

Planning Commission  
December 19th, 2018  
Meeting Minutes

The Chairman called the meeting to order at 4:31pm. The following members were present: Mr. Miller, Mr. Waddington, Chairman Zuilhof, Mr. McGory, Mr. Galea, and Mr. Whelan. Mr. Greg Voltz and Mr. Horsman represented the Planning Department; Mr. Trevor Hayberger represented the Law Department and Ms. Casey Sparks, Clerk from Community Development.

Mr. Miller made a motion to approve the February 20<sup>th</sup>, 2018, March, 20<sup>th</sup>, 2018, and April, 25<sup>th</sup>, 2018 Landmark Commission meeting minutes; Mr. Galea seconded the motion.

Mr. Waddington motioned to approve the minutes from November 28<sup>th</sup>, 2018; Mr. Galea seconded the motion.

Mr. Hayberger swore in those giving testimony.

Public Hearing: Zoning Amendments to 1161 the Landmark Ordinance

Mr. Horsman stated that the Planning Commission and Landmark Commission gave feedback regarding the initial proposed changes, Landmark Commission approved the proposed amendment this afternoon. The proposed amendments include additional criteria for granting a Certificate of Appropriateness, including demolition; allowing for the Commission to delegate to staff the ability to issue a Certificate of Appropriateness for minor changes; and minor changes of definitions and clarification of language within the ordinance.

Mr. Horsman discussed the proposed criteria for section 1161.07(e) regarding demolition, this section discusses the criteria used for issuing a Certificate of Appropriateness. In section 1161.07(f) there was language added stating that the property owner would need to try to find alternative uses for the property before demolishing. The proposed amendment is included to assure the buildings are preserved. Section 1161.07(b) discusses giving landmark commission the ability to grant authority of staff to review. Staff added language that states that the Landmark Commission has the authority to resend this authority from staff.

In Section 1161.11 subsection B was added. Staff requests that an addition be made to this, the current proposal states that the Landmark Commission may notify the department of code compliance regarding a property owner that is not currently in compliance with the maintenance requirements of Chapter 1161. Staff would like to add the Building Department to this section. Staff wanted to reiterate the ability to enforce the building code and assure that a penalty is consistent with the penalty referenced within the zoning code. Mr. Horsman stated that these changes have been approved by the Ohio Historic preservation office. The Landmark Commission also suggested adding the word structures to Section 1161.07(a).

Mr. McGory motioned to make a favorable recommendation to City Commission regarding the proposed legislation with minor changes as recommended by the Landmark Commission; Mr. Galea seconded the motion.

With no further discussion the motion was approve unanimously. The motion was approved with a 6/0 vote.

Public Hearing: Zoning Amendment to Parcels Located west of Wildman Street between First Street and Second Street: 57-03841.000, 57-03857.000, 57-03858.000 and properties located west of an unnamed alley within the 1900 block between First and Second Street: 57-03851.000, 57-00555.000, 57-03852.000, 57-03852.001

Mr. Horsman stated that the applicant D. Jeffery Rengel has applied for a rezoning of the property to CR Commercial Recreation. Currently the property is zoned as R1-40 Single Family Residential. Some of the parcels went through the BZA last month for a use variance to build boat storage. The applicant also applied for the zoning amendment in 2016 but it was not brought before Planning Commission. The properties are currently owned by RLR Properties and Central Erie, Ltd. Both groups of properties are immediately



surrounded by R1-40 Single Family Residential on the south, east, and west, CR Commercial Recreation zoning is across First Street to the north. The Sandusky Bicentennial Vision Comprehensive Plan has targeted this area along First Street for residential stabilization and infill and mixed use infill. There are currently development plans in progress for this neighborhood, as well as major investments in public infrastructure, such as the Sandusky Bay Pathway. Staff does not recommend the approval of the rezoning. If approved, any commercial development would require site plan approval and possible alley vacation.

