

Planning Commission
April 27, 2022
Meeting Minutes

Meeting called to order:

Chairman Pete McGory called the meeting to order at 5:00 pm. The following members were present: Pete McGory, David Miller, Jade Castile, Jim Jackson, Steve Poggiali, Conor Whelan and Mike Zuilhof. Alex Ochs and Arin Blair represented the Community Development Department, Brendan Heil represented the Law Department, and interim clerk Tom Horsman was also present.

Approval of minutes from March 23, 2022:

Mr. Miller moved to approve the minutes as submitted and Mr. Poggiali seconded. Mr. Zuilhof stated that he had questions on the last issue that was discussed. He added that there were some points that were brought up that needed to be included as he felt they were relevant. Ms. Blair informed Mr. McGory that the clerk has been out for the past several days. She asked if it would make sense to table the approval of the minutes until the next meeting. Mr. McGory added that would be his recommendation. **Mr. Miller moved to table the approval of the meeting minutes from March 23, 2022 until the next meeting. Mr. Jackson seconded the motion. All voting members were in favor of the motion.**

Discussion on order of agenda:

Mr. McGory shared that the agenda contains a number of public hearings and a matter of new business. Mr. McGory asked if the commission should consider moving that agenda item ahead of the public hearings. Mr. Miller added that there were numerous people present for the public hearings and they would have to wait. Mr. McGory shared that this was a suggestion of staff. **Mr. Poggiali moved to move agenda item #4 up to agenda item #1. Mr. Miller seconded the motion. All voting members were in favor of the motion.**

New Business:

- **Father's Heart Ministries of Sandusky, Inc has submitted an application for a Similar Main Use at 1814 Milan Road, to use the existing building for a funeral home.**

Mr. Ochs shared that Father's Heart Ministries would like to put a funeral home at this site. It is currently zoned commercial service and general manufacturing. To the north of the parcel is general manufacturing and general business. To the east is general manufacturing. To the west is commercial service. To the south is general manufacturing and commercial service. The existing use is vacant. There was at one point a church on the property which is a similar use to what is being proposed. The site sits on about 2.37 acres and has a total building coverage of 6.9%, well under the 50% threshold. The building is approximately 7,200 square feet. The property contains two parcels. One parcel has a commercial structure. The other parcel has a parking lot that is shared with an adjacent business. They are zoned separately. The proposal contains over 150 plus approximate paved parking spaces from the previous existing use with the parking area covering 61,000 square feet. The applicant wishes to make this a funeral home and 100% of the gross floor will be used for funeral services. The hours of operation will be on an as needed basis including weekdays and weekends, with an option for daytime and evening

services. They buyer only intends to make cosmetic changes to the building. No structural changes will be needed or expected to be done. Based on the services the applicant provided, they plan on doing the traditional funeral services which includes removal, transferring of the decedent and embalming, direct burials, memorial services, gathering visitations, luncheons, tribute videos, online obituary postings. There is no plan for cremation on site. Based on 1109.11 determination of similar main uses, staff recommends a funeral home be considered a similar main use based on the following: based on understanding of intent, customers will only be there for processions and following normal business hours of other businesses in the area. Staff believe this will have less activity than commercial manufactured uses around the site. There is a cement operation two parcels down and staff believes this use has less intensity and be similar to the previous use as a church and is appropriate for the general manufacturing district. Staff believe the funeral home will not create traffic greater to the extent of retail businesses, stores and services allowed in general manufacturing and commercial service districts. Staff has determined this proposed use would not exceed traffic generated from this use as well. The only part of zoning code called out for funeral homes as a direct use is Residential Business which is the most restrictive. Regarding parking requirements, staff did an evaluation and to meet the 150 parking requirement, 6,000 square feet of the building would need to be used as assembly space. Staff feel that 6,000 square feet would not be used as assembly space so they would meet the parking requirement with 82% of the building. This also does not trigger any additional landscaping requirements. Staff recommends the proposed similar main use at 1814 Milan with the following conditions: all applicable permits are obtained from the building, engineering and planning departments. Mr. McGory opened up questions from the Commission. Mr. Miller asked staff if this property was once the former Oriels Club. He added there is plenty of parking and a beneficial reuse of the building. He doesn't see how this would have a negative impact on the neighborhood. Mr. McGory wanted clarification that the commission is not being asked to approve any rezoning. Mr. Ochs replied that was correct. Ms. Blair added that there are a number of points the commission is determining, whether it will cause more or less traffic than the existing uses allow, or be a nuisance, than another allowed use. Is it similar in the intensity in the allowed use. Since a church is allowed, it seems very intuitive to say that a funeral home is a very similar use as a church, so the building in the manufacturing district is appropriate for this use. Mr. McGory asked if this commission's determination is final or if it goes to the city commission for final approval. Ms. Blair answered that this commission's determination would be final for this use. So the parcel would be allowed to be used as a funeral home in this case. Mr. McGory asked if there is some level of control still maintained by the city. Ms. Blair answered that this is a parcel by parcel case so this parcel for this purpose, for a funeral home, is the only thing that will change about this parcel. Mr. McGory asked that once this is done, that once the activities being proposed exceed those comparable limitations if it's already too late at that point. Ms. Blair shared that her understanding is that this can be revoked by the Planning Commission. Mr. Whelan directed the commission's attention to Page 8D of the agenda which stated that the planning commission may revoke similar main use permit if property is not maintained. Mr. McGory added that the commission is extending one as long as they maintain that level. Mr. Heil shared that Mr. Whelan was correct that the Planning Commission may revoke the similar main use permit if the property is not maintained in the manner that would conform to the required standards. He added that it is

