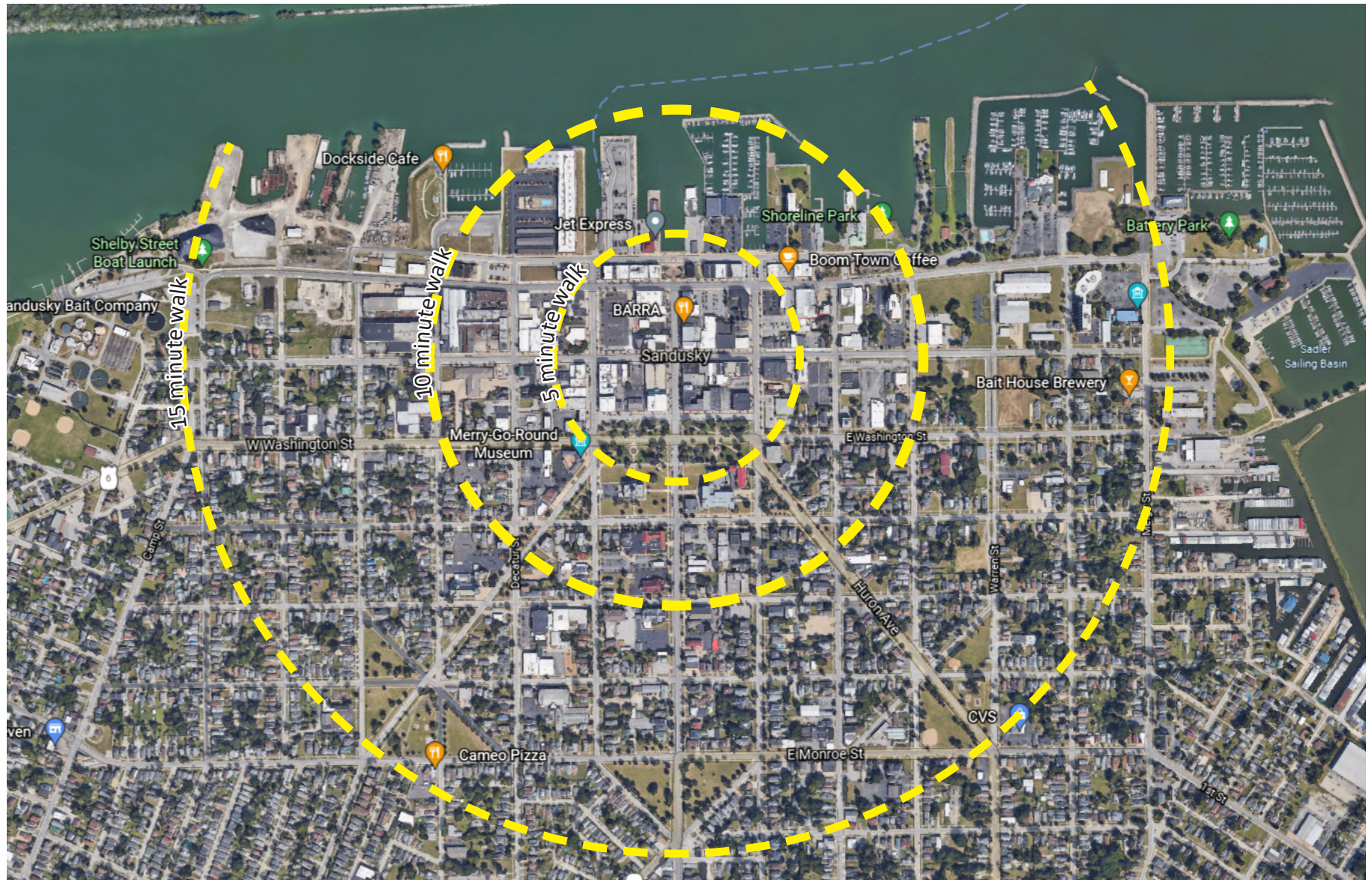
(2) Any accessory use such as the storage of goods and processing operations clearly incident to the conduct of a retail business or personal service establishment permitted as main uses, provided such a use has no injurious effect on adjoining residential districts.

(Ord. 15-201. Passed 12-28-15.)



# Downtown Sandusky Walkability

MAP SERIES — PLANNING COMMISSION COMMUNICATION  
RE: TRANSIENT RENTAL REGULATION  
DECEMBER 2021



— Approximate 0.25, 0.5, and 0.75 mile walksheds  
Aerial source: Google Earth  
12/1/2021



