

**Planning Commission
April 28, 2021
Meeting Minutes**

Meeting called to order:

Chairman Dennis Murray called the meeting to order at 5:00pm. The meeting took place virtually via Microsoft Teams. The following members were present: Pete McGory, Mike Zuilhof, Jim Jackson, Conor Whelan, Jade Castile and David Miller. Thomas Horsman and Jonathan Holody represented the Community Development Department, Brendan Heil represented the Law Department, and Josh Snyder represented the Engineering Department. Clerk Kristen Barone was also present.

Approval of minutes from the March 24, 2021 meeting:

Mr. McGory made a motion to approve the minutes as submitted and Ms. Castile seconded. All voting members were in favor of the motion.

Old Business:

1. An amendment to the City of Sandusky Planning & Zoning Code Chapter 1157 (Floodplain Administration).

Mr. Snyder stated that at the last Planning Commission meeting, the major changes presented were regarding the standard wording as directed to the City from FEMA. One of the specific amendments to the ordinance is about the additional freeboard requirement the City imposes on top of the building elevations set forth by FEMA. Mr. Zuilhof stated that if the members want a better understanding of the concept of the freeboard, they can look at the definition in the ordinance. He said that the freeboard is defined as "a factor of safety, usually expressed in feet above a flood level for the purposes of floodplain management. Freeboard tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, obstructed bridge openings, debris and ice jams, and the hydrologic effect of urbanization in a watershed. Mr. Zuilhof stated that when a property floods, it is not only costly to that property owner, but it is costly to the entire community, as when there is flood damage safety services are involved. Furthermore, not only is the current property owner affected, but future property owners are affected. Mr. Zuilhof said he would be in favor of keeping the current freeboard requirement. Mr. McGory made a motion to remove this agenda item from the table for further discussion and Ms. Castile seconded. All voting members were in favor of the motion. Mr. McGory stated that he is not sure what the right answer is, but that having this freeboard seems to make it more difficult on those that want to build in certain areas and may even deter people from building. He would rather see more development, more taxes, etc. Mr. Whelan said that he noticed that the City participates in the Federal NFIP Insurance Program. He asked if there is a cost to the City to participate in this program, and does waiving the freeboard requirement have anything to do with that cost. Mr. Snyder stated that that does not have anything to do with cost for the City and that with the freeboard there may be discounts off flood insurance. He said that the City is members of the National Flood Insurance Program, but removing the freeboard would not disqualify the City to be a member of that program. Being a part of that program means that the City regulates the floodplain, administers what goes on there, and that when one goes for insurance, they will get the same uniform price regardless of who the insurance agent is. Mr. Murray stated that significant construction projects are going to be financed, and a financial institution would require for projects to be constructed by materials that would not be significantly affected by a flood, or they would require that the project be built up, so given that, he thought it would be appropriate to take out the additional freeboard requirement. Mr. Snyder added that with the new mapping and zones that are in the new ordinance, specifically the AO zone and the Z zones, there is consideration, not in any of the previous mapping, for wave action and for additional height above what was formerly termed base flood elevation. The new mapping from FEMA does have a freeboard in parts of the city. Mr. Miller stated that if the Planning Commission does not remove the freeboard and the Board of Zoning Appeals continue as they have in the past, his recommendation would be that the Board of Zoning Appeals not