1109 11D. Mr. McGory said that Mr. Heil's response answered his question. Mr. Poggiali shared that he did not have a problem with the request as they were similar. He did wonder if funeral homes or funeral parlors were regulated by the state in any way. He added that they are allowing this use but asked if there was another layer of regulation for funeral homes. Mr. Mac Lehrer with Hoty Enterprises shared that he represents the seller of the building, Father's Heart Church, and they are the agent for the new owner of the property, Pastor Ray Robinson, Jr. The groups have structured a purchase agreement for the property. Pastor Robinson was introduced by Mr. Lehrer. Pastor Robinson shared that he is the proprietor of Brown Robinson Funeral Home which did the land contract purchase with Father's Heart. Pastor Robinson added that any funeral home has to be licensed through the Ohio Funeral Directors and Embalming Boards, which are the regulating authorities over the business, in conjunction with the laws and regulations in Erie County. With no further questions, **Ms. Castile moved to approve the application contingent on the staff recommendations. Mr. Poggiali seconded the motion.** Mr. McGory opened up questions from the commission. Mr. Zuilhof shared that this was a fitting use for the property. He added that he can see how rezoning would have been fine and he did not know if this is done because it is more expedient or if it's a better way to do it or if it allows more different future uses. He went on to say that he welcomes this use and thinks it will allow the property to be fully used and it is appropriate for the site. Mr. McGory asked for further questions or comments from the commission to which there were none. **Roll call of the vote: Mr. McGory, yes; Mr. Miller, yes; Ms. Castile, yes; Mr. Jackson, yes; Mr. Poggiali, yes; Mr. Whelan, yes; Mr. Zuilhof, yes. The motion passed.**

Public Hearings:

- **Dennis Grahl has submitted an application to vacate a public right-of-way at an unutilized extension of Church Street. Adjacent properties include: 60-00036.000, 60-60418.000, and 60-00420.000.**

Mr. Ochs shared that the application is looking at a parcel at the end of Church Street on the corner of Church Street and Ward Street. It is a right-of-way and because of that there is no zoning on this parcel. To the north it is zoned R175 single-family residential. To the east is roadside business. To the south is residential multi-family and to the west is R175 single-family residential. Currently right-of-way that's unused by the city. The applicant has filed vacation between 4808 Ward Street and 4904 Ward Street. It is approximately 10,000 square feet of land. It is vacant with no future plans of street extension of Church Street. Staff believes this was the original intention of this right-of-way being in place. The applicant claims to have been maintaining this right-of-way for some time and would like the land for his efforts. The land would be parceled by a licensed surveyor and be split evenly and combined across two directly adjacent properties. A survey map has been included in this application. There is an existing storm water sewer that extends through the right-of-way into the adjoining storm water retention area by the residential multi-family use on adjacent parcel. Division comments include the current infrastructure is in place on the property and this makes the parcel an unlikely option for any buildable structure at least on the southern half of the split. For these reasons, the Planning Division did not oppose the vacation of the right-of-way as long as those easements are followed in future development. Engineering staff did comment further on that there is a 10 foot on each side of the storm water pipe easement that needs to be followed, which makes

most of the parcel unbuildable. The property to the north would be able to possibly extend on their house or parcel that off and put a residential use there, but it would be very limited. Because of that inclusion, staff has no opposition to the approval and the proposed public right-of-way vacation. Exceptions include that they get all of their permits from the planning, engineering, and building departments prior to construction. Mr. Jackson shared that staff had explained to him why this wasn't going through the land bank. He added that he felt it would be a good idea to explain to the crowd why this isn't going through the land bank. Mr. Blair shared that this parcel is not currently in the city land bank. Normally the way the city obtains parcels in that way is through a foreclosure process. It's a different documented process. This is a piece of right-of-way which means it could be an alley or a roadway in the future if the city maintained it and wanted to create a transportation corridor through there for any purpose. Staff determined it is not necessary to maintain this right-of-way because there is no longer other right-of-way that would allow a future roadway connection, even if that was determined in the future that we would want to. Staff would also argue that a developable parcel remain vacant so someone could build a structure on it like a new house. But because the sewer easement is through here, staff determined that it is not feasible for future development, so they did not oppose the right-of-way vacation. It is different from the land bank process. Ms. Blair articulated that it is her understanding that the engineering department's recommendation was an easement be documented and because it's currently a right-of-way. She is not sure the easement is documented, so she would want to make sure if the vacation passed, that it would be contingent on an easement be documented for the sewer passing through there if it's not currently in place. Mr. McGory asked if a pro for the city is that the city wouldn't have to take care of it. He added he understands the adjoining property owner says they have been mowing it, but they could stop, so the city would have to continue to mow. He added the city would be giving up the ability to run a roadway through there in the future. He asked if it had been considered or would it be logical to extend that road to this point. Ms. Blair answered that if you look at the map, the western property was likely right-of-way as some point that had been vacated previously. There are structures on it so there's no current way for the city to connect Church Street to Providence Drive, which was a factor in the determination that staff believe it's appropriate to vacate the right-of-way. Mr. McGory shared that his recollection of when vacations of right-of-way are requested, adjoining property owners are notified and asked for their input. He asked if that was correct, to which Ms. Blair said it was correct. Ms. Blair added that if it's a petition and all signatures are verified of the surrounding abutting properties, then the notice goes to city commission. If not all abutting property owners' sign, then a notice is placed in the newspaper once a week for six weeks before it goes to city commission. Regardless of the process, this will go to city commission if the planning commission recommends approval and there will be a notification process. Mr. McGory asked if other than the city maintaining it if this were not approved, was there any other benefit to the city that he was missing at this point by letting go of it. He added it is not being sold so there is no sale proceeds gained and it would be subject to a recorded easement to maintain that drainage line. He also asked if it is Commons of Providence at the end of that extension to which staff said it was. Mr. McGory asked if they are aware of this. Mr. Ochs shared that Commons of Providence did sign off on this application. Mr. Miller added that he believes another benefit that accrues to the city once they determine they don't need it and the land is split between the two adjoining property owners that actually