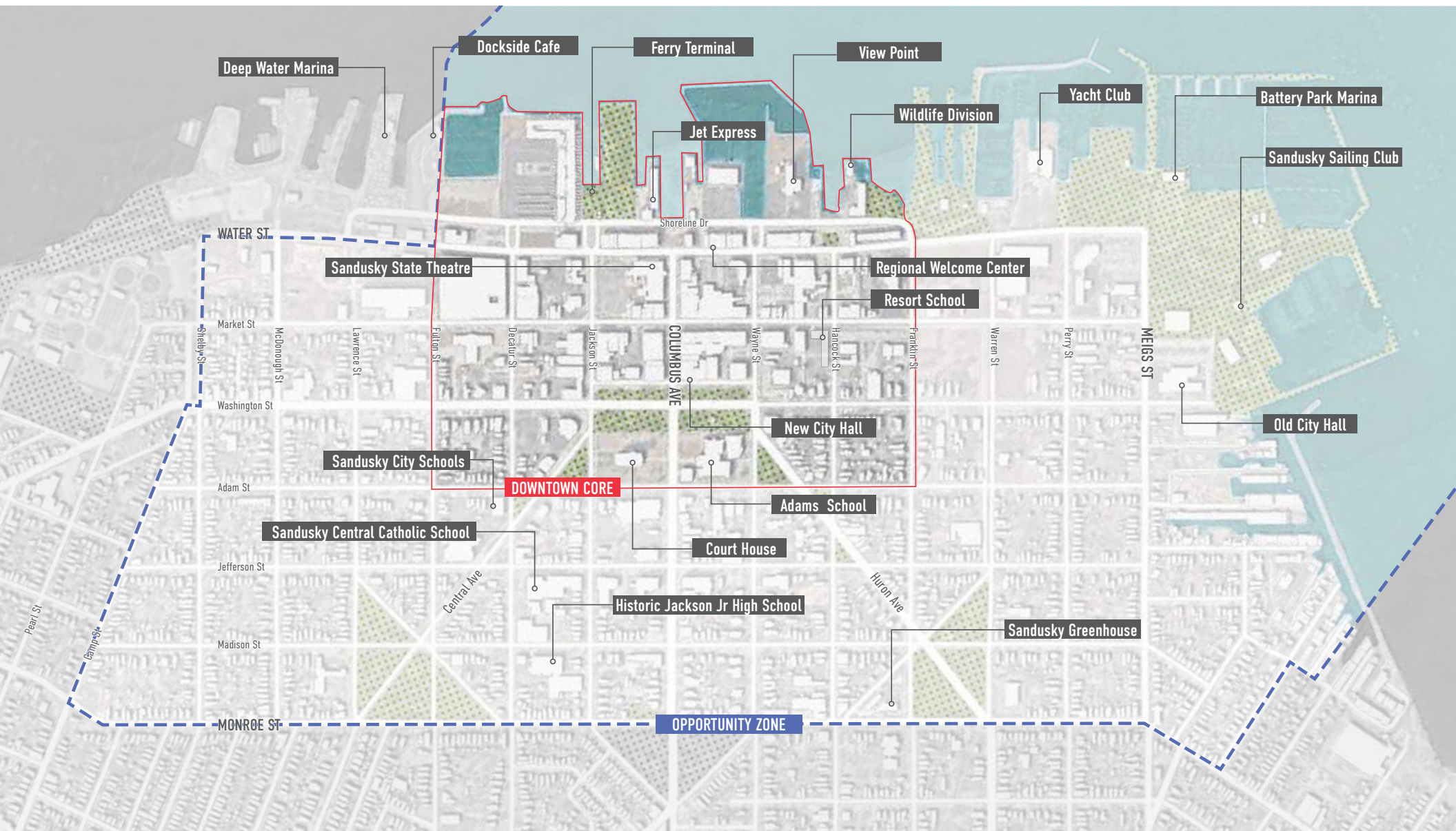
## Lions Park Walkability



— Approximate 0.25, 0.5, and 0.75 mile walksheds  
Aerial source: Google Earth  
12/1/2021

