

Planning Commission  
September 20, 2017  
Minutes

Chairman Zuilhof called the meeting to order at 4:30 PM. The following members were present: Mr. David Miller, Mr. Jim Jackson, Mr. Pete McGory, Mr. Mike Zuilhof, Mr. Connor Whelan, Mr. Joe Galea and Commissioner Wes Poole. Ms. Casey Sparks and Ms. Angie Byington represented the Planning Department, Mr. Trevor Hayberger represented the Law Department, Mr. Jeff Keefe represented the Engineering Department and Ms. Debi Eversole, Clerk from Community Development. There were 7 voting members present.

Mr. Miller moved to accept the minutes from the August 23, 2017 meeting as submitted. Mr. Galea seconded the motion. The motion carried with a unanimous vote.

Mr. Galea moved to amend the agenda order hear the 3<sup>rd</sup> item listed (Gundlach Sheet Metal Works, Inc) prior to the 2<sup>nd</sup> item listed (Key Real Estate, Ltd) due to the amount of public participation for the 2<sup>nd</sup> item listed. Mr. Poole seconded the motion. Mr. Hayberger advised that although it sounds like a good idea, Public Hearings are typically heard first and that the order of the agenda should remain the same.

Mr. Poole moved to remove the Key Real Estate, Ltd application from the table. Mr. Miller seconded the motion, which carried unanimously. Chairman Zuilhof stated that this is a continuation of the Public Hearing that was held on 5/24/17. The meeting was tabled at the request of the applicant and also pending information from the Engineering Department. Anyone that was previously sworn in during the hearing will remain under oath.

Mr. Poole moved to re-open the Public Hearing. Mr. Whelan seconded the motion. Mr. Miller stated that he is in favor of re-opening the hearing and getting a recap of the prior discussion along with the additional information that was received from the Engineering Department. Mr. McGory stated that he will recuse himself from the vote due to prior business dealings with the applicant. The motion carried with a 6/0 vote.

Ms. Sparks presented some of the issues that were brought up at the prior meeting:

- Flooding
- Road conditions
- Traffic and number of cars on the site
- Crime

Ms. Sparks stated that the Engineering Department provided comments stating that a comprehensive storm water management control plan needs to be submitted and approved by Engineering if any development would move forward. He believes that the storm water and run off requirements can be addressed onsite.

Ms. Sparks continued to say that the applicant had provided parking counts for a duration of time that had been presented to the Planning Commission.

Additionally, the residents expressed concern with the crime rate at the prior meeting. Chief Orzech provided a comment stating that the applicant's property is not being used in a high crime rate area.

Mr. Keefe stated that the utility department videotaped the existing lines along Chalet Drive which resulted in finding no blockages in the lines. There were several laterals that had roots sticking out of them. That could potentially cause backups in the back yard or flooding in the basement. The cleaning of the laterals from the house to the main is the responsibility of the property owner. This would most likely be accessed through the basement. There were no restrictions in the storm or the sanitary systems video to cause the back up or flooding situations that are occurring with these storms. All of the utilities that were looked at seem to be in

good condition. There were no collapsed lines. A lot of the flooding in the back yards could be the result in how the systems were installed.

Mr. Miller asked Mr. Keefe if his response would have any bearing on the streets flooding with water coming up through the storm grates. Mr. Keefe replied that what was observed in the field and through the video tapes was the surcharge up close to the railroad tracks. The water was sitting there and once the water comes up higher, it has a cumulative effect as you go up the street. The water would be coming out of the catch basins when it starts to surcharge. Mr. Miller asked Mr. Keefe if his report stated that it was the city's inability to influence the railroad to clean out their structures that cause these problems. Mr. Keefe stated that the city has been requesting that the railroad clean out their ditches by Toft's for the last 5 years. Mr. Keefe was recently told by the railroad that the city is next on the list. He has not seen any equipment or heard back from them since. Mr. Miller asked if there is a syphon situation in the drainage pattern for that area. Mr. Keefe responded not that he is aware of. You can't really see what's downstream once it's surcharged.

Mr. Poole stated that he recalled that a resident had a sump pump in their yard. He wondered where this water is pumped out to.

Diane Rohrbacher, 1221 Chalet Drive stated that her back yard floods when it rains and that she has a sump pump under her deck that drains out to the front yard. If the sump pump doesn't work, the basement will always flood through the walls.

Mr. Poole asked Mr. Keefe if the laterals that he spoke about have separate sanitary and storms. Mr. Keefe stated that he believes that they are separated because they are separate sewers. Mr. Poole stated that the lateral issues that Mr. Keefe described should deal with the sanitary, in terms of blockages because the houses are connected to the sanitary sewers. The problem that the residents are having is the volume of surface water that has nowhere to go. He asked if was appropriate to add more water to an area that already has a problem absorbing residential uses by putting commercial uses and blacktop in the area where the water will not have anywhere to go. Mr. Keefe responded by stating that perhaps there is water draining toward the houses from the area that was cleared, but when the project moves forward, it will be designed to capture all the rain water on that site, contain it and discharge it toward the railroad ditch. Mr. Keefe's professional opinion is that they would maintain all of the water onsite and no additional water will drain off to the adjoining properties. That would be required through the city ordinances.