increase the size of those two property owner's holdings and takes it from off the tax roll to on the tax roll. Mr. McGory opened up questions or comments from the floor. Chuck Reisner, 705 Perry Street, shared that the city has a lot of these easements and alleys. He went on that fire safety is important and safety forces use those back alleys. He was not sure if this particular easement would help in fighting a fire by leaving it open or not. He added that he did not see a member of the fire department so he was not sure if they were even aware of this. Mr. McGory said he believe they were aware and were asked for comments. He added that this is a grass yard or field with a 20 foot easement which would prevent anything from being built on it. The only difference, if approved, would be a change of ownership. Emergency vehicles could still access this parcel. Mr. Reisner indicated he thought it was being blocked completely, to which Mr. McGory said it would not be blocked. Mr. Miller added that the report specifically indicated that the fire department did review the request and had no concerns. Mr. Poggiali shared that he did not have any issues with the request. He referenced the Mow to Own program and said it was similar. He also reference the rule of adverse possession and indicated he would be voting yes. Mr. McGory added that it was understanding that the commission was voting on their recommendation to the city commission. Mr. Zuilhof asked for clarification if there was going to be a public hearing on this at a city commission meeting. Mr. McGory said it was going to be presented, he wasn't sure if it was a public hearing, but it would be on the agenda. Mr. Zuilhof asked if people would be able to comment on this during a city commission meeting. Mr. Poggiali added that there is an opportunity for public comment at the beginning of the city commission meeting for agenda items. Mr. Zuilhof was asking if it would specifically be a public meeting. Ms. Blair said she had the print off on her desk, but it was not in front of her. Mr. Ochs added that he suspects that it would be a public hearing based on the newspaper process of six consecutive weeks without valid signatures, which would lead him to believe it would be a public hearing. Mr. Zuilhof added that there have been vacations in the past that did not go to the planning commission. He added that he has been advocating the disposition of any public property being heard at the planning commission level. The city hasn't been consistent on it as they have vacated street right-of-ways without the planning commission, he believed. Mr. McGory shared this is a public hearing. He went on to ask if there was anyone else in the audience who wanted to speak pro or con to the matter. Hearing no comments, Mr. McGory asked if there were any additional comments from the commission. **Mr. Miller moved that the application be approved subject to staff recommendations. Ms. Castile seconded the motion.** Mr. Whelan asked is by staff recommendations they are including on that's not on here that they have a recorded easement. Mr. Miller said yes, that's specifically what he had in mind. Mr. McGory clarified that the motion includes an actual recorded easement. Mr. McGory asked if Ms. Castile seconded the motion that way to which she said yes. **Roll call of the vote: Mr. McGory, yes; Mr. Miller, yes; Ms. Castile, yes; Mr. Jackson, yes; Mr. Poggiali, yes; Mr. Whelan, yes; Mr. Zuilhof, yes. The motion passed.**

- **Joseph C. Ritorto III has submitted an application for an amendment to the zoning map for 709 Perry Street (parcel 57-04215.000). The application is to rezone the parcel from "R2F" Two-Family Residential to "RRB" Residential Business**

Mr. Ochs shared the property in discussion is R2F, two-family residential. To the north is a parcel zoned R2F two-family residential. To the east is R140 single-family residential. To the south is

R2F two-family residential. To the west is commercial service. The existing use of the property is residential. They are proposing to rezone it to residential business. It currently has a two family structure on the site. It is roughly 2,400 square feet of living space total. They are looking to rezone to make it marketable for transient occupancy. Mr. Ochs added the Bicentennial Plan a number of points, two of which reflect this application to support the development and rehabilitation a variety of housing types, specifically for short-term transient rental and zoning changes to encourage hospitality, determine appropriate zoning for transient rentals. Based on the comprehensive plan, staff does feel that it meets those two points of the comprehensive plan. RRB, the proposed zoning, is the minimal impact zoning change to this neighborhood to allow transient rental. It is the most restrictive use of the transient rental options other than a proposed overlay. He went on that it is a logical transition as the block to the north is all residential business. There is an adjacent that is zoned commercial that would allow transient, however, staff feels that would open up a lot of intense uses for this neighborhood that is still a residential neighborhood where the residential business would limit the business uses and not alter the character. The two family residential parcel to the north is 22 feet wide. There is an alleyway and an access point to the commercial zoning behind this proposed residence. Staff feels the block zoning is not a negative in this instance because that part of the parcel adjacent is not buildable. The 22 feet is below the building requirements of 33 feet for this zoning. Staff feels this should not deter the planning commission's opinion on the rezoning. Other departments did not have any concerns or comments for this application. Because of that, staff is in support of the approval of the proposed amend zoning map for 709 Perry Street with the following conditions which is they get all of the permits from the planning, engineering and building departments prior to any construction or renovation. Ms. Blair asked if there were any calls or questions about this application. Mr. Ochs shared that they did not receive any negative call. He added that adjacent on the corner of Perry and Monroe, staff had a few more applicants who want to also propose to have a similar rezoning. Ms. Blair added that the applicant had reached out to her initially. She went on to share that if someone wants to do transient rental in there city, there are a couple of different options including where it's currently allowed by zoning in six different zoning districts or in a transient overlay district. If someone is currently not allowed to operate and they would like to, it is feasible. She added they get dozens of calls and most are told that it is not an acceptable option from staff's perspective – to rezone or to create a new district overlay. In this particular case, the applicant approached Ms. Blair, to which she suggested looking at a rezoning option and asked him to rezone the parcel to the north to make the RRB wrap the corner and be a contiguous district. The applicant worked with the property owner who was not interested in that option. She added that this block is historically and currently a mix of residential and commercial uses. For that reason, this would not be more or less intense than the existing uses today by allowing a transient rental on this property. The entire block is centered with commercial service zoning. Based on the aerial maps, there are some fairly intensive commercial activity on this block. Mr. Jackson asked when staff is looking at the properties that want a transient overlay, how is it determined if it is good or bad. He asked if it is how close they are to a transient overlay zone or that doesn't matter how close they are. He asked if that is taken into account. Ms. Blair clarified that this application is for a rezoning of a property, not a transient overlay district. She added that there has been an unclear path forward on how to created new transient overlay districts. There has been numerous