waive all requirements of height, and keep the FEMA requirements of the freeboard. Mr. Whelan made a motion to approve the application and Mr. McGory seconded. Mr. Zuilhof stated that it was acknowledged at the previous meeting that the proposed legislation still needed some work. He said that he also still thinks that there should be some limitations on variances. Mr. Zuilhof then made a motion to amend the motion to include language to make any application for a variance, specific to what part of the ordinance the variation will address and to include specific numbers when the request is for the elevation standard. Mr. Miller seconded the motion. All voting members were in favor of the motion. Mr. Zuilhof then made a motion to amend the original motion to remove the removal of the freeboard and leave the freeboard in there. Mr. Jackson seconded the motion. Mr. Miller stated that the members could also compromise to have a one foot freeboard requirement. One member voted for the motion and six voted against. Mr. Miller then made a motion to change the freeboard requirement to one foot. Mr. Zuilhof seconded the motion. Mr. Synder stated that with the new mapping that is forthcoming, there is a new zone designated by FEMA, titled the AO zone, which is the south-eastern part of the Chaussee, where there is already a built-in freeboard that is two feet above existing grade, due to the wave action. So any properties in this area, will need to build two feet above the ground already, so just keep that in mind. Mr. Zuilhof stated that it still does not hurt to be cautious and then the Commission could always go back to zero later on if they are finding that this is not needed or a burden. One member voted for the motion and six voted against. Mr. McGory made a motion to postpone the legislation to City Commission, until the next meeting, to have staff take a look and clean it up a little bit further. Ms. Castile seconded the motion. Mr. Miller stated that when a final draft is available to review, he would be happy pick up a hard copy to look at. Mr. McGory stated that he would do that as well.

New Business:

1. LS Architects on behalf of Sandusky Properties, LLC, has submitted a Site Plan Application for 534 Columbus Avenue.

Mr. Horsman stated that this property currently has single-story dental office. The application is for an expansion and renovation. The applicant will be adding parking blocks to be differentiating the parking lot to the sidewalk. Mr. Zuilhof asked if the lot was big enough to require landscaping. Mr. Horsman stated that the proposed project is compliant with legislation, but if the Planning Commission would like to require that, they could. Leon Sampat with LS Architects stated that they would like to put in landscaping beds in front of the building to soften up the area. Mr. McGory made a motion to approve the application and Mr. Miller seconded. All voting members were in favor of the motion.

2. Sean Sprouse, on behalf of Views on Venice, LLC has submitted an application for a substitution of a non-conforming use for the property at 3712 Venice Road. The property is currently in use as a motel and the applicant is proposing to use it as apartments for rentals lasting longer than 30 days.

Mr. Horsman stated that the property is surrounded by single family residential parcels. A substitution of a nonconforming use would allow a different nonconforming use or a use that is more restrictive, less intensive. Mr. Sprouse said that this building must have been originally set up for a multi-family use, as there are already kitchens set up in each unit, and each unit is much larger than what the average hotel room is. Therefore, all of the work to be done will be mostly cosmetic. Mr. McGory made a motion to approve the application as submitted and Mr. Miller seconded. Mr. Zuilhof asked what the minimum square footage of the smallest unit. Mr. Sprouse stated that he has not measured them, but believes the smallest unit is about 300-400 square feet. Mr. Zuilhof asked staff what the minimum requirement for a residential unit to be. Mr. Horsman stated that the minimum requirement is 400 square feet for a multi-family unit. Mr. Murray asked if the law director is able to answer on whether or not an occupancy permit is needed from the Building Division when there has been a change of ownership or a change of use. Mr. Zuilhof asked if the property would also need a variance for any unit that does not meet the standard. Mr. Sprouse stated that the two smaller units share a wall and asked if it would make sense to combine the two units so that they are all over 400 feet and then proceed with the application. Mr. Whelan stated he would be okay with approving the application and then just have the Building Division verify that the units are at least 400 square feet when

they give the occupancy permit, as that would be needed anyways. Mr. Zuilhof made a motion to table the application until the next meeting to give the applicant some time to get the measurements of all of the rooms and weigh his options. Mr. McGory seconded the motion. All voting members were in favor of the motion.