Mr. Miller stated that the applicant has proposed boat storage for one of the areas in question, was there something else that the applicant was proposing for the other parcels.

Mr. Horsman stated that the area proposed for the boat storage was the only development plan brought before the Board of Zoning Appeals, the secondary parcels were not brought to the Board of Zoning Appeals. The BZA tabled the application as the scope of the decision is out of their purview, they thought it should be brought to the Planning Commission.

Jeff Rengel, RFL Properties, stated the application was made in June 2016 after developer expressed interest in property with the contingent that the property was rezoned. The property is currently zoned as R1-40. The Planning Department and the applicant agreed to temporarily table the application, six months after the application was made the developer pulled away from the deal. Mr. Rengel stated that this zoning classification is improper, zoning law states that if the zoning cannot hold the property owner from an economically viable use of the property. Mr. Rengel stated that based on case law if an owner is denied an economically viable use for substantial time a taking has occurred. The courts said you must consider three things: the economic impact of the zoning on the property owner, the extent to which the regulations have interfered with distinct investment backed expectations, and the character of the governmental action. In this case zoning was not in place when these properties were purchased.

Mr. Rengel stated that the facts of the case are as follows: the Planning Department depends on the Bicentennial Vision plan which was not in effect at the original time the application was made. That plan calls for infill of vacant land and mixed use development within this area. To his knowledge no residence have been building within the last 40 years. Several adjacent residence within have been torn down. No new residence have been built along First Street from Sycamore Line to the Causeway except properties within the CR Commercial Recreation District. In the last 40 years only commercial properties constructed along First Street. The only construction within the R-1 district has been from Cedar Point, in which this board approved a rezoning from R-1 Single Family Residential to CR Commercial Recreation without development plans in place. This property is surrounded by R1- 40 Single Family Residential Zoning on three sides and adjacent to CR Commercial Recreation district on the north side. Mr. Rengel stated the property in question this evening has the same situation. First Street is not conducive to residential. The traffic count is very high within certain areas. The city has received several complaints regarding the traffic from residential properties within the area. The present zoning is not conducive to the health and safety of the area. Mr. Rengel stated that his family has owned this property for over a 100 years, they currently still own approximately 40 lots, and they owned these before the city had a zoning code. To date he has received no offers or considerations for residential housing within the past 40 years, all inquiries received have been related to commercial development of some sort. The current offer is subject to CR Commercial Recreation zoning.

Mr. Rengel stated that it is his opinion that it is highly unlikely that the property will sell unless the zoning is changed due to the history, present traffic, and development conditions of the area. The Planning Department states that the law states that the property owner has to be deprived of all economic viability of the property, however staff should go one step further and analyze the application on how the magnitude of the regulations impact with the true property interest. The property is greatly being effected by the currently zoning classification, which historically has such an economic impact that it has made development within the area unlikely.

Mr. McGory stated ask if approved what may be developed within the area.



Mr. Rengel stated that the current buyer has expressed in developing the property and they have stated that it would need to be rezoned to CR. They have interest for commercial drive thru and boat storage in the past, or boat storage with a loft on the second floor.

Mr. Rengel stated that a perspective buyer two years ago had communicated interest for boat storage similar to the boat storage constructed on Cleveland Road in Huron. The current perspective buyer does not have interest in residential. The only lots in question this evening are along First Street, the other lots along Second and Third Street are not in question this evening as they are more conducive to residential.

Mr. Galea discussed the dimensions of the lots that are seeking rezoning, and ask if the lots would have frontage on Second Street.

Mr. Rengel stated that the way the county assigned parcel numbers some of these lots were combined to create three permanent parcel numbers, the eight lots are all identical in size. The parcels are generally 40' x 130-140' depending if an alley is present. The first group of parcels includes a 160 feet of frontage on First Street and 160 feet of frontage on Second Street. The second group of parcels has 120 feet of frontage on First Street and 120 feet frontage of Second Street.