conversations at past planning commission meetings. Currently there is only one existing transient rental overlay district. Last month the commission saw a case where one parcel was added to it because it was contiguous. In this case, the property is not near any new transient rental overlay districts because there is already so much residential business surrounding, Ms. Blair would not have advised the applicant to pursue a transient overlay district. Ms. Blair added she felt the rezoning was more appropriate and less of a zoning intervention than the pursuit of a new district in this location. Mr. McGory asked if the applicant lived in one of the two units that is in the building. Joe Ritorto, 709 Perry Street, shared that he was in the unit. He added that the reason they decided to go with residential business was to be transparent with what they were planning on doing with transient rental. He added that when looking at the block it made sense because behind his property is all commercial and the rest is residential business. He added he is in the unit right now and does photography and video work so he is working out of the home every day. Mr. McGory asked if it was Mr. Ritorto's intention to continue to occupy one of the units. Mr. Ritorto shared that there are a few different ways he could go depending on the outcome of the meeting. He added that they are looking for another property in town. He added that the property could be turnkey for him to walk in and work on the lower unit, which is another reason he was interested in residential business. Mr. Zuilhof asked to clarify staff's position that this was a better way to do this and would not have recommended for a transient overlay district based on the ordinance and that staff could recommend a change in zoning that was appropriate to commercial zoning that would allow this. Ms. Blair confirmed that staff determined that it was appropriate to go to the commercial zoning as it was the minimal intervention. Staff does not have a way of creating or recommending a new transient rental overlay district as it is in the hands of the commission. Mr. Zuilhof added that he does not agree with the assessment that they do not have a clear path for a transient rental. He added they don't as it was not the intent of the legislation to do that. He added the path for planning and zoning legislation is for the planning commission to propose it, for the city commission to propose it, or for a citizen petition initiative. He added he hopes they never have an easy path for asking for transient rental in the middle of a stable neighborhood. He added it was never his intent when he participated in passing the legislation and he thinks it is inadvisable to do so. Ms. Castile shared that she recalled from initial transient occupancy meetings, when defining what calls for these overlay districts, the property needed to be in distress. She asked what about this area, other than it being close to commercial businesses makes it great. She asked if it is in the outreach of downtown that was discussed in a previous meeting. Ms. Blair shared that they are looking at a zoning change on a single parcel. In this case, it is more about residential business appropriate for the parcel regardless of what it is going to be used for. Mr. Ritorto added that if he was in a sea of single-family homes he would not have considered this unless they were looking at doing an overlay in an area that made sense. Ms. Castile added that she is not a fan of spot zoning or following the investor with overlays and rezoning. She went on to say that she agreed with moving forward with more transient occupancies, but feels it would make more sense if they looked at the city and decided which areas would be best for that investment and try to encourage it. Mr. Poggiali shared that he agreed with Ms. Castile. He is not opposed to transient housing but feels there needs to be some guidelines and regulations to which decisions are based. He added he would be happy to look at it if any of his colleagues would like to join him. He also referenced a paper Ms. Blair wrote on December 7, 2021. He felt the

commission should use it as a guideline moving forward. Mr. McGory reiterated that even though the applicant is being transparent about the possible transient rental usage, it is really about a rezoning that makes sense because of the adjoining zoning. Mr. Ritorto added that they already do operate a business at the location and this is key to getting his business into town. Mr. Poggiali clarified that he is not opposed to this. He feels there should be processes and procedures in place to make considerations. Mr. Poggiali added that his reservation is the commission should be clear on how they proceed with transient rentals. Mr. Whelan shared that he feels this is different from an overlay district and this process is something they have done before. Mr. Zuilhof added that another option could be neighborhood business, but in this particular case residential business is an option too. An issue with neighborhood business is that it would require a conditional use permit. Mr. Ochs added that staff feels that residential business is more fitting because it is contiguous to residential business. Secondly, local business allows more uses so this would accomplish the transient option and his business and not allow more extensive uses.

Timothy A. Schwanger, 362 Sheffield Way, Sandusky, had a few questions regarding the map to which Mr. Ochs answered. Mr. Schwanger asked about the notification process for the public hearing. Mr. Ochs shared that any property within 300 feet of the parcel was notified of the public hearing. Mr. Schwanger asked if there was a numerical value of properties notified, to which Mr. Ochs did not have the information. Mr. Schwanger shared his concern about transient rentals in regards to losing residents and how it affects the Census numbers for the city. He suggested putting a moratorium on transient rentals until rules and regulations are created for transient rentals. Mr. Heil clarified that there are rules and regulations in place for transient rentals in the City of Sandusky. Mr. Poggiali added that he feels the rules and regulations should be reviewed and refined. Mr. Jackson commented about a housing program he watched on television regarding starter homes being bought for transient rentals. If it starts taking place in Sandusky, there won't be starter homes in Sandusky for residents. Mr. Zuilhof added that there are already business in Sandusky doing what Mr. Jackson referenced. Wes Pool, 1939 E. Oldgate, shared he did not have an issue with the application. He went on to add to the general discussion about transient rentals the commission needs to decide where transient rentals would or would not be advantageous. He added the commission should consider adding to the transient rental rules and regulations addressing lead pipes and lead paint. **Mr. Whelan moved to approve the zoning change. Mr. Zuilhof seconded the motion. Roll call of the vote: Mr. McGory, yes; Mr. Miller, yes; Ms. Castile, yes; Mr. Jackson, yes; Mr. Poggiali, no; Mr. Whelan, yes; Mr. Zuilhof, yes. The motion passed.**