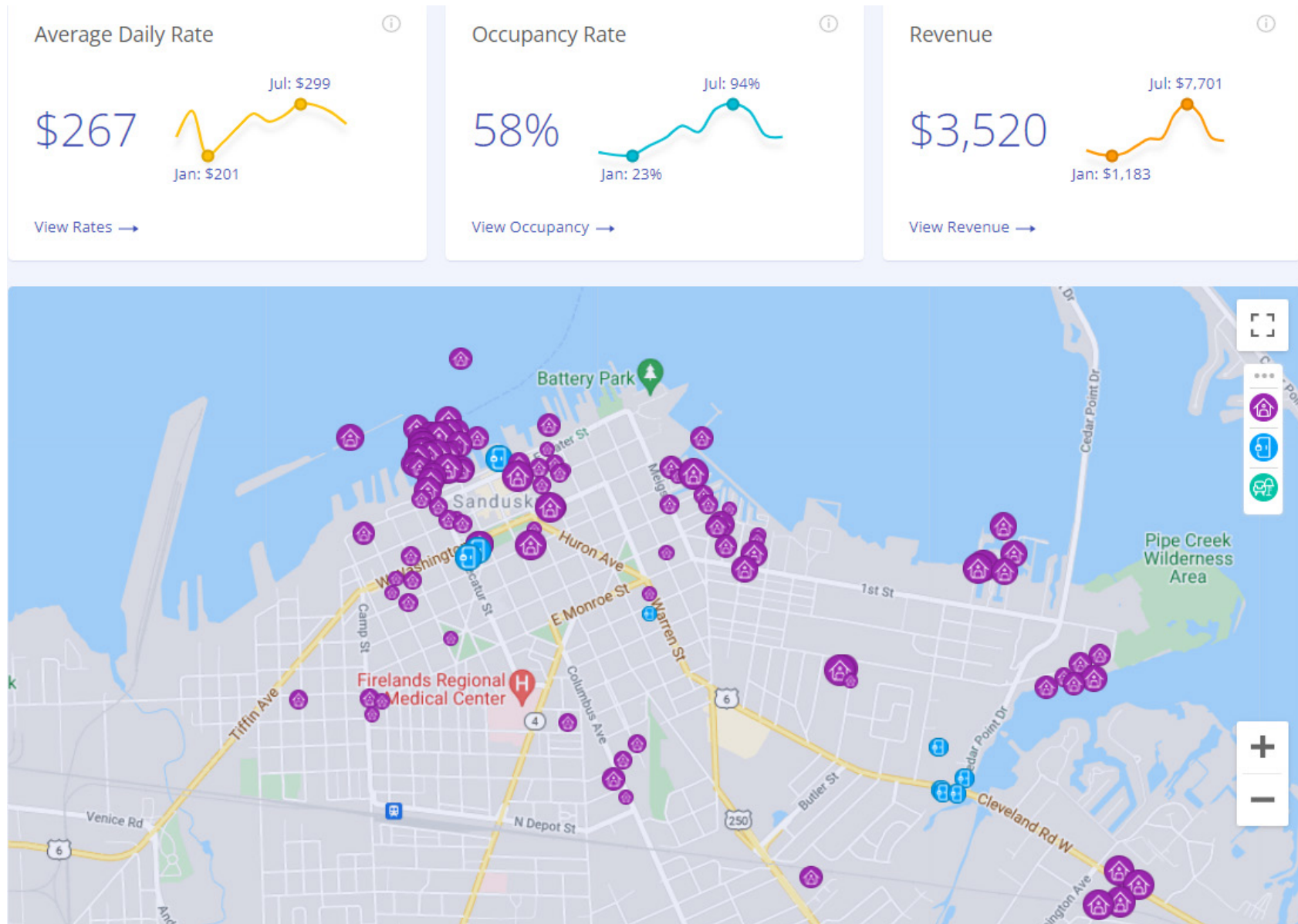


## Downtown Sandusky Opportunity Zone



Sandusky Opportunity Zone Boundary  
Source: Downtown Master Plan, page 39

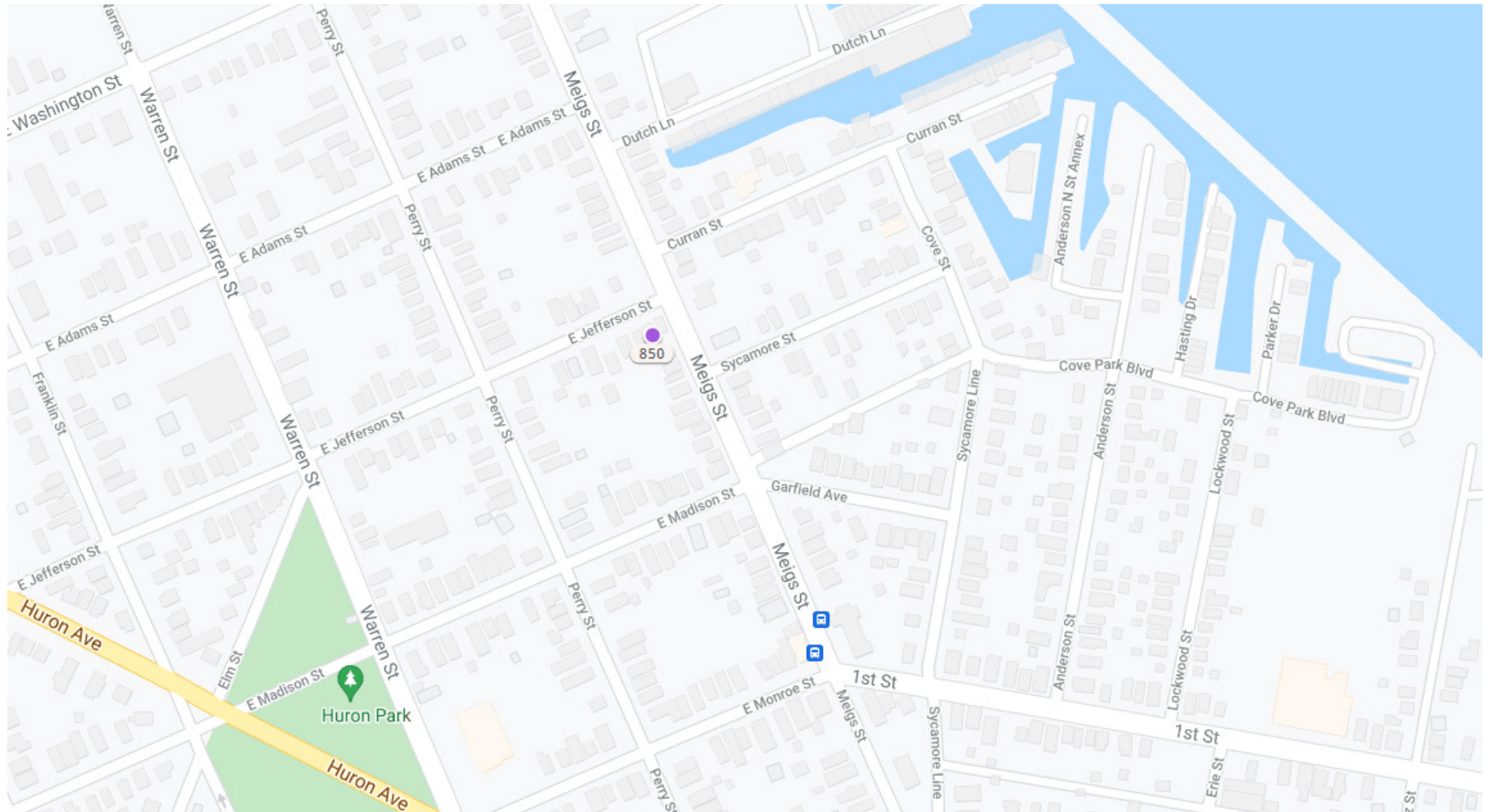
## Airbnb Data on 163 Vacation Rentals in Sandusky