Mr. Horsman stated that there are eight lots, generally they are 40' x 140' and a one that is 40' x 120' along First Street and Second Street.

Mr. Zuilhof ask when the family developed the residential development that is currently within the area.

Mr. Rengel described the history of the properties that his family owned and developed, there are about seven or eight houses that they built, however they have not seen residential within this area for nearly 40 years.

Mr. Zuilhof ask the application if there was any objection to the zoning when it was established within that area.

Mr. Rengel stated that he is unable to recall, his father was in charge of the property at that time.

Mr. Miller ask about the potential property tax consequence within the area if there were boat storage or drive thru instead of residential.

Mr. Rengel stated that there would be a substantial tax increase within the area if this were rezoned to commercial, which may help for future development within the area.

Mr. Miller discussed the option of a drive thru concept, he would assume that a potential buyer would have research on why this location would be appropriate for a drive thru.

Mr. Rengel stated that he was not aware of any of their research, most of the interested firms were from out of town.

Mr. Miller stated that visually boat storage could work within the area due to the frontage, however he could not see a drive thru working within this area. Mr. Miller ask if there has been any discussion regarding rezoning the northern half of the lots and keeping the southern half of the parcels as residential.

Mr. Rengel stated that the offer is contingent on all parcels, if all of the parcels were not rezoned the current offer would fall apart.

Mr. Miller stated that is it accurate to characterize the lots on Second Street under your family control are more ample for residential development.

Mr. Rengel stated that the properties along Second, Third, and Fourth Street are more conducive to residential as the two areas in question allow a pass thru onto First Street. Many of the lots in questions this evening would not be appropriate for residential because of traffic considerations.



Bob Waldock, 2015 Cedar Point Road, stated that he owns a total of 17 lots around the proposed area he is not opposed to, or for the plan. The Bicentennial Vision plan calls for residential development to continue along First Street, if the Commission does consider approving the First Street portion would they consider approving it for the Second, Third, and Fourth Street portion. Mr. Waldock stated that he owns the parcels to the west of parcels in question, if the Commission is going to allow the rezoning to these lots he would ask that they consider rezoning the remaining eight lots west of First Street as well.

Mr. Zuilhof stated that he would characterize this as spot zoning, if more of the surrounding lots could be rezoned along First Street it may make more sense. Mr. Zuilhof stated that they should consider the rights of the surrounding property owners and make sure that they are looking at the big picture.

Mr. Miller stated in respect of the Bicentennial Vision plan, what argues in favor for residential and what does mix use entail for this area.

Ms. Byington stated that the plan calls for stabilization of residential, there is currently residential within the area. The plan also calls for infill which be based on the existing use which is residential. It also speaks to mixed use, it does not speak to what is included in the mixed use. Staff as discussed if this corridor should be rezoned to commercial, the CR Commercial Recreation district would permit several uses that could impact the surrounding area. Staff believes that if a rezoning is to occur that it should be a larger area, however to date they have not been convinced that a rezoning would not impact the surrounding properties.

Mr. Zuilhof stated that suggested a planned unit development for this area, as it could mitigate some of the restrictions on the use of the land and create an economically viable option.

Mr. McGory asked if Commercial Recreation would include vacation condos and transient uses.

Ms. Byington stated that vacation rental would be a permitted uses within the Commercial Recreation District.

Mr. McGory ask how many houses are owner occupied vs. tenant occupied.

Ms. Byington stated that they are not aware of the number of owner occupied properties vs. tenant occupied properties.

Mr. Zuilhof stated that there may be a possibility for upscale residential uses within the area, just because residential has not worked to date this does not mean that no residential uses could work within the area.

Mr. McGory stated that he would like staff to evaluate the whole area rather than look at this specific area mentioned in the report.

Mr. Rengel stated that current contract is valid through December 31<sup>st</sup> however he could see if an extension is possible. He is not sure the buyer's timeline for commencing on building. Mr. Rengel stated that they should have started this with Planning Commission, as they will now still have to go to City Commission. He does not believe this is spot zoning as it is on the edge of the CR Commercial Recreation District.