- **The Planning Commission has set a public hearing to consider a transient rental overlay district for the following parcels along East Washington Street: 56-01210.000, 56-00444.000, 56-00518.000, 56-00747.000, 56-00097.000, 56-01158.000, 56-00643.000, 56-00585.000, 56-01137.000, and 56-01136.000.**

Ms. Blair shared that this public hearing was set by the Planning Commission based on an application from a resident. She clarified the process and next steps if Planning Commission makes a recommendation to the City Commission. She went on to share the location of the parcels and the zoning which is currently residential two-family. The transient overlay district as

drawn was drawn by the petitioner who lives on the corner of Hancock and Washington Street. Public notices were sent to parcels that were within 300 feet of the proposed transient overlay district. Ms. Blair talked about the historic character and density of the area. Staff did not prepare a recommendation as the public hearing was set by the Planning Commission. She added that signatures were received from seven out of the 10 parcels within the drawn boundary, which equated to about 90% agreeing with this. There were concerns that staff received and they were encouraged to attend the public hearing. Mr. McGory asked if the parcels, based on the drawing, some had deeper parcels. Mr. Blair confirmed that was the case and only parcels facing East Washington Street were included. Mr. McGory clarified that if the transient overlay district were approved, it would not require anyone to engage in transient rental. If someone would choose to engage in transient rental, there are additional guidelines and requirements for that. Ms. Castile asked if people specified their concerns to staff when they called in. Mr. Ochs shared that the main consensus of the calls was taking away the historical character of the neighborhood. One of the three concerns received was about the party or the music or people coming and going. Mr. Zuilhof shared he felt this was an appropriate proposal based on the dominant uses across the street.

Chuck Reisner, 705 Perry Street, commented on having lower cost housing that could be promoted for families. He shared that he owns property zoned for transient and does not rent anything he owns. He added if everything becomes a rental, no one will want to build and subject their family to transients.

Terry Brown, 413 E. Washington Street, shared that she is in favor of the proposed transient overlay district. She shared that she and her family like to rent houses when they travel. She also shared that she owns a business and that transient rentals would be good for business. Mr. McGory asked Ms. Brown if her residence was near but not in the proposed overlay district, to which Ms. Brown said that was correct. Ms. Castile asked Ms. Brown if this was her residence or an investment property. Ms. Brown said it was her residence but would not mind the option to be able to use it in that manner but not all of the time. Mr. McGory asked if Ms. Brown would be fearful if this were approved to which Ms. Brown responded no. Ms. Castile commented she appreciated the differing opinions being heard. She added for every transient overlay district, these are potential losses of regular residents and the city needs to find a happy medium.

Bob Newton, 308 E. Washington Street, shared it is in the middle of the proposed transient overlay district and is opposed. He referenced potential parking issues and concerns with noise from transient rentals. He also talked about safety being an issue. He also talked about Airbnb's affecting local businesses, specifically taking money from hotels and motels. He also talked about urban flight, specifically people who moved to Perkins Township to rent their city residence as an Airbnb. Mr. Newton also talked about long term renters, as he has owned rental properties, and how long-term renters become neighbors, but you do not know the background of transient rentals. Mr. Newton also shared and wanted to submit a petition that included 22 people, which he obtained from going door-to-door. Mr. Newton submitted the petition to be added to the record. Mr. Poggiali asked Mr. Newton if it would be more tolerable if only 20% of

the houses could be Airbnb. Mr. Newton said he feels that transient rentals would tear the neighborhood down.

Andrew Mullery, 302 E. Washington, shared that they outgrew their house and is moving to Perkins Township and would like to do an Airbnb as a way to keep the house. They enjoy utilizing the downtown and plan to utilize the house when it is not being rented.

Dave Bouy, 320 E. Washington Street, talked about the food hall and how the business will eventually generate similar issues Mr. Newton referenced and questioned why he would buy across from a business district if Mr. Newton had those concerns. Mr. Bouy shared that he is in favor of the transient overlay district. Mr. McGory asked if Mr. Bouy lived in the property. Mr. Bouy shared that he owns and is a seasonal resident.

Craig Hect, 222 46th Street, Sandusky, he shared he owns a duplex at 304 E. Washington Street for 24 or more years. He shared he has poured more money into the properties he owns and respects everyone's opinion. He feels there are good rules and controls in place for transient rentals and with local city ordinances in place issues will be taken care of. He mentioned as a landlord he deals with numerous issues with his long-term tenants. He added there will be issues with Airbnb as well, but there are rules in place. He would just like the opportunity for transient rental down the road, especially if he chooses to sell later.