Source: Market Minder AIRDNA.CO  
11/15/2021

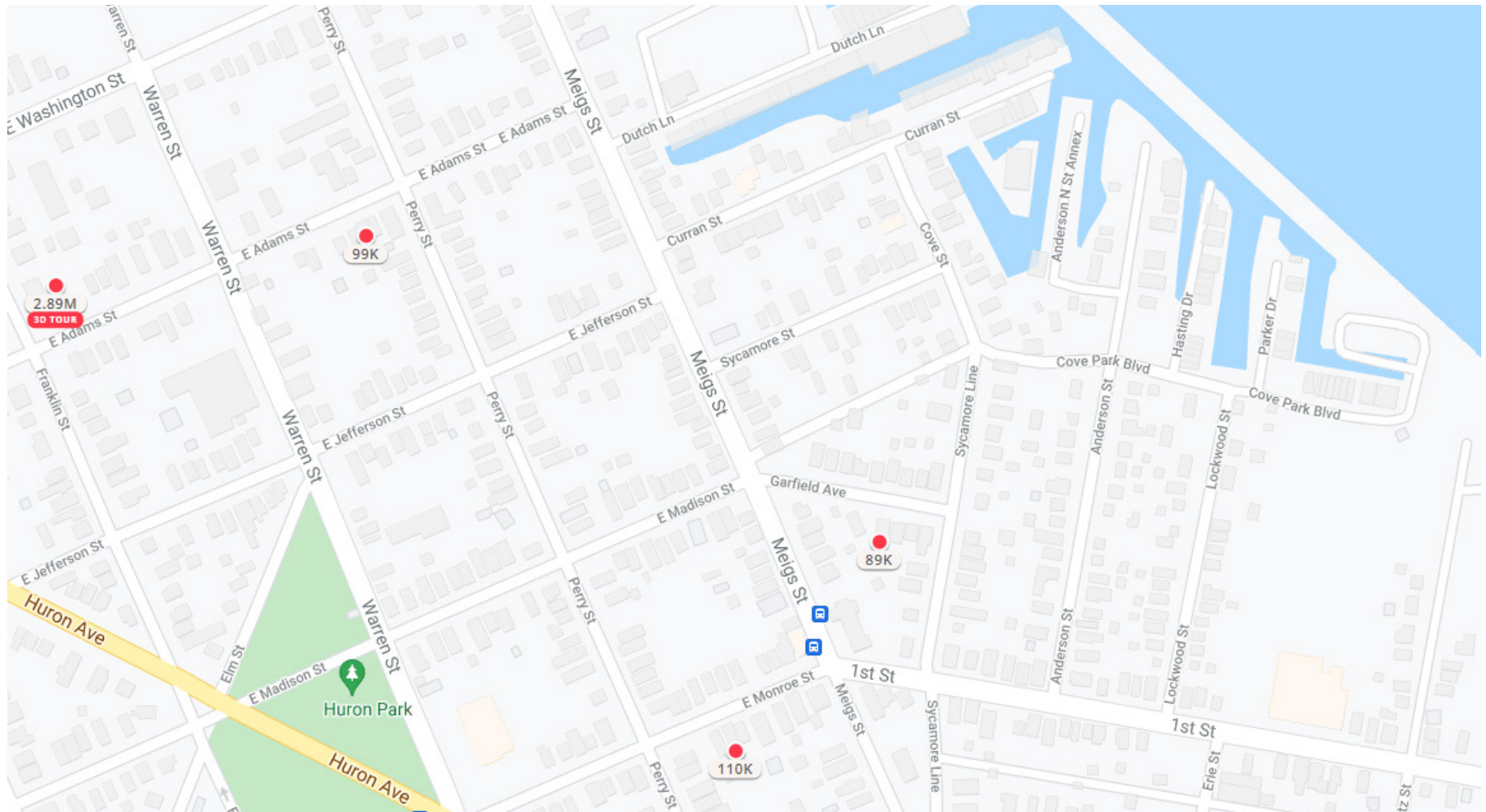


## Snapshot: Zillow listings FOR RENT in the Cove District



Source: Zillow  
12/1/2021

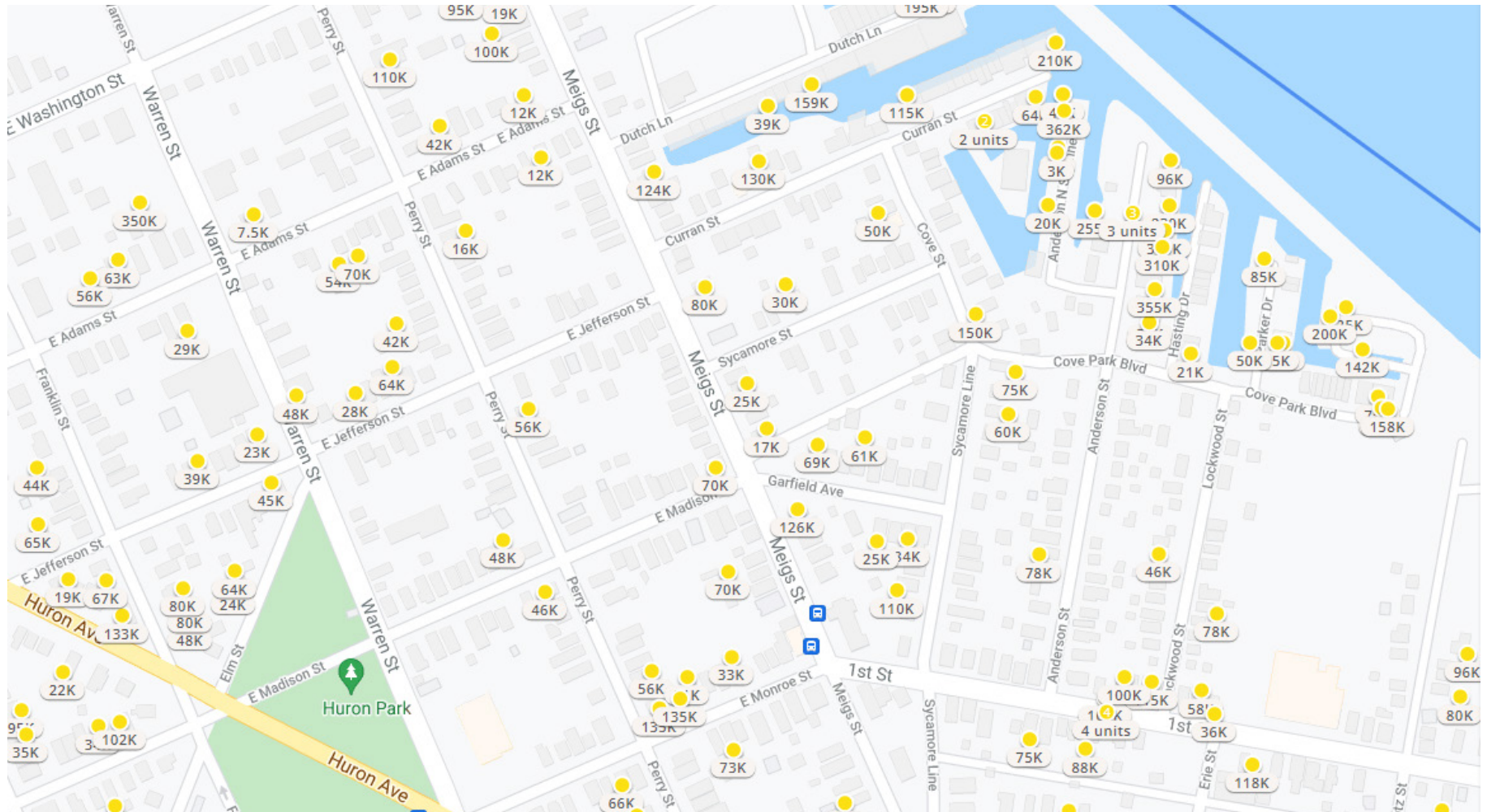
## Snapshot: Zillow listings FOR SALE in the Cove District