Mr. Zuilhof ask Staff to look into possibly adding more area to be rezoned.

Mr. McGory made a motion to table the application to look into extending the area being considered for rezoning. Mr. McGory stated that he is not pleased with the Bicentennial Vision plan when it comes to this area. He would like staff to work on this quickly as there is a current buyer in place. Mr. Galea seconded the motion.

Mr. Miller stated that an analysis regarding owner occupied vs. rental within the area and the properties being affected, If we were to recommend commercial zoning how does this effect the current residential zoning and how does this transition over time.



With no further discussion the motion was tabled.

Mr. Voltz stated that Nunzia and Camelo Ruta have submitted a petition for the vacation of a portion of a 20' alley located between **1625 and 1631 Cleveland Road**. The existing use of the land is a vacant property.

The current zoning of the property is General Business GB. The alley proposed to be vacated would be divided between Camelo and Nunzia and District Petroleum Products, Inc. The applicant proposed to utilize the area to create a more marketable parcel for future development. In conclusion planning staff has no objection to recommending approval of the requested vacations to City Commission.

Mr. Galea motioned to approve the proposed petition for the vacation between 1625 and 1631 Cleveland Road; Mr. Waddington seconded the motion.

Mr. Miller ask if there are any public utilities located within this easement; Mr. Votlz stated that there may be an electrical easement on the property owner, but there is no sewer or water lines within the area.

With no further discussion the motion was approved. The motion was approved with a 5/0 vote; Mr. McGory abstained from the vote.

Chip Marous, 1702 Joseph Lloyd Pkwy, Willoughby stated that the Cedar Fair Resort and Attraction Management Facility to be located at **250 Market Street** has been a joint venture with Cedar Fair, work in collaboration with BGSU, City of Sandusky and the Port Authority. This is the second project for Marous in downtown Sandusky.

Andrew Kurtz, Dean of BGSU Firelands, stated that he is excited to work on the project. This program will be the home for a Bachelors Degree for Resort and Attraction Management the program would concentrate on amusement parks, museums, zoos, and family entrainment centers. The students will come in as juniors and they will have already completed a co-op with Cedar Fair, they will complete and additional co-op with Cedar Fair in one of their parks before graduating. The first floor will house the education classrooms, gathering spaces, and office for BGSU staff.

Mr. Zuilhof stated that because he lives in close proximity to the proposed development to avoid the appearance of conflict, although he does not believe there is one he will not be voting, however he will bring up points he believes are important for the Commission to consider.

Mr. McGory ask if the upper floors will be student housing.

Mr. Kurtz stated that this is not being called a residential hall, student may reside in this building but it is not a requirement for students.

Mr. Zuilhof ask if each unit conforms to the zoning code in regards minimum square footage.

Mr. McGory ask how they came to decide on this location.

Denver Brooker, Vocon, stated that the site is the on the eastern edge of the Central Business District. The school will be located along Hancock Street and East Market Street. Immediately east of the property is public parking as well as diagonal parking. The education portion of the building will occupy approximately 12,000 sq.the first floor will also have a modestly retail area, lobby, fitness, and residential maintenance area. There will be 10ft easement created as an access way for the parking and service area. The site plan is proposing 32 spaces, eight on-street parking spaces, and three handicapped spaces. There is modest landscaping proposed including maples and boxwoods.



The facility will include both studio apartments and two bedroom apartments. The building will be brand new however they will try to take design cues from the surrounding buildings to create something with a historic design that has a more of modern look. Mr. Brooker described the building materials and colors for the site. He stated that the elevations have been modified since the planning report as there was concerns with the the upper floors being all white. They have extended the gray accent into the fourth floor. The west side of the building is a little more simple design but still matches the other proposed elevation of the building. Mr. Brooker discussed the proposed blade sign. There are also canopies associated with each entrance. The lighting is discrete and simple; they are proposing full cut off fixtures.