Chris Wiedle, 403 E. Adams Street, shared that he purchase Mrs. Parker's house, which he purchased upon her death and finished the interior renovations. He referenced his house being a national registered house, the historic area, and went through the process to have the house approved as a transient rental and bed and breakfast. He shared he was told by the city that he had to provide off street parking. He reference the map and that only three of the parcels in the proposed overlay district could provide off-street parking via driveways. Mr. McGory asked staff if off-street parking is a requirement for transient rentals. Ms. Blair shared that off-street parking is a consideration in the permit on a case-by-case basis. Ms. Blair also clarified that the proposed boundary is not within a registered historic district in the city, it only has historic character. Mr. McGory asked how off-street parking is determined on a case-by case basis. Mr. Blair shared that it is based on how many units there are and if there is on-street parking offered. Mr. McGory asked if that process would have been applied to Mr. Wiedle's property, to which Ms. Blair said it was her understanding that it would have been. Mr. Zuilhof asked if the application requires a parking plan, which Mr. Heil said it does. Mr. Zuilhof added that when Mr. Wiedle purchased his property, transient rental rules were not in place, so they operated under different rules. Mr. Wiedle asked if a parking plan was submitted. Mr. Zuilhof clarified that a parking plan is submitted when a property applies for a transient rental permit. Mr. Jackson reiterated that if this overlay district was passed, individuals could not automatically turn their properties into an Airbnb.

Craig White, 334 E. Washington Street, shared his experience when he first moved to the city in regards to the city's noise ordinance and violating it. He added he was happy to see the house across the street being renovated by the Zimmerman family. He added he has not seen negative

activity. He referenced all of the commercial properties across the street and how he felt an occasional Airbnb on the south side of the street is not going to dramatically affect the character of the neighborhood. He is in support of the transient overlay district. He added being able to turn his historic property, also on the national register and previously owned by Mrs. Parker, would help him to continue to restore it.

Tim Schwanger, 362 Sheffield Way, Sandusky, shared he felt there were a lot of issues that needed to be resolved. Mr. Schwanger asked out of the other parcels, how many people live in those houses – if they are owner-occupied or if they are rentals. Mr. Schwanger referenced the March 23 planning commission meeting and how the home owners who live there be the ones who sign the petitions. Mr. Schwanger asked if by approving the overlay district tonight, if it opens up the entire block in the future. He went on to ask if a person could come to planning commission to have their property rezoned because they would be contiguous to the overlay district. Mr. Zuilhof shared it would qualify under the ordinance as a contiguous property for expansions, but it doesn't mean it would be approved. Mr. Schwanger added because of that 10 years from now the city could be looking at the entire block being a transient rental area. Mr. Schwanger also asked if a parcel in the overlay district applied to be a transient rental, they couldn't be turned down. Mr. Zuilhof shared that they would have to meet all of the requirements. Mr. Schwanger asked if those requirements were in the regulations or if was up to the planning commission to say yes or no. Mr. Heil shared that people apply for a transient rental license, 1341.32 the transient rental ordinance lists specific requirements, inspection, license fee, parking plan – specific requirements are listed out that they have to meet. If requirements are met and the fees are paid, a license will be issued. Mr. Schwanger talked about having a cap city wide on transient rentals. Mr. Jackson shared that the planning commission has been discussing everything Mr. Schwanger talked about. Mr. Schwanger said the issue of transient rental should be addressed immediately. Mr. Zuilhof shared that he agrees with the cap, but it is not simple as they discussed a cap and what it means and planning commission is working on it. Mr. McGory added if they were to put a cap on right now, inflation would still be going up, supply chain would still be a problem, housing costs would still be going up and the housing stock would still be declining in quality. These are all problems the city needs to face and until the city gets decent paying jobs, he is not sure of the solution, but a cap on transient rentals will not solve all of the problems. Mr. McGory has seen improvements with buildings that have been turned into transient rentals. Mr. Poggiali added that the staff is willing to sit down and talk about transient rentals. He went on that it falls to the planning commission to review and put parameters. Mr. Schwanger suggested that the planning commission review examples from other cities as to what they are doing with transient rentals.

Mr. Bouy asked to clear up some misinformation regarding parking. All of the parcels have off street parking. Six have parking from the front and the three parcels in the middle have parking in the back off of an alleyway. An unidentified member of the audience shared that there is not off-street parking off of the alley because the garages are not usable.

An unidentified member of the audience asked of the 22 signatures on the petition that was submitted, if they are homeowners, who they were, if they are residents and are they given the same weight if they are a renter or a homeowner.

Mr. Zuilhof moved to table this item until the next meeting. Ms. Castile seconded the motion. Roll call of the vote: Mr. McGory, no; Mr. Miller, no; Ms. Castile, yes; Mr. Jackson, yes; Mr. Poggiali, yes; Mr. Whelan, no; Mr. Zuilhof, yes. The motion passed.

- **The Planning Commission has set a public hearing to consider a transient rental overlay district roughly bound by West Monroe Street to the north, Marquette Street to the west, Superior Street to the east, and then extending to the railroad tracks to the south**
Ms. Blair shared that this public hearing was set by the Planning Commission to consider a transient overlay district. Ms. Blair shared that there is general manufacturing in the area. Two photos were shared. One was the boundary drawn by the petitioner. The second included the boundary provided by the petitioner and it was expanded to include the district being drawn by the backs of the parcels fronting those roadways roughly bound by Marquette to Seabert along West Monroe across from Lions Park entrance. This was based on previous discussions. The addresses that received notices for the public hearing were also denoted in the photo. Notices were sent to the largest boundary that was discussed at the last meeting. Ms. Blair shared that the area is a residential character, small footprint, single-family homes with quite a bit of vacant parcels. Staff did not prepare a recommendation or report as this was a public hearing set by planning commission to publicly discuss the potential for the transient rental overlay. Mr. McGory added that there is a fairly large marina close to the area. Ms. Blair concurred there is a marina a small RV and several boat launches, a lot of seasonal based amenities. Mr. McGory opened up the floor to members of the public.

Dan O’Laughlin, 3426 W. Monroe Street, Sandusky, shared he is very opposed to this. He went on that this is a thriving family neighborhood. He added that he submitted a petition in the fall with 48 signatures against this. Feels the transient overlay district is not a good fit for the neighborhood. Ms. Castile asked for clarification that Mr. O’Laughlin owns other properties and one that is next door that he rents and that he is still opposed.

