

Planning Commission
May 24, 2017
Minutes

The Chairman called the meeting to order at 4:30 p.m. The following members were present: Mr. David Miller, Mr. Pete McGory, Chairman Mike Zuilhof, Mr. Joe Galea and Mr. Wes Poole. Ms. Casey Sparks and Ms. Angela Byington represented the Planning Department; Mr. Trevor Hayberger represented the Law Department; Mr. Jeff Keefe represented the Engineering Department and Debi Eversole, Clerk from the Community Development Department. Commissioner Nikki Lloyd was also in attendance. Mr. Jim Jackson arrived at 5:00 p.m.

Mr. Miller moved to approve the minutes as written and dispense with the reading. Mr. McGory seconded the motion. The motion carried with a unanimous vote.

Mr. Poole moved to change the agenda order. He would like to hear agenda item #3 (223 Meigs Street) first and agenda item #2 (Milan Road) second. Item #4 (Kasper) had been withdrawn by the applicant prior to the meeting. Mr. McGory seconded the motion. Mr. Poole stated that the reason for the motion was because item #2 has a room full of people wishing to speak and that item #3 does not, and a quicker decision could be made. With no further discussion, the motion carried unanimously.

McGookey Properties, LLC had submitted an application for site plan approval for 223 Meigs Street. The property is currently zoned as Downtown Business District. In October of 2015, Planning Commission approved a site plan for the existing 1,853 square foot building that will serve as the brewery. The applicant is currently looking to receive site plan/ off street parking approval for the 1,230 square foot building that will serve as a brew house.

Parking requirements will require one space per 100 square feet gross floor area, the required spaces for both buildings is 30 spaces, the applicant has proposed at total of 31.

Planning Commission approved the applicant to utilize on street parking as well as parking across the street.

Proposed size of the parking spaces are to be 9' x 19', the proposed aisle widths are to be 24', 18.0' and 13.5'. Section 1149.13 requires 25' aisle width when utilizing 90 degree parking.

Planning Staff recommended that spaces 7, 8,9,20, and 21 as indicated on the site plan be removed to assure that the aisle widths are met. Staff also recommends reducing the landscaping by 6" on the northwestern and northeastern portions of the property to assure the parking area meets the 25' aisle width. Planning Commission has previously approved shared parking for this site.

The previous site plan was approved with the condition that the first parking spaces be removed to assure the 8' parking setback is met.

Section 1149.09(c) requires one landscaped island for any parking areas containing 25 parking spaces. The applicant has not provided a parking island, however they have provided perimeter landscaping along the majority of the parking area that ranges from 1.4'-3'.

The code does not have specific photometric requirements, however Section 1149.10 does state that all parking areas shall be adequately illuminated. Staff would encourage the applicant to assure that any additional lighting is not excessive to the surrounding properties.

Staff would recommend approval of the site plan/ off- street parking plan for 223 Meigs with the following conditions:

- The two parking spaces be removed and landscaping is installed within these areas as previously approved by Planning Commission in October 2015

- Spaces 7, 8, 9, 20, and 21 as indicated on the site plan be removed to assure that the required aisle way widths are met.
- The landscaping located on the northwestern and northeastern portions of the property be reduced by 6" to assure that the parking area meets the 25' aisle width.

Mr. Miller stated that the application is premised on on-street parking and parking in the City parking lot. He asked what would happen if this parking lot is not here next year? Ms. Sparks stated that the application was approved in October 2015. She said that the applicant would have on street parking and has proposed a total of 31 spaces, which meets the parking requirements.

Mr. Poole asked what the width of the handicap spots are. He felt that 25' width may be excessive. Can the application be approved as a 24' waiver? Ms. Sparks stated that the current code does not allow for Planning Commission to grant waivers so the applicant would have to apply for a variance.

Mr. Miller moved to approve the application subject to Staff's recommendations. Mr. Poole seconded the motion. With no further discussion, the motion carried with a unanimous vote.

Chairman Zuilhof stated that anyone in the room that wished to testify on the next agenda item must be sworn in. The Chairman swore in audience and staff members.

