

## **Planning Commission**

**November 22, 2022**

### **Meeting Minutes**

#### **Meeting called to order:**

Chair McGory called the meeting to order at 5:00 pm. The following members were present: Vice Chair Miller, Commissioner Castile, Commissioner Jackson, Commissioner Poggiali, Commissioner Whelan, and Commissioner Zuilhof. Arin Blair represented the Community Development Department, Brendan Heil represented the Law Department, and Clerk Quinn Rambo was also present.

#### **Approval of minutes from July 27, 2022:**

Chair McGory asked for a motion on the amended July 2022 minutes. Vice Chair Miller made a motion to approve the minutes as amended and the motion was seconded by Commissioner Poggiali. The Commission voted unanimously to approve the amended minutes of the July Planning Commission Minutes.

#### **Approval of minutes from October 26, 2022:**

Chair McGory stated amended minutes were passed out prior to the meeting and asked for a motion. Vice Chair Miller made a motion to approve the minutes as amended and the motion was seconded by Commissioner Jackson. The Commission voted unanimously to approve the amended minutes of the July Planning Commission Minutes.

#### **Adjudication Hearing**

**Ralph Chamberlain, on behalf of the Erie Metropolitan Housing Authority has submitted an application for conditional use permit at 914 Hancock Street to make the existing community garden a legal conforming main use and allow a shed as an accessory use.**

Staff presented the conditional use application and recommended the applicant seek a conditional use permit because local business zoning does not allow a shed for a primary building. Staff is in favor of the application with the condition that all applicable permits are obtained prior to construction. Mr. Chamberlain spoke on behalf of request. Chair McGory asked if the shed will have a foundation. Mr. Chamberlain stated there were existing concrete pads that would be used for the shed location. Vice Chair Miller asked if it would be a permanent installation. Mr. Chamberlain stated no, the shed would be able to be removed, if necessary. Chair McGory asked for a motion. Vice Chair Miller made a motion to approve the application with conditions of Staff and the motion was seconded by Commissioner Castile. The Commission voted unanimously to approve the application with Staff conditions.

#### **New Business**

##### **1001 Fremont Avenue- Site Plan**

**John Carrigan, on behalf of Classic Investors, LLP, has submitted a site plan for 1001 Fremont Avenue to build a storage building in a Commercial District.**

Ms. Blair stated that Mr. Ochs had been ill during the week but was on the phone to answer any questions the Commission may have regarding the application. Ms. Blair presented the application with the recommendation of approval with the condition that all applicable permits be obtained prior to construction. Commissioner Jackson asked if there would be fencing around the property. Ms. Blair

believed there was fencing. Commissioner Zuilhof stated that he believed there was barbed wire fence that did not completely encompass the property and did not give a friendly appearance. Mr. Ochs stated that barbed wire is allowed with a conditional use permit but this property does not have conditional use permit in place. Mr. John Carrigan, one of the applicants, spoke on behalf of the project. Commissioner Zuilhof asked if any fencing was being added. Mr. Carrigan stated no. Commissioner Poggiali asked if there was barbed wire fencing. Mr. Carrigan stated there was 3 strand barbed wire fence installed. Commissioner Poggiali made a motion to approve the application as presented with Staff conditions. The motion was seconded by Commissioner Zuilhof. The Commission voted unanimously to approve the application with Staff conditions.

### **Public Hearing**

**Danielle Murray on behalf of Lioness Realty, has submitted an application for an amendment to the zoning map for 603, 605, 611, 617, and 619 E. Washington Street (parcels 56-00022.000, 56-00734.000, 56-00033.000, 56-00356.000, 56-00030.000). The application is to amend the zoning map to expand the Transient Overlay District to include the above mentioned parcels.**

Chair McGory introduced the application and asked for the staff presentation. Ms. Blair presented the application. Ms. Murray had a signed affidavit from all the property owners to represent the properties listed in the application. Staff is not opposed to the request and requested any approval be granted with the conditions that all applicable permits be obtained through City Departments as necessary. Chair McGory asked if transient rental was allowed in downtown business zoning. Ms. Blair stated that it was an allowed use. The applicant, Danielle Murray, spoke on behalf of the request. Chair McGory asked if Ms. Murray had obtained notarized statements from all property owners to act on their behalf. Ms. Murray answered yes. Chair McGory asked if there was any other public comment. Mr. Schwanger asked if the applicant was required to get the other properties rezoned for her request to be approved. Ms. Blair explained that typically single zoning of properties does not occur but it is not illegal to do so. Commissioner Zuilhof added that the request is for a district and once parcel does not make a district. Chair McGory stated the property owner did not have to do it that way. Ms. Blair added that all property owners within 300 feet of all the properties on the application were notified about the request. Commissioner Poggiali added that he thought there was a moratorium on these type of requests. Commissioner Zuilhof stated that if it was a single property owner requesting this, it would not be consistent with the ordinance. Commissioner Poggiali asked if the property was a duplex and if it had been rented out. Ms. Murray answered that yes it was a duplex and it had not been rented out in recent years. Commissioner Poggiali asked the applicant if she spoke to property owners across the street, the applicant stated she had not spoken to those owners. Ms. Blair stated they were notified per ordinance guidelines. Commissioner Zuilhof asked for the zoning of the properties across the street. Ms. Blair stated the zoning across the street is Residential 2 Family. Vice Chair Miller made a motion to approve the application with staff conditions and the motion was seconded by Commissioner Whelan. The following Commissioners voted yes to approve the application as presented with Staff conditions: Chair McGory, Vice Chair Miller, Commissioner Castile, Commissioner Jackson, and Commissioner Whelan. Commissioner Poggiali voted against the motion because of his concern on where it would stop if the Commission continues to approve contiguous properties. Commissioner Castile added that she agreed with Commissioner Poggiali but added that this particular property was in proximity to the downtown area and overlay district, which was why she voted in favor of the approval. Chair McGory stated just because it gets approved doesn't mean people will do transient rental. Commissioner Poggiali stated he

is concerned about too much rental and people being discouraged from living in the City. Commissioner Zuilhof added that the district is an overlay district so the initial zoning will remain in place.