Mr. McGory asked for clarification from Mr. Heil that he, Mr. McGory, is not permitted to vote nor participate in the discussion.

Ms. Castile asked staff if they could be included on the emails that are sent out to neighborhoods making them aware of the potential districts. Ms. Blair shared that the public notices are published in the newspaper and paper letters are mailed. Mr. Zuilhof added that they were told planning commission would at least get a .pdf so they knew what was going on.

Jim Maldonado, owner of 3328 W. Monroe Street and 1011 Winnebago, Sandusky. He shared that both properties have large driveways and two parcels. Referring to the gentleman who took the petition, he said he took his petition in the fall. Mr. Maldonado shared that he did a similar petition a few weeks ago that he turned in devoted to the specific area. He said he got 15 homeowner signatures for this, two who were against and four neutrals. He shared that he started this process two years ago. Mr. Maldonado also reached out to business owners who

were in favor of this. He added that he does agree with stricter rules for transient rentals to help put minds at ease. Mr. Poggiali asked if Mr. Maldonado lived in the area in question to which Mr. Maldonado responded he lives in Perkins Township.

Sandra Kennedy, 5516 Deyo Road, Castalia, shared that she owns rentals in Sandusky. She added she knows Mr. Maldonado and he keeps strict control of the properties he owns. Ms. Kennedy asked if transient rentals are allowed on Cedar Point Road. Mr. McGory answered that there are some that were grandfathered. Mr. Zuilhof added that there are none by legislation. Mr. Heil shared that there are a few historically grandfathered in transient rentals on Cedar Point Road. There is no way to do a new transient rental on Cedar Point Road. Ms. Kennedy asked if the city keeps track of crime rates in transient rental areas across the city. Mr. Zuilhof shared that there have been transient rentals in specific zoning districts. Mr. McGory shared that his understanding is the crime rates related to transient rentals is negligible. Ms. Kennedy reiterated the caliber of ownership from Mr. Maldonado.

Emily Vassallo, 1403 Winnebago, Sandusky, shared they do own their home. She shared that unlike Mr. Maldando, she does live in the neighborhood. She went on that there are plenty of other parts of town that are better policed for people to stay versus their neighborhood. She feels that people would be disappointed to find they are on a quiet street away from activities. She also shared that it is not waterfront, Route 250 or downtown, no nearby beach or pool, with nothing in close walking distance. She feels they are in a forgotten corner of Sandusky surrounded by railroad tracks, which can pose a safety risk, especially if safety personnel need to access the area. She also referenced previous homeless shelters and rehab facilities that have popped up. She feels approving the transient rental overlay may be a reason to move. She also referenced the need for long-term rentals. She went on to add that there are several children in the area. No oversight of who is renting the short term rental creates a safety risk for the children. She urged the Planning Commission to side with the residents and deny the request. Mr. Zuilhof asked Ms. Vassallo if she was offered the petition to sign, to which she responded no as she was not at home.

Tim Schwanger, shared a concern from an audience member related to if the residents will receive another notice if the agenda item is tabled. Mr. Heil shared that there is no requirement to send out a second notice from the tabled agenda item. However, it would be scheduled for another public meeting and notice would go out through typical channels. Tabling it just changes the date of which it is scheduled. Mr. McGory clarified that the planning commission would make a motion to take it off the table, which the agenda item would then be scheduled, a decision would not be made at that moment. Mr. Zuilhof shared that he would like to table it so people would have a chance to speak on this issue. Mr. Schwanger shared another issue of concern was he was at the first meeting when the petition was handed over. He shared that was one meeting on this issue. He went on to ask if this had come before the planning commission before but with a bigger boundary. Mr. McGory shared that this application had not come before the planning commission. Mr. Zuilhof added that there were public meetings on a similar district. Ms. Blair shared that there was not public meeting prior to this one.

Barb Manner, 1317 LaSalle Street, Sandusky. She shared she is a life long resident and feels this is a bad idea. She went on that it is a family area and do not want outside strangers in the neighborhood. She also referenced the issue with trains.

John Taylor, 3408 W. Monroe Street. Lived in the area for 30 years and has seen good and bad. The property in question is next door to him and sat vacant for five years. He wanted to purchase the house, but decided not to purchase the house. The house behind it sat vacant for three years, which was also purchased by Mr. Maldonado. Mr. Taylor shared that if there is an issue he will call Mr. Maldonado first and then the police. He added that if the issue is not resolved he will continue to call the police until Mr. Maldonado's license is revoked. He added that Mr. Maldonado did a fabulous job on the house. He was for approving the application.

Mr. Maldonado added that the petition brought in the fall was for train track to train track, not the proposed area.

Mr. Reisner shared a suggestion that the application should only be taken from people who legally reside in Sandusky.

Mr. Maldonado added that he owns the property behind the property in question and if people felt more comfortable he could make that his permanent residence.

Mr. McGory shared that his understanding is the request is for the smaller area. Planning staff took it upon themselves to say the original area could be approved or denied or tabled, or the commission could chose to expand it to the larger drawn area or between the two. Mr. Zuilhof shared the way he understood it was to open a public hearing and include the residents within 300 feet of the expanded area. He is aware that it started out as an area bounded by the streets, and found out that it would be better, in his opinion, when the character is the same on both sides of the street, to include both sides of the street where it's appropriate. Staff foresaw the possibility to include those possibly affected if both sides of the street would be decided to be included. Mr. Zuilhof shared he feels the commission is free to do nothing, do the original proposal, do something else entirely that is reasonably within the boundary. Mr. Zuilhof added that he is inclined to do nothing as this is substantially similar to what was proposed last year that there were public meetings on that did not proceed, not for lack of interest, but because there was not a consensus in the neighborhood to support it.