Source: Zillow  
12/1/2021

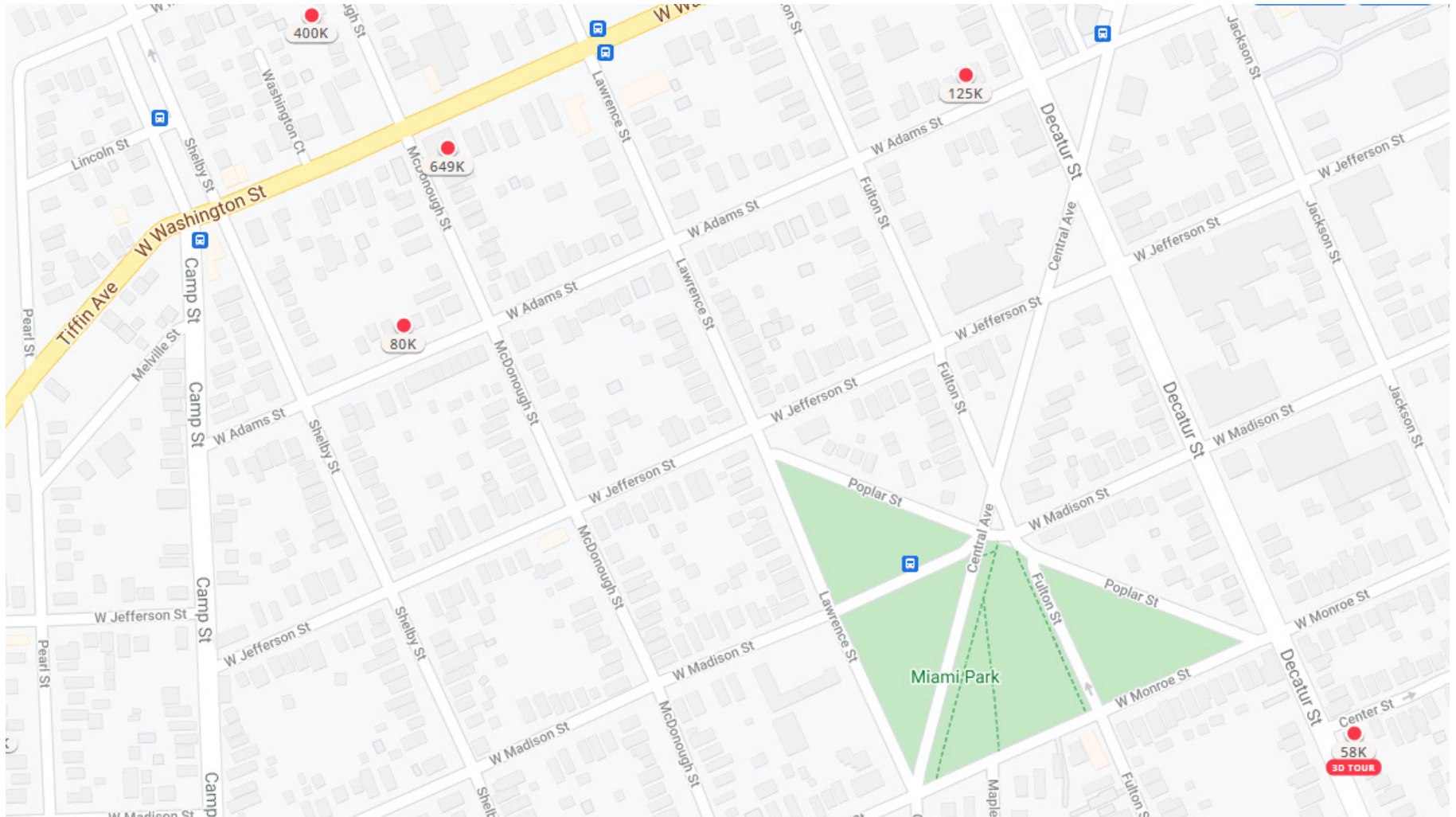


## Snapshot: Zillow listings SOLD in the Cove District



Source: Zillow  
12/1/2021

## Snapshot: Zillow listings FOR SALE in the neighborhood west of downtown

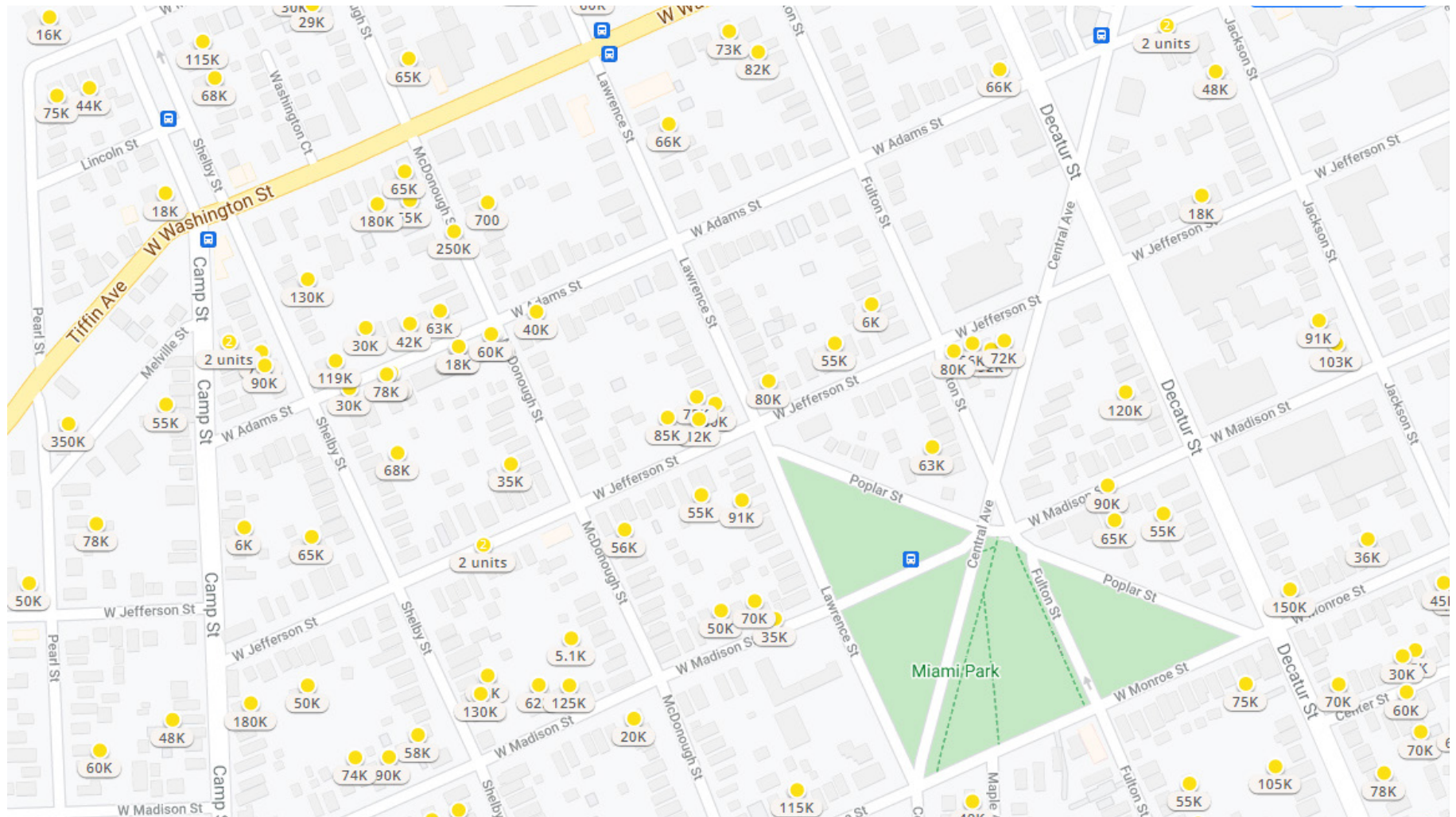


Note: no listings were shown for rent

Source: Zillow  
12/1/2021

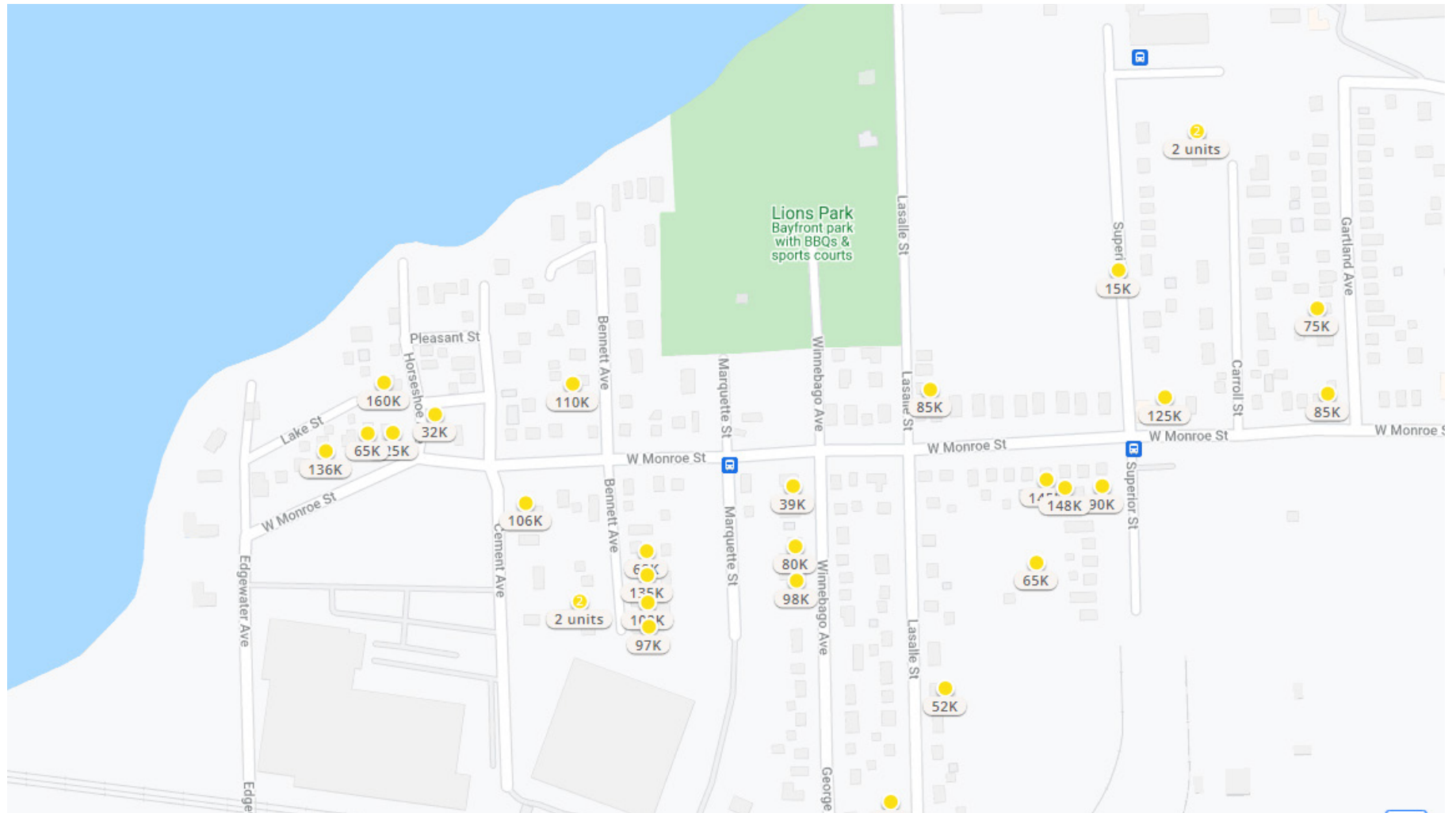