Public Comments received before the meeting:

The clerk read aloud the two comments received regarding transient rentals (see attached). Mr. Murray stated that he would consider holding a hearing regarding the two proposals, but is reluctant to do so at this time as the Planning Department is very short staffed and also, until public meetings are allowed to resume. Mr. Horsman stated that the Planning Department has received many of these requests over the years. Staff are reluctant to rezone individual properties here and there and would prefer to do a overlay district. The intent from staff was to hold a hearing to get thoughts from people in certain neighborhoods on an overlay district and if feedback was positive, then there would be a formal staff led application to Planning Commission for a public hearing and then there would be a City Commission hearing also. Mr. Jackson stated that he agrees that it would be a good idea to wait to hold a public hearing for when residents can be heard in person instead of staff reading letters during a virtual meeting. Mr. McGory asked what sort of notice would be given regarding this. Mr. Holody stated that there would be a notice in the paper 15 days before the Planning Commission hearing, and a letter would be mailed to surrounding property owners 10 days before the hearing. He then clarified that the code does not actually say that a formal application is needed, but that it is up to the Planning Commission or City Commission to determine that this is worth pursuing. Mr. Zuilhof stated that the reason he thinks the Cove Transient Overlay District went over so well is because there were many informal meetings with staff and the Planning Commission, where the boundaries changed several times, before the public hearing took place. He proposed having a public meeting without any specific boundaries set, and then set the boundary based on the feedback received. Mr. McGory stated that there has to be some boundaries so that staff know who to send the notices to. Mr. Zuilhof replied that notices could be sent to the whole city and roughly describe the proposed area. He stated that he would also like to be at the meeting to hear what the residents think. Mr. Whelan stated that he is normally in favor of these districts. He said that the one on Monroe Street makes sense to him, but the one on McDonough Street, not so much. Mr. Whelan then said that if there needs to be a public hearing every time a resident tells staff that they would like to propose a Transient Overlay District, that could be a lot. He thinks it would make more sense to have staff recommend this to the Planning Commission and in order to give staff some guidelines to go by, maybe staff could tell those residents that the Planning Commission would like to see them get signatures from a certain percentage of residents in that area that are in favor. Mr. Zuilhof stated that the Planning and Zoning Code does state that a property owner does have a right to petition for a rezoning, but that the code does not define what a petition is. Mr. Heil stated that traditionally amendments to the zoning code are applications. Mr. Murray said that it sounds like the Planning Commissioners agree that staff should hold some informational meetings in the proposed areas to see how the residents in those areas feel about transient rentals.

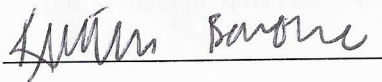
Meeting Adjourned:

Mr. Jackson made a motion to adjourn. The meeting ended at 7:17pm.

Next Meeting:

May 26, 2021 at 5:00pm

Approved:

 Kristen Barone

Kristen Barone, Clerk



Dennis Murray, Chairman

April 27, 2021

Mr. Jonathan Holody, Director
City of Sandusky
Department of Community Development
240 Columbus Avenue
Sandusky, OH 44870

and

Mr. Dennis Murray, Jr.,
Sandusky City Commissioner and
Chair, Sandusky City Planning Commission
240 Columbus Avenue
Sandusky, OH 44870

Re: Development of Overlay District to allow for Transient Rental of
Real Estate in West Monroe Street Area

Dear Mr. Holody and Mr. Miller,

My name is Jim Maldonado and I own and am rehabbing a residence at 3328 W. Monroe Street, Sandusky. I have been a union carpenter for 21 years and I own 10 rental properties, including the residence I am rehabbing on W. Monroe Street.

I am writing to you now requesting an appearance before the Sandusky City Planning Commission to explain my goal of renting my W. Monroe Street property on a transient or vacation rental basis. I believe allowing vacation rentals along the Bayshore corridor of West Monroe Street and adjoining side streets is an opportunity worth pursuing both for the individual property owners and the City itself. Although I might secure this opportunity for my own property through a variance or zoning change if approved, I believe a "Transient Rental" overlay district (much as was done in the Cove District) may be the better way to go.

To gauge interest among other property owners in the proposed area, starting in July, 2020 I mailed out approximately 200 copies of the attached letter. I have had some

negative feedback – mostly from older property owners – but an amazing amount of positive feedback and interest in this concept.

Once I present my idea – as set forth above – to the Planning commission, I am further requesting that a public hearing be scheduled as soon as possible before the Planning Commission to obtain public input to my idea to allow transient rental of real estate in the Bayshore corridor area of West Monroe Street.