Mr. Jackson asked for clarification if a motion is made what they would be making a motion on. Mr. Heil shared that they have options to make a motion. They could move to define an area, a different area or the proposed area. If no motion is made, it would die for lack of a want of a motion, which would be the do nothing option. He added that a motion could be made to reject it, which is not necessary because if there is no motion the agenda items dies for a lack of a motion. Mr. McGory asked if the application is based on the smaller area. Ms. Blair shared that there is no application in this case. The planning commission set the hearing. The petition that was brought to them was the smaller boundary. Staff's understanding of the direction from planning commission was to send public notice to cover the larger boundary. Plenty of notice was sent if the planning commission wanted to change the shape of the boundary if they chose to move a boundary forward. Mr. Zuilhof added that a decision to do nothing is a decision, which they have. Mr. McGory added that it would be helpful to him on the previous agenda

item and on this one to have an idea of who within the boundary is in favor, which is not clear to him. Mr. Blair shared that this item was 27.7% of the signatures attached to an address within the smaller boundary. Mr. Heil clarified that the petitions are presented to the city. They are not city petitions. It is resident gathered information. Mr. Poggiali asked if the commission were to do nothing and essentially reject this, it would not prohibit the person from coming back if the commission were to finalize new regulations. Mr. Heil shared that a rejection would mean the originally proposal is specifically rejected. It does not prohibit the original person or the planning commission from taking different action for a transient overlay district or a person from a changed ordinance to apply for a transient rental. Mr. Zuilhof added that it recently became clear to him that a conditional use permit once heard, if it fails, the same application cannot be made for two years. This keeps enthusiastic persistence from bogging down the system. This is not an application, so do nothing, table it if you want to keep talking about it, even a motion to adjourn. Mr. Poggiali asked if there was going to be a motion. Mr. Zuilhof shared that if he was going to make a motion it would be to adjourn which he was not going to do until they exhausted other options. He feels it went nowhere before and does not have sufficient support and does not sufficiently fit the ordinance to be a clear yes or a clear win. He is not ready to make a motion and does not feel this is a good idea. He added he is a strong proponent of protecting the rights of people that are already there. He believes strongly in personal property rights and doing what you want with your property, but limited by the rights of your neighborhoods. He will never vote for changing zoning on residents who place substantial amounts of their personal wealth in their home. Mr. McGory asked Mr. Zuilhof about his comment of it going nowhere before. Mr. Zuilhof shared that there were public meetings regarding this area, a similar area, in September and October of 2021. It was this rough area and an area on McDonough on the west side of downtown. Neither resulted in action. A decision not to act is a decision not to act. Mr. Whelan shared that he is generally in favor of VRBOs. He understands the discussion tonight has been the opposite and appreciates and considers a lot of the discussion. He agrees in this case it has been one property owner in favor who does not live there versus numerous residents against it.

Mr. Zuilhof made a motion to adjourn. Ms. Blair shared that there is a small item of business should would like to be heard prior to entertaining a motion to adjourn. There was no second to the motion, the motion died. **Mr. Poggiali moved to table this request. Mr. Jackson seconded the motion.** Ms. Castile asked if the commission does not table it, what happens. Mr. Heil shared that it stays open for discussion, unless there is no motion at which point it dies for a lack of a motion. Mr. Zuilhof added that they are not debating the tabling the motion, but asking a point of order. He also added the topic cannot be taking up from the table unless a motion is made to do so. A member of the audience asked if a motion is made to take it up from the table, would the residents be notified. Mr. McGory shared that it was answered previously. Mr. Heil clarified that if the motion to table passes, it is put on the table until the commission makes a motion to remove it from the table. If that motion passes at a subsequent meeting, it then comes back at the next meeting, so two meetings, at which point, there is not a requirement for the city to send letters out again, however, all of the city's public meetings are posted on the city's website. Public notice is provided for all public meetings. The City is not required to send out another round of letters on this topic. **Roll call of the vote: Mr. McGory, abstain; Mr.**

Miller, yes; Ms. Castile, yes; Mr. Jackson, yes; Mr. Poggiali, yes; Mr. Whelan, no; Mr. Zuilhof, yes. The motion passed.

Other Business

Ms. Blair shared that a petition from David Stuck, 418 McDonough Street, for the consideration of a transient rental overlay district on the west side of downtown. She went on that it is similar to the area that was considered at a public meeting last fall. Mr. Stuck drew the boundaries on the back of properties and included the Dog House property which is a city-owned property that would give flexibility to the property. It also includes the row houses on Adams Street. She shared that it is 51 parcels and 16 signatures were submitted which is 31.4% of the parcels. Mr. Whelan clarified that a motion could be made at any point in time after it has been presented.

Mr. Poggiali requested that a committee be put together of himself and Mr. Miller as they are at both ends of the extreme. They would work with staff and fine tune things and bring back a draft for the planning commission to review. Ms. Castile added that she would like to be part of that committee. Mr. Heil reminded the commission that depending on the number of commissioners serving on the committee, it could be a public meeting if four or more would wish to convene. Mr. Zuilhof asked if this would be a good idea to consider at the next meeting. Mr. Poggiali added that if it keeps getting kicked around the wheel keeps turning and they are back at the same thing. Mr. McGory and Mr. Poggiali talked about the topic of caps, which Mr. Poggiali added that these items would all be discussed by the committee. Mr. McGory shared commission members could meet with staff to discuss.

Adjournment

Mr. Zuilhof made a motion to adjourn. Ms. Castile seconded the motion. All members were in favor of adjournment. The meeting was adjourned at 8:21 pm.

Next Meeting:

May 25, 2022

Approved:



Thomas Horsman, Interim Clerk



Pete McGory, Chairman