Key Real Estate Ltd, has applied for a zone map amendment for parcels #57-01245.000, 57-04593.004 and 57-01592.00 from their current zoning of R1-60 /Single Family Residential to RMF /Multi Family Residential.

The Development Department has received several inquiries from developers for potential locations for multi-family development sites within the city. The Development Department has also communicated that their research has determined that there is a need for senior housing within the city. The needs of these developments include proximity to local retailers, transit, and recreational amenities.

The comprehensive plan references this area for residential stabilization and infill, rezoning this parcel would meet the intent for residential infill.

The Comprehensive plan also references a Vibrant City which would reclaim and repurpose blighted land for development. The applicant has indicated that the parcels he recently purchased contained debris and were overgrown.

The Comprehensive plan also calls for a Livable City which would include a variety of housing types that meeting 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. The zoning amendment will support many of these housing options.

Staff would recommend approval of rezoning for the subject parcels from R1-60/ Single Family Dwelling to RMF/ Residential Multi- Family. The Comprehensive Plan recommends residential stabilization within this area and the Bicentennial vision supports investment in housing choices.

Chairman Zuilhof asked if there was anyone who wished to speak in favor of the request. Mr. Robert Waldock, 2015 Cedar Point Road is a member of Key Real Estates, Ltd, who operates Leisure Apartments and also purchased the 3 parcels at 2400 Milan Road. He stated that his purpose this evening was to ask the Planning Commission to change the zoning of the 3 parcels to Residential Multi-Family. Key Real Estate has operated Leisure Apartments since 1999 as it has been senior housing since 1977 when it was built. It is currently being rented through a HUD program called Section 8 contract based program. Mr. Waldock stated that his properties receive management reviews from HUD. Every year during this inspection, they would comment negativity on the land directly off of Milan Road in regards to the overgrowth and trash. Mr. Waldock has been working on buying the front property since 2000. Now that he has acquired the properties, he has

cleared out the overgrown trees and trash from those parcels. He stated further to all of the neighbors in attendance tonight that it was never his intention to jam through development. He also stated that he had contacted to have the land cleared in May and it was a coincidence that the letter was received a day before or a day after.

He stated that he had a conversation with a neighbor in the area and was made aware of a storm water drainage issue. It is not his intent to make this issue any worse for the surrounding neighbors. He pointed out that prior to any development; a site plan must be reviewed by City Staff, including the City Engineer to be sure that the systems in place can support the development. He concluded by saying that tonight's topic is whether to approve the zoning and not a drainage issue or a density issue.

Chairman Zuilhof asked what has been done to the parcels so far. Mr. Waldock stated that the trees have been cleared, stumps removed, rough graded and silk fencing installed. The tree service will be back to shred what is left, re grade it and seed it.

Chairman Zuilhof asked if there was anyone else that wished to speak in favor of the request. With none, he asked if anyone wished to speak against the request.

Ricky Caughlin, 1021 Chalet Drive stated that he was directly affected by the clearing of the trees. He claimed that his property value will decrease by \$60,000 - \$70,000. Although he does not know what Mr. Waldock's plan is, he feels that if anything is built over 2 stories, it will look directly into his house. He stated that there is currently a traffic problem where people turn around on his street every day just to get into the apartments that are there now. Traffic would increase significantly if more apartments are built there. He would like to know what is planned for the property.

Mr. Poole asked the Law Director if it would be helpful to point out topics that can be considered in tonight's meeting and topics that won't be considered in tonight's meeting. Mr. Hayberger stated that it is always helpful to clarify to the Public what topics will and will not be considered. Mr. Poole recited from Chapter 1113 that:

1. Whenever a general hardship prevails throughout a given district
2. Whenever a change occurs in land use, transportation or other sociological trends either within or surrounding the community
3. Whenever extensive developments are proposed that do not comply but would be in the public interest

Ms. Sparks confirmed that the zoning code would allow an amendment to the zone map based on those 3 factors. It is also beneficial to rezone based on what your comprehensive plan calls for. In this particular area, the comprehensive plan would call for:

1. Residential stabilization
2. Residential infill

Chairman Zuilhof stated that it is important to remember that if the applicant chooses to lawfully develop his land, the fact that what was formerly woods and what some may feel will drive down the property value is not a basis to form a decision.