### Snapshot: Zillow listings SOLD in the neighborhood west of downtown



Source: Zillow  
12/1/2021

## Snapshot: Zillow listings SOLD in the neighborhood near Lions Park



Note: no listings were shown for rent or for sale

Source: Zillow  
12/1/2021

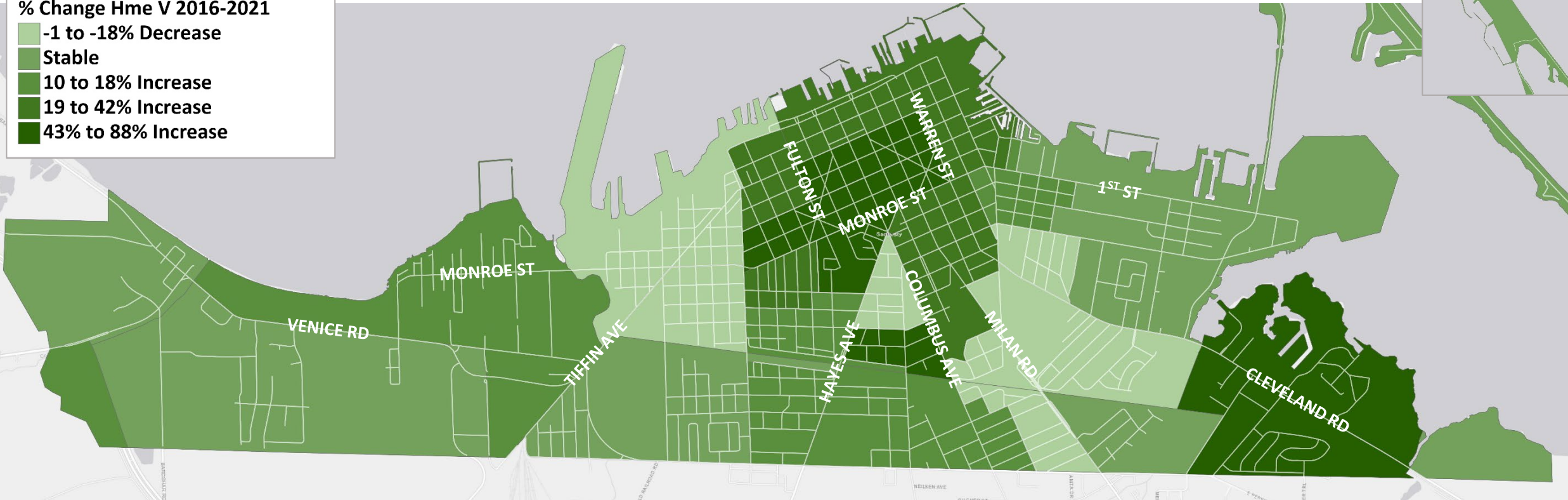
# Sandusky Property Values

Percent change in market value by census block over five years (2016 – 2021)