Mr. Whelan asked about mass rain events. How can anyone be sure that they will capture all of the water on the new site? Mr. Keefe replied how much rain the residential lots can take before they flood because he feels that would happen before the commercial lot would flood.

Mr. Jackson stated that what the group needs to find out is what impact the building of these units would have on the neighborhood? You can only speculate at this time what the impact would have on the community.

Chairman Zuilhof stated that he would turn the meeting back to the audience participation but that the Commission needs to hear new information. Anyone that had spoken in a previous meeting would remain under oath and anyone speaking for the first time will have to be sworn in.

Joe Faggionato, 1025 Chalet Drive sold the land to Mr. Waldock behind the rear of the property. He also sold Pace's their corner property. He wanted to know what Mr. Waldock's intentions are for the property. When he sold the property, he was under the impression that there would be duplexes build for handicapped, senior assisted living. Mr. Faggionato had no issues with this type of use. He added that there is a flooding issue in the area.

*Briann Hohman*  
~~Bree Howman~~, 1205 Chalet Drive stated that she looked at some of the reports that have been handed to the Planning Commission and one thing that concerned her is the tail water effect because Pipe Creek is high and

the lake is high right now. The culvert that runs underneath the railroad is also submerged and clogged. She understands that storm water is to be contained onsite but eventually, the water will have to go somewhere. If the system is not adequate for the water to leave, then there still is a large problem. She stated that a multi-family site would require certain amenities that are not available in the area.

- Public park access: There is a park on the other side of the railroad tracks that you can't get to.
- Drainage constraints: As mentioned above.
- Proximity to the rail line: A planning document states to discourage residential development near the rail line. She feels that it does not serve as an adequate site for seniors or anyone.
- Trespassing: There is more trespassing in the yards now that the site is clear. People crossing over the tracks. Train blasts due to the people walking up and down the tracks.
- Infill of Single Family Homes: City planning documents suggest infill of single family homes and that's what the property is zoned for. The city should respect the original intent of the neighborhood design, which was to keep it single family.
- Promote Homeownership: The majority of the surrounding neighborhood is owner occupied. This proposed use does not blend with the rest of the area.

Andy Kraus, 1112 Chalet Drive stated that he doesn't feel that any questions are being answered. Everything is running on assumptions. There is a lot of grey area.

Orin Pease, 1213 Chalet Drive stated that the neighborhood is not currently a high crime area. Nobody can predict what the crime will be like. Working on assumptions is useless.

Chandrell Collins, 1145 Chalet Drive is concerned with the increase in traffic. There are plenty of near-misses already with the complexes that exist. People are doing U-Turns right off of the bridge to get underneath the underpass. Will emergency response vehicles be able to get to an emergency within a short period of time? What if a house is burning close to another one? If response vehicles cannot get there, you may lose or damage more than one home. She is also concerned with the safety of her children as far as the increased traffic and trespassing in the back yards.

Robert Waldock, 2015 Cedar Point Road commented to the neighbors that whether the Commission approves or denies this application, the City has been made aware of the drainage problems on Chalet, Alpine and Mr. Faggionatos' property.

- Drainage: There is still no response from the railroad and we are not 120 days from the application date. The sewer lines and laterals have been looked at and according to the Engineering Department, there are some problems for individuals within their private lines which they are responsible for maintaining. He asks the Commission to keep after the railroad until they give answers because whether this rezoning goes through or not, there is still a drainage issue that stems from the railroad not taking care of their property. The City of Sandusky also owns property next to the railroad that remains overgrown and has trash collecting on it.
- Traffic: There are 41 units at Leisure Apartments, located at 2400 Milan Road. Those 41 units have been occupied for the last 8 months. The office did a survey to go through the property once per day, at different times each day for the past 19 days. The survey showed that from the hours of 6:15am and 8:10pm, the average number of cars in the parking lot is 12. This is a low average for 41 occupied units.
- Development near a rail line: The topic was introduced that the City of Sandusky would discourage development near a rail line. Mr. Waldock responded that in February of this year, the City Manager signed a letter to Senior Homes of Venice. This was for a proposed 49 unit elderly living building to be constructed on the corner of Tiffin Ave and Venice Rd near the railroad tracks.
- Commitment of WT Realty: WT Realty has managed property in the City of Sandusky for more than 50 years. He presented a list that is posted in the foyer of 121 things that if you commit within a 5 year period would prevent you from renting one of their properties. This is taken very seriously. According

to the Erie County website, as of this date, there are 82 sex offenders that live in the City of Sandusky. You will not find one of them on a WT property.