I look forward to hearing back from the City as soon as possible with an answer to my requests.

Sincerely,

A handwritten signature in cursive script that reads "Jim Maldonado".

Jim Maldonado
6911 Patten Tract Road
Sandusky, OH 44870
Cell Phone: 419-357-7959
Email: jmaldonado32@gmail.com

July _____, 2020

Dear Neighbor,

My name is Jim Maldonado and I own and am rehabilitating the residence at 3328 W. Monroe Street, Sandusky, Ohio.

I have been a union carpenter for 21 years and I own 10 rental properties, including the 3328 W. Monroe Street property.

I am contacting you now because I believe we all have an opportunity which I believe is worth pursuing. Specifically, I believe the bayshore corridor along West Monroe Street is a prime area to develop Air BnB rentals. I have spoken with Community Development staff for the City and was told a "Transient Housing Overlay District" would need to be established by the City before "vacation" rentals would be permitted. And, to have a Transient Housing Overlay District be considered, a number of the area property owners would need to support such a request.

The City already has established several such vacation rental districts and I want to share with you what I have learned from my investigation.

1. Establishment of such a district encourages area redevelopment, property improvements and an increase in property valuation.
2. There is no requirement for an owner to engage in vacation rentals. The overlay district just allows an owner to do so subject to some specific requirements for parking, property maintenance and use with City oversight and control.
3. Most vacation rentals are to families who are out during the day visiting Cedar Point, the Islands and other local attractions.
4. Renters can be pre-screened on line and owners have no incentive to rent to renters who would damage their property or the owner's reputation and record with the City. One is as likely to have a

troublesome owner occupant or long-term tenant as a neighbor as a troublesome vacation renter. Owners and neighbors can enforce quiet enjoyment of adjoining property with help from police authority, if necessary, but that is generally not required. I, personally, have a maintenance person on call 24/7 to handle any problem at any one of my rentals and I, too, am only a phone call away to deal with any problem, perceived or actual.

I would like to hear your own thoughts regarding my suggested Transient Housing Overlay District for our "neighborhood". The boundaries are not predetermined, but could easily extend from the railroad crossing near the coal docks west along West Monroe Street to the railroad crossing near Toft Dairy and extending to the side streets north and south along that portion of West Monroe Street. I believe the proximity of the bayfront, a marina, and Lions Park all make this area a prime location to consider for a vacation rental area.

So, I ask that you share your own thoughts with me on this subject.

Sincerely,

Jim Maldonado
Cell Phone: 419-357-7959

April 28, 2021

Attention: Planning Commission

My wife, Suzanne, and I are the current owners of the properties located at 414 McDonough Street and 418 McDonough Street in downtown Sandusky. We purchased the 414 property in 2018 as a short sale as it was in foreclosure and on the verge of demolition. We have spent the last two years renovating the house, garage and grounds and are very proud of the transformation the property has taken.

Similar renovations are currently in progress with the 418 property which was purchased in 2020. This property is a duplex. My 88-year old mother currently resides in the downstairs apartment. We have moved forward with renovations to the upstairs apartment as well as improvements to the exterior of the building.

Our intended use for the properties is transient rental. 414 being the whole house and 418 being the upstairs apartment only.

In discussions with the City Manager, Eric Wobser, it is our understanding that a rezoning of the area where our properties are located is possible, providing we have the agreement of our fellow neighbors.

Please know that our primary residence is located at 922 West Adams Street and is adjacent and accessible to the properties as depicted below. Ample off-street parking is available for both properties.



We look forward to working with the city in order to proceed with rezoning of our properties, whether via an overlay district or a zoning variance for the properties that would allow us to proceed with our intended use.

As lifelong citizens of Sandusky, my wife and I are very excited with the current path our city has taken with its continued growth, both commercially and economically. We are very proud of our city and look forward to the opportunity to participate in its growth as we welcome visitors to the area and to our homes.

David L. Stuck

Suzanne M. Stuck