Mr. Caughlin stated that if a two or more story building were to be developed on the vacant land, the tenants of the building would be able to look right into his home and he would look into theirs. All privacy will be gone. He is all for more senior housing but he does not see where the recreational facilities are for them to walk to or how transit will get in and out of there.

Mr. Poole stated that to try to put things into prospective, since this is a public hearing, everyone should be allowed to speak, within a time limit, and it is up to the Planning Commission to determine what will and what

will not weigh on their decision. Whether it is in the public interest to change the zoning is what is important to remember. The issues of cutting down trees and people's view may not apply.

Charlie Osborn, 1218 Chalet Drive stated that he and his wife Dorothy had made plans for the future. He agrees with the statement that property values will drop significantly. His intention was to sell his home and move south after retirement. He doesn't feel that he can do that now with the changes being made. He and his wife did not know anything about this project until 10-15 days ago. He also feels that there should have been more notice given to the residents so that they could voice their opinions. He feels that this will open the door to crime in the area. He has seen firsthand how new development brings in crime as he is a retired law enforcement officer.

Andy Krause, 1112 Chalet Drive has lived at this address for a number of years. He stated that traffic accessibility is already crazy and feels it will get much worse to develop a senior living home in this area. He sometimes uses other streets to get out of his neighborhood. He doesn't see any good in adding to the area.

Eric Braun, 1215 Alpine has lived at this residence for 23 years. His concern is that he has experienced sewer backup for the last 10 – 15 years. He has lost a lot of possessions and family heirlooms that were stored in his basement area. He made a claim with the City but there was nothing done about it. He wants to be sure that if this development happens, it is done properly and will not put too much on the current sewer system. It could only make things worse. Streets have been completely flooded and he wonders where this water is going to go if more development comes in.

Mr. Poole asked Mr. Braun when he notices the continued flooding. Is it when the streets are also flooded? Mr. Braun stated that it happens during long continuous rainfall.

Ms. Sparks stated that our code requires a 10 day notification period, which was given. One thing to remember, is that this is not the final step. Even if Planning Commission does approve this application, it would have to be presented to City Commission and there will be notification for that meeting as well.

Spencer Hill, 1136 Chalet Drive stated that he thanks Mr. Waldock for letting them know that it wasn't his fault that they found out after the fact. It doesn't change anything. It should have been handled a lot better. He asked the Commissioners if they would be happy if they were losing value in their homes. He further stated that his neighborhood is very stabilized. It is very diverse and there are no problems right now. They are content with the way things are. Residential stabilization is a good word, but this neighborhood is very stable. He asked the Commissioners to put themselves in his shoes and when they vote on this, think of it as if their family was being affected.

R.C. Miller, 1111 Chalet Drive stated that he gets up in the morning and at night and sees a two story assisted living home. To put another one closer to him would make matters worse for him. He stated he appreciated Mr. Waldock's statements but it just doesn't cut it. It should've been handled better. He stated that he doesn't want another two story assisted living home in his back yard. A single story might not be as bad.

Diane Rohrbacher, 1221 Chalet Drive stated that she came home one evening to machines in her back yard tearing things down. She had no idea what was going on or why they were there. She stated that she already has problems with water in her backyard already and her basement floods. She wondered if anyone checked before this is approved if the drainage is adequate. She also stated that she is a wildlife advocate. She was able to previously feed deer in her back yard. The day that the trees were being taken down, there were squirrels bringing their babies to the trees in her backyard trying to find a new home. She also stated that the trees were blocking the view of the tracks behind her home. Now she can see and hear the trains. She also experienced a man walking in the area where the trees were and he stared at her. She's never saw people walking through there when the trees were there.

Mr. Galea asked Ms. Rohrbacher if the water drains towards the tracks. Ms. Rohrbacher stated that the water drains towards her house. She has a sump pump under her back porch to drain to the front so that it doesn't get into her basement.