Ricky Conklin, 1021 Chalet Drive stated that he appreciated Mr. Waldock's comments and understands that Mr. Waldock means well, but when he moved into the property on Chalet Drive, he was promised that the density would remain the same. He stated that within the Comprehensive Plan, the area behind the properties is marked as preserve. He stated that he lives in a close neighborhood where everyone gets along. Some have issues with property taxes, others with drainage but his concern is his property value. He claimed that if the development happens behind his house, he would not be able to sell his house for what he paid for it. Mr. Conklin is not aware of where Mr. Waldock intends to build, but when he spoke to a neighbor, he confirmed that there is an easement on the property. This means that if the development happens, it will be very close to his property.

Mr. Poole stated that he looked up the Comprehensive Plan online and it appeared that the area that Mr. Conklin was referring to is to be preserved as is. Ms. Byington stated that she had not seen what Mr. Conklin had presented to the Commissioners and requested to see it since it is now part of the record.

Ms. Byington stated that Mr. Conklin presented a portion of the "Investment and Redevelopment Strategies" from the Comprehensive Plan, but that the Planning Staff had quoted from the "Neighborhood Planning" section of the same Comprehensive Plan that calls for stabilization and housing infill.

Mr. Whelan stated that he understands the Zoning Code to read that a property could be rezoned if a hardship prevails, land use changes or is in public interest. He does not see any of these situations.

Chairman Zuilhof stated that he feels that the land is usable with its present zoning. There may be better alternatives that fit the needs of the community better than this particular rezoning. His concern is that this may not be in the best interest of the City. He is not convinced by the traffic concerns. He doesn't see any evidence that crime would increase with this development. He also believes that drainage is not a concern as the Engineer stated that any new development would contain the water on site. In fact, it could possibly improve the drainage situation for the surrounding neighbors. He feels that there is a better solution for this situation, for example cluster housing, a buffer strip between properties, or even fencing. None of which a rezoning decision can require.

Mr. Miller stated that there were documents placed at the Commission seats tonight that he felt should be introduced into the record. Mr. Pooled seconded Mr. Miller's request.

Mr. James Riedy and Mrs. Mary Conley Riedy of 1237 Chalet Drive expressed their opposition in an e-mail to Ms. Sparks which was provided to Planning Commission and attached to the minutes.

Mr. Justin Gioffredo also sent an e-mail to Ms. Sparks in opposition to the rezoning application which was also provided to Planning Commission and attached to the minutes.

Mr. Hayberger stated that both of these documents are unsworn statements and should be treated as such.

Chairman Zuilhof moved to deny the application. Mr. Galea seconded the motion. Mr. Poole stated that he was able to find the section within the Comprehensive Plan which staff was referring. This area calls for residential stabilization and infill. Mixed use and redevelopment is in a separate section. The motion to deny was approved with a unanimous vote of 6/0 with Mr. McGory abstaining from the vote.

Chairman Zuilhof thanked the public for their involvement. He called for a 2 minute recess to allow the room to clear.

Ms. Sparks presented that Gundlach Sheet Metal, Inc. had submitted an application for Site Plan Approval for their property located at 118 Division Street. The applicant is working through the rezoning process, which was approved by Planning Commission and the Public Hearing will be on September 25<sup>th</sup> at City Commission. The applicant also received a variance for the side and the rear yard setbacks for the proposed building through the Board of Zoning Appeals.

The applicant is proposing to construct a 7,500 square foot building, 100 square feet of the building is planned for office space. The applicant proposes to add an additional 14 parking spaces to the existing 6 spaces that are currently on the site, which meets current parking requirements. Section 1149.04 (c) allows for areas used for storage to be waived from the parking requirements.

Section 1149.09 requires landscaping to be required for all surface parking lots along the side immediately adjacent and parallel to streets, sidewalks, etc. The applicant has proposed a 6' rolling chain link fence along Neil Street and a chain link fence along Division Street. Due to limited area it is difficult to add landscaping within this areas. The applicant has indicated that a 6' wooden fence would be adjacent to residential properties.

Section 1137.07 prohibits not more than 50% of the lot area to be covered with buildings. The applicant has indicated that the lot coverage will be at 49% with the understanding that all of the lots will be combined together and the building will be reduced in size. The applicant has provided an elevation drawing of the building. The proposed building height is 21'. Section 1137.09 states that the maximum height of the building within the commercial districts shall not exceed 40'.

Planning Staff recommend approval of the proposed site plan with the following conditions:

1. All lots are combined
2. Final engineering review including storm water management and erosion control plans are to be submitted.

Mr. Miller moved to approve the application subject to all of Staff's conditions. Mr. Galea seconded the motion. Mr. Poole stated that the application appears to be complete and that the applicant has complied with all of the requirements for the application to be approved. With no further discussion, the motion carried with a unanimous vote.

Mr. McGory moved to adjourn the meeting. The meeting adjourned at 5:34pm.

APPROVED:



Debi Eversole, Clerk



Michael Zuillhof, Chairman