Percent Change in Median Home Value 2016 to 2021

% Change Hme V 2016-2021

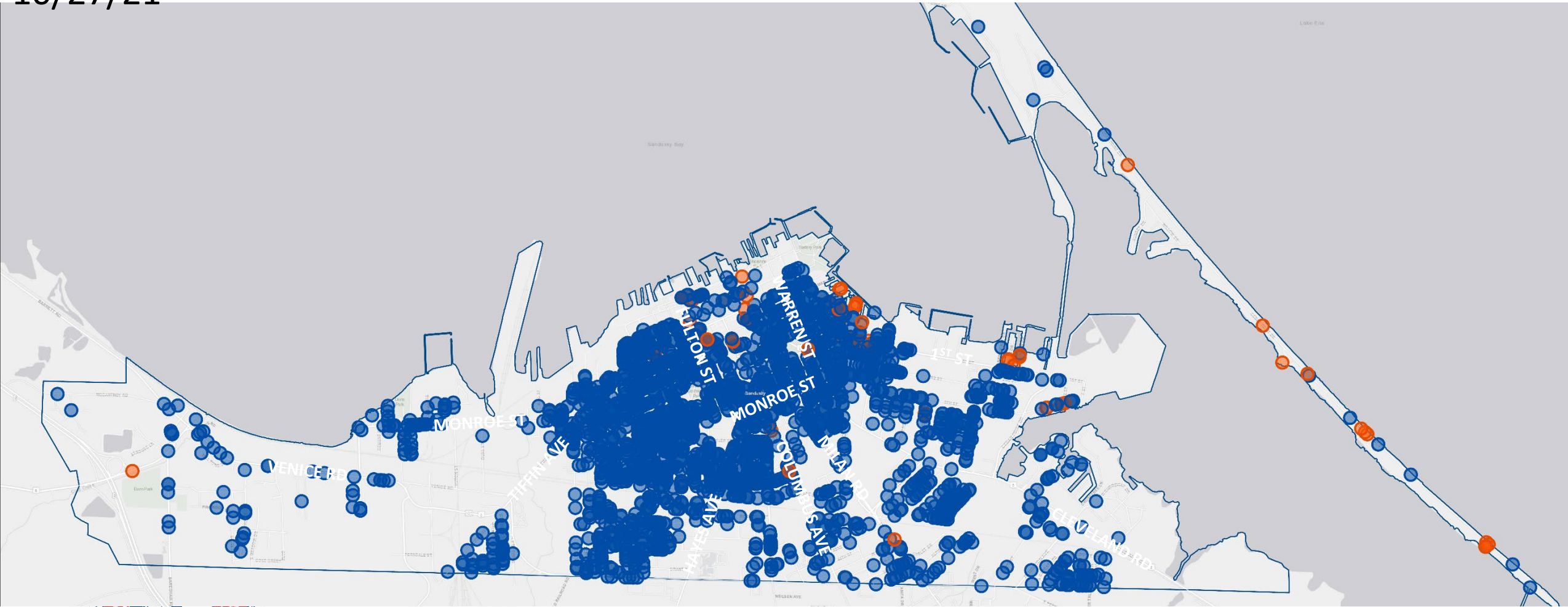
- 1 to -18% Decrease
- Stable
- 10 to 18% Increase
- 19 to 42% Increase
- 43% to 88% Increase





# Sandusky Rental Registry Properties

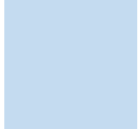

10/27/21





# West Monroe

## Potential overlay


-  Resident support
-  Lions Park entrance




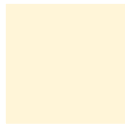


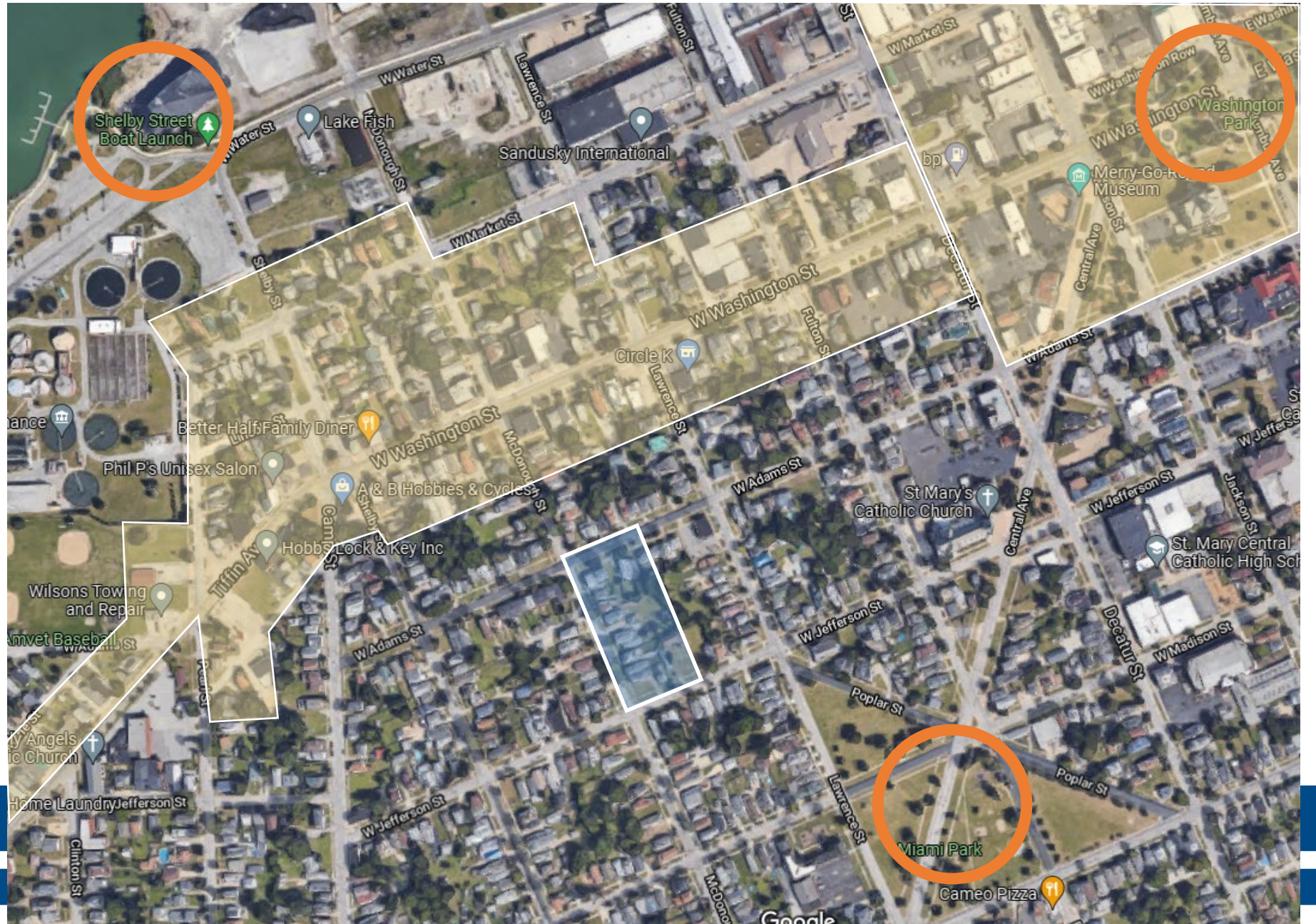
# McDonough St

## Potential overlay

 Current interest  
(in general)