Mr. Poole asked Ms. Rohrbacher if the water that collects in her back yard just lays. Ms. Rohrbacher stated yes, it just lays in her back yard.

Benny Hickenbotham, 1119 Chalet Drive worked in real estate broker for 25 years. He sold 1137, 1120, 1155, 1242 Chalet Drive in the last 20 years. He likes the neighborhood and works mainly for Erie County and likes to sell Sandusky. His experience is that as a realtor showing Chalet Drive, the client likes the wooded area, owner occupied area and the City should focus on keeping owner occupied people here in Sandusky. He feels that there are too many rentals in the City. Please consider bringing back Sandusky residents. The streets are in such bad repair that there are car parts in the street. He stated that when he called the City Engineer, he was told that we must invest their money wisely.

Mr. Poole asked what "we must invest our money wisely" meant. Mr. Hickenbotham stated that he would have to ask him, he believed his name was Tim. He added that the way that he took it was that the City spent \$400,000 for the parking lot behind the State Theatre, \$300,000 on Franklin Street and now the Jackson Street Dock. To be clear, he is pointing out that owner occupied housing needs to come back. The population used to be 33,000 and now it might be 23,000.

John Pace, 1250 Chalet Drive stated that there are people constantly turning around in the people's driveways where children often play. When there is a lot of rain, there is high water and he tries to clear the drains but it doesn't help. He wonders what kind of effect the new development will have on this issue. When he moved here, he liked the area and now it seems that there are a lot of rentals in the area. He hopes to get their streets repaired and not patched.

Breanne Homan, 1205 Chalet Drive offered a topography map that shows that Alpine Drive drains toward Chalet Drive and Chalet Drive drains towards the tracks. The properties behind Chalet Drive drain toward the tracks and the houses. She feels that this is one of the best places in Sandusky to live and she has put her concerns along with her neighbors concerns into e-mails. When she moved here she toured a lot of homes. When she got to Chalet Drive she fell in love with the neighborhood. One of her first experiences is after a rainfall, her backyard flooded almost to her back door. The water was so bad before she installed drainage that a pair of ducks would swim in it. Since the drainage was installed, the entire street still backs up so there is a drainage issue within the neighborhood.

Chairman Zuilhof asked what her expertise on this matter is. Ms. Homan stated that she is a biologist and works at the soil and water conservation. She gets drainage calls all the time. Mr. Zuilhof stated that the contour lines seem quite far apart and asked if the area seemed flat. Ms. Homan stated that the area is pretty flat. Chairman Zuilhof stated that possibly the drains are slow. She stated that her back yard slopes down and water collects in the middle which is why she had to install surface inlets to help drain to the front. Even then the water backs up. She said that some of the back yards have pools in them. Her yard gets drainage from the homes closer to Rt. 250 and the woods.

Mr. Poole stated that Ms. Homan's characterization of the land being flat is in conflict with the map. The land to the north is a foot higher according to the map. The properties on Chalet Drive are lower which is why the water is running that way. The lowest point seems to be in the corner where the properties intersect at the railroad.

Ms. Homan stated that you are changing something that was wooded, with not a lot of run-off value to something that is developed with a much more significant footprint of the previous surface. It will create much more run off, which will create many problems.

She added that increasing the density in that one area will increase traffic. Traffic is already a problem with people doing illegal U-Turns, pulling into Chalet or Alpine Drive and turning around in driveways. There is also a change in the school across the street on Rt 250 is going to change traffic patterns.

Ms. Homan stated that she feels that her neighborhood represents the vision that's being projected. Sandusky is a place for young families. She applauds the City's initiative in investing in the neighborhoods, but please protect the good places that are currently in place.

Mr. Zuillhof asked Ms. Homan if she received the letter 10 days in advance of the meeting. She stated that when she first read the letter, she didn't think that it applied to her neighborhood. The letter listed west instead of east.