Chris Coplin, Mannik & Smith, stated that the site is .08 acres. Mr. Coplin discussed the proposed parking for the site. The site is proposing seven red maples as well white gem boxwoods within the parking islands. The parking stalls are 9' x 19' and the drive aisle is 24', the access drive off Hancock is 20' and the entrance drive off Market is matching the easement that is in place.

Mr. Voltz stated that site is zoned as Downtown Business District and the applicant is requesting site plan approval. The building is proposed to be 58' in height which is well within the height requirement and the buidinding does met the required parking. The Central Business District does not have parking requirements, however the applicant is proposing to provide parking. There is adjacent parking that sits unused. This development will allow students to live car free, they have indoor bike parking and the site is near the downtown transient hub. Mr. Voltz discussed the survey parking results which will show that this area has very low utilization for parking. Staff does believe the applicant has provided sufficient parking for the development. Currently the aisle width will require a 1' variance.

Mr. Horsman stated that this site is within the design review area. Staff reviewed site in accordance with the design guidelines and applicant has addressed any concerns they had. Staff thought the proposed building was appropriate and to scale and height and in accordance with the architecture to the surrounding area.

Mr. Voltz reviewed engineering comments with staff. Staff is recommending approval with the following conditions:

1. Parking blocks shall be utilized so vehicles are not able to be parked within any easement areas.
2. A one foot (1) variance is approved by the Board of Zoning Appeals for the center aisle width in the off street parking area.
3. The lighting shall be in conformance with section 1149.10 and a cut sheet shall be submitted for staff approval that shows lighting for the parking are be dark sky friendly.
4. Dumpster area is screened with material submitted for staff approval.
5. Type of street trees are approved through the City of Sandusky Public Works Department

Mr. Zuilhof stated that he believes that there is a minimum square footage for the apartments within the Downtown Business District, they may to get a variance for smaller units.

Mrs. Byington stated that zoning code states that square footage are required to be 400 square feet within the multi- family zoning district.

Mr. McGory ask if the ownership is with Cedar Fair.

Chip Marous stated that the ownership is a joint ownership with Marous and with Cedar Fair.

Mr. McGory ask if the property is still currently owned by the City of Sandusky.

Mrs. Byington stated the purchase of the property will still have to go to City Commission for approval.

Mr. McGory stated that this appears to be a great development, it seems to be a lot of building on a relatively small lot. He stated that it is also unrealistic to state that the occupants of this development will not have cars.

Mr. Galea stated that he believes that they should approve the site plan, more multi- family and dense developments should continue to be proposed for downtown. This type of development is what we want to see within the city.

Mr. Miller motioned to approve the site plan with the conditions indicated by staff; Mr. Galea seconded the motion.

Mr. Zuilhof stated that he was blown away with what they have done and this is a break thru development for the city.

With no further discussion the motion was unanimously approved. The motion was approved with a 5/0 vote. Mr. Zuilhof abstained.

Mr. Galea motioned to untable the application regarding the zoning amendment for properties along First and Second Street and continue the public hearing at the January meeting; Mr. Waddington seconded the motion.

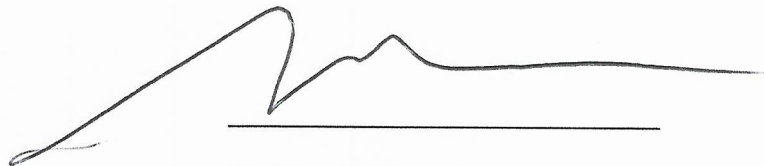
With no further discussion the motion was unanimously approved.

Mr. Hayberger stated that staff will notify the surrounding property owners of the hearing.

Mr. McGory motioned to adjourn the meeting; Mr. Waddington seconded the motion.

With no further business, the meeting at 6:19 PM.

APPROVED:

  
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Casey Sparks, Clerk  
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Michael Zuilhof, Chairman