 Walkable items  
of interest

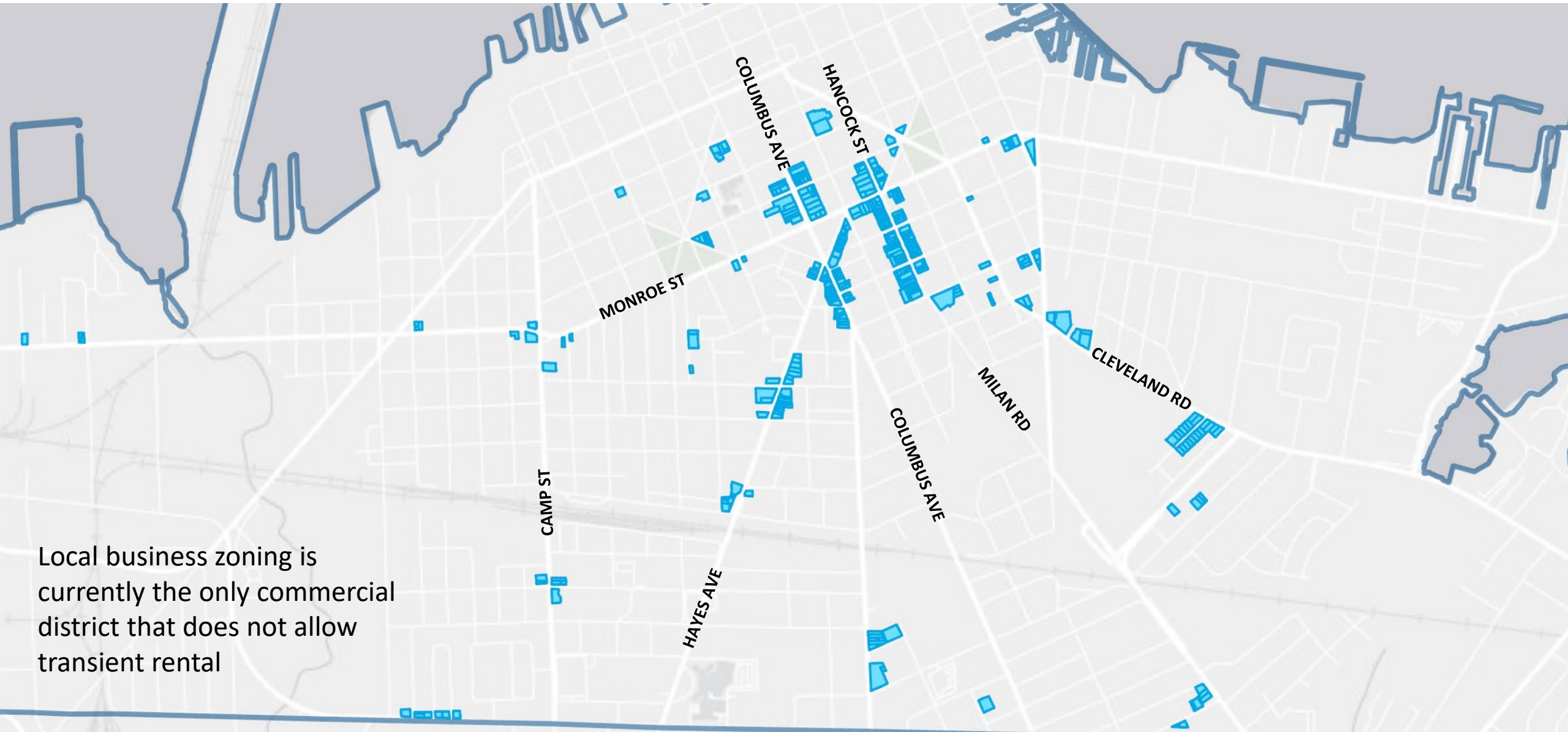
 Currently  
permitted by  
zoning district  
(approximate)





# Local Business Zoning

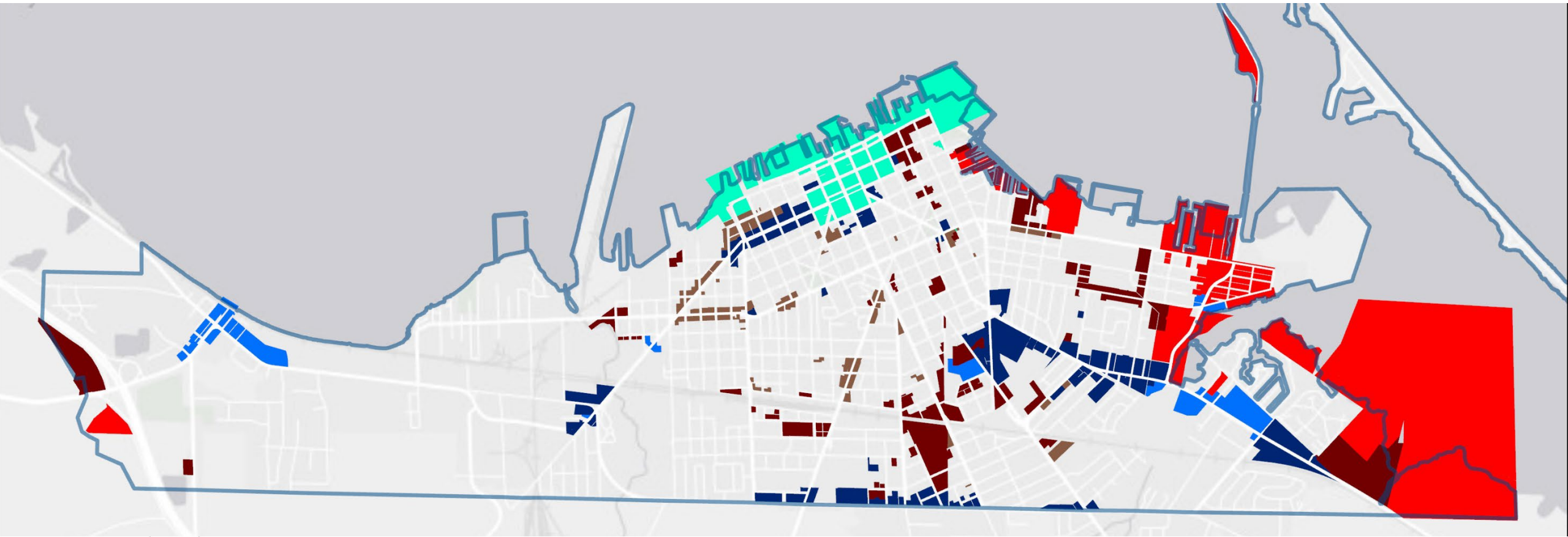
Transient rental as a tool for incentivizing preservation along our historic commercial corridors



Local business zoning is currently the only commercial district that does not allow transient rental

# Where is it allowed?

Six Zoning Districts: CR, CS, DBD, GB, RB, RRB



# Where is it allowed?

## Transient Rental Overlay District

1129.06 Accessory Uses (g)

### **Transient Occupancy Overlay District**

Allows transient rental  
regardless of underlying  
zoning