Linda Stutzman, 1213 Chalet Drive stated that her back yard is directly in contact with the woods. This was one of the reasons for buying the property because of the beautiful back yard that she has. One week after moving into the house, she had water coming through her walls because of the pools of water draining to one spot. She has put drains in the yard since the water just sits in her yard. After a bad rain, the water was to her knee caps. She has put a lot of money getting water out of her yard and now she feels that new development will only increase the water. She feels that her house has already devalued and will continue to devalue.

Ryan Homan, 1205 Chalet Drive stated that there's nothing anyone can do about the woods. He said that it had some debris from the apartment building. They had proper trash cans but they are knocked over all the time. He cleaned up some of the large stuff. He said that the woods soaked up a lot of the rain and now wonders where that run off will go. He said that normally before any clearing you have to have a permit, have silk fences up before you start. He said it seems it seems like it is easier to ask for forgiveness than to ask for permission.

Charlie Osborn stated that when he first moved in there was a bad storm and he came home to a foot of water in his basement, he lost his washer, dryer and new carpeting. He called a plumber and he said that he put in new drainage in the front of the house and a sump pump in the back. There is also a drain in the back corner of his yard. He said that he has not had a problem since.

Linda Stutzman stated that before they took down the trees, she can feel trains as they go through. She doesn't see how building something even closer to the tracks would be a good thing.

Chairman Zuillhof stated that this is a very important part of the process. The public hearing flushes out issues that the commission may not have known about. The participation tonight is greatly appreciated. He stated that they would probably need to hear from the engineering department. He advised the commission that the options tonight are: Approve, Deny or Table pending additional work.

Mr. Poole asked if the Staff had any additional comments. Jeff Keefe, City of Sandusky Engineering Department stated that he spoke with the foreman from the Sewer Department and he informed Mr. Keefe that they do a video of the sanitary sewer in that area and run a roofer truck through that cuts out the tree roots on a yearly basis. The foreman also indicated that a lot of the laterals from the houses for the sanitary sewer out to the main may have root problems. If that is the case, it is the owner's responsibility as the city does not have access to that area. Mr. Keefe suggested to anyone with flooding to have that checked with a plumber. As for the drainage in the rear yards and the streets, Mr. Keefe stated that he will go out within the next week or two when there is an event so that he can witness some of the issues. He claims that he was not aware of the drainage issues, but he is trying to work the streets into the capital budget in the future. The entire area would need to be replaced. He offered to take a list of names, addresses and phone numbers of specific properties to look at and follow up on.

Mr. Poole asked how the rooting impacts this subject. If we're dealing with surface water, when it rains you get surface water that runs from the high point into their back yards, which is possibly then being pumped to the sewers out front. If the sewers cannot handle the load, where is it supposed to go? He wondered if Planning Commission allows this development, will it add more water problems.

Mr. Keefe stated that without knowing what the site plan would be, he can say that adding blacktop and hard surfaces would entail more runoff, but the city has requirements that you cannot discharge additional water onto your neighbor's property. So any additional flow would have to be maintained on the property itself, therefore, it may reduce the amount of water that would be coming off of the site that was cleared. From an Engineering analysis standpoint, it should reduce the flow going onto the property after the project is properly designed, approved and constructed. The flow would be internal and flow to the East toward the tracks. There is an existing storm line in Chalet and Alpine that goes up to 13th and up to the tracks. This is all assuming that the water is held on the site and discharged at a rate that the existing system could handle. These are all Engineering issues that have to be addressed prior to constructing.

Chairman Zuilhof asked if there were any questions for the Engineer. Ms. Homan stated that there are several things on the as built drawing for the neighborhood that don't currently exist so they cannot base anything off of the drawing. There's supposed to be a ditch that runs from 13th to the railroad that is currently not there anymore. If you don't know where the outlet is, you don't know where it will drain to. Chairman Zuilhof stated that any design would have to include onsite verification.

Mr. Hill asked who is responsible for that ditch, the railroad or the city. Mr. Keefe answered the railroad is responsible for the railroad ditches. The city has tried to have the ditches cleaned for years and it's something that does not get done.

An audience member stated that if the discharge is to drain to the railroad ditch, how is that ok to drain onto someone else's property? Mr. Keefe stated that the railroad ditch is there to drain the surrounding area.

Mr. Miller stated that the section that includes that neighborhood is imprecise if it is suggesting that it needs redevelopment with neighborhood stabilization because the houses are nice, well maintained homes. There is no vacant land on Chalet Drive or Alpine Drive. I do not agree that the neighborhood is in need of improvement or stabilization. When he looked at the plan, it states that we want a livable city with new infill single family housing. Rezoning it to multi-family does not meet those criteria. Vibrant city states it reclaims and repurposes blighted land, sites of industrial redevelopment or commercial redevelopment. Mr. Miller wondered if any of the surrounding sites are still zoned commercial. The vibrant city calls for something other than putting in multi-family housing. He stated that he is not in the position to approve right now but would be willing to table the application to give more consideration.

Chairman Zuilhof stated that one of the things that are noteworthy in the report is that Engineering does not say that they have any issues but that they don't know yet. They should keep an open mind and look at all of the facts before making a decision. This is a case where Staff was recommending approval and a lot of facts came out tonight. He believed that Staff would agree that enough question about what is going on here to prematurely recommend approval to City Commission.

Ms. Sparks stated that Staff appreciates the attendance and all of the comments this evening and she agrees with the Chairman that Staff could not begin to understand the drainage issues that they are having in the area. She thanked Engineering for coming this evening so that he could add his knowledge on the issues at hand. In regards to the comments on residential stabilization, this references good neighborhoods as well. You want to stabilize and maintain your good neighborhoods. The report was in no way stating that the neighborhood in question need stabilized because it's in a bad condition. In regards to infill, the Comprehensive Plan does call for infill development within this area. That was approved by our Planning Commission as well as City Commission.

Chairman Zuilhof stated that if something is included in the Comprehensive Plan, by default would be supported unless the information is refuted. He stated that he is no longer influenced by the fact that something is in the Comprehensive Plan. There are a lot of great things in the plan, but maybe some things are not such good ideas now. There is a question to why these sites have been recommended for infill. He stated that he has an open mind and he will wait for the Engineer's comments.

Mr. Waldock asked the commissioners for a 60 day continuance to table the issue, to allow for Staff and Engineering to investigate and for the neighbors to fundamentally go through all of the issues presented today so that we can reconsider after all parties have more information. He does not wish to withdraw his application, but there is enough concern out there that he doesn't expect that anyone can make an educated decision.

Mr. Poole moved to table the application for a later date. Mr. Miller seconded the motion. Mr. Poole made the motion based on the reasons stated by Mr. Waldock. He addressed to the citizens that a lot of things came up tonight that are very important issues but some of those issues do not have an impact on the decision of the commission. The fact that the trees are gone and that they were beautiful when they were there and you benefited from them, but they weren't yours. He understands that some of the things that they are feeling right now are not things that your neighbor is obligated to provide for you. Mr. Poole does agree that the drainage is an issue and he addressed the board that they should not make the neighborhood worse. Listening to Mr. Waldock, it seems he is very interested in putting together something that works. Traffic is something that the City needs to look into. Adding elderly people in the building behind you will not ruin the traffic or be a good enough reason to deny the application because you're putting 15 more cars on the street. As for property value, he is not convinced that elderly people are going to be a crime ridden problem for the neighborhood. He does recognize the problems that come with some low rent properties. He does not feel that these problems follow the senior housing in terms of having a lot of crime. Bottom line is whether it is in the public's interest and the drainage issues.

Mr. Miller called the question. The motion on the floor to table the application passed with a unanimous vote.

Mr. Hayberger clarified that when the commission orders the application "off the table", that the meeting will not occur that evening, it will be set for the following month's meeting where notice will be given to the surrounding neighbors and the public prior to that date.

Chairman Zuilhof stated that there is some work to do during the interim.

Mr. Miller moved to adjourn the meeting. The motion carried with a unanimous vote. The meeting adjourned at 6:25 p.m.

APPROVED:

Debi Eversole, Clerk

Mike Zuilhof, Chairman