**Lynn Harlan, on behalf of Battery Park Sandusky, LLC, has submitted an application for an amendment to the zoning map for 701 E. Water Street (parcels 56-61377.000, 56-61377.00, 56-01377.001, and 56-01313.000). The application is to amend the zoning map to a Planned Unit Development (PUD) at the above mentioned parcels**

Chair McGory introduced the next application and asked for Staff presentation. Ms. Blair presented the Staff Report. Commissioner Zuilhof asked why the agenda stated the application was an amendment to the zoning map, when they were being presented a site plan. Ms. Blair stated the application for a rezone to a PUD was the review and approval of a preliminary site plan. Ms. Blair described the process for the approval of a PUD and explained that if the Commission approved the rezone tonight, within 18 months of a City Commission approval of the rezoning, the Planning Commission would be presented with the Final Site Plan. Staff supported the application to rezone the property to PUD with the condition (in summary) that all applicable permits be acquired prior to occupancy, who the legal responsibility and method of the maintenance of all open spaces be specified, to include in the design specifications: dimensions, architectural features of all facades and materials to be used, and a detailed landscape plan/ garage screening. Chair McGory asked if the Commission was being asked to recommend the Site Plan to City Commission. Ms. Blair answered that was incorrect, Planning Commission approves site plans and the Commission approving the preliminary site plan was a recommendation to the City Commission to approve the rezone request. Commissioner Whelan asked if the developer would be committed to completing the project through all phases. Ms. Blair stated that with final development plan there would be a schedule that must be met. Commissioner Castile questioned if the public space would be guaranteed. Ms. Blair answered that it would be locked in, like the building structures. Chair McGory asked the applicant to present. Chip Marous, the applicant, introduced the project and his architectural team. Denver Brooker, and Cullen Eves, the applicant's architecture and design team, presented the preliminary site plan. Commissioner Jackson asked if there was an order the buildings would be built in. Mr. Marous stated from north to south after the infrastructure is in place. Chair McGory opened the floor for public comment. Mr. Oliver spoke against the application. He stated the City is acting illegally, the development doesn't offer any low to moderate income housing, and the plan does not preserve the historic nature of Battery Park. Ms. Ashburn spoke next and asked that the Commission table the application until the citizens can vote on the matter. Mr. McCloskey told the Commission that letting permanent changes, such as changes to roads, would no longer make it a lease, but taking over the property from the citizens of Sandusky. He asked the item be tabled until after the vote. Mr. Schwanger said that Battery Park is underutilized because of the lack of wayfinding signage, lack of access, and lack of maintenance by former lease holders. He continued City Commission did not hold lease holders accountable. Mr. Schwanger presented the 2009 Battery Park Plan and compared it to the current presentation. Ms. Marzuga voiced her concern that Mr. Harris (former City Law Director) stated in a 2020 City Commission Meeting, "that no one can parcel out and sell the land," but this preliminary site plan shows condominium parcels. She also wanted the Commission to consider the preservation of the existing trees. Mr. Wiedle expressed that there were 30 existing empty retail spaces in downtown Sandusky and there was not a need for more retail in Sandusky, the proposed developer had not finished the Feick Building, and Sandusky does not need more renters. Mr. LaMarca shared that every several years the City was presented with a new/ better plan and he felt this plan served the interest of the developer more the welfare of Sandusky residents.

Mr. Carl McGookey spoke in favor of the proposal, he continued it offered many amenities for the public and would draw in visitors. Mr. Dan McGookey told the Commission this project would increase the quantity and quality of access to the water for the public. Chair McGory asked for a motion. Commissioner Miller made a motion to approve the preliminary plan in support of amending the zoning map subject to Staff conditions. The motion was seconded by Commissioner Jackson. Commissioner Zuilhof stated that water access was greatly improved with the presented plan and quality of green space was also greatly improved. Commissioner Miller stated that he understood the residents that spoke against the proposal earnestly believed that presented plan would not be good for Sandusky; but he also knew many of those same people were against the Jackson Street Pier project and that many of those people he has encountered down at the pier enjoying themselves. Commissioner Jackson concurred with Vice Chair Miller's experience. Commissioner Whelan stated that he was concerned about access to water and if the green space would remain the same, he felt this proposal met those requirements. He added that he believes the voters would support this plan and he would not like to see the final development plan until after the upcoming vote. Chair McGory had concerns about the retail space as well, but the Commission was not voting on that matter. Commissioner Zuilhof asked for clarification of what the Commission was being asked to do tonight. Staff reviewed PUD guidelines for the Commission. Vice Chair Miller explained the certainty of which a PUD provided to the City. Commissioner Castile voiced that she was not particularly in favor of PUD's but the goals for this property had not been achieved in years and this PUD would accomplish those goals. The Commission discussed the lease and submerged lands regulations with input from Mr. Heil. Chair McGory called for a vote and the vote was approved unanimously by all commissioners to approve the preliminary plan in support of amending the zoning map subject to Staff conditions.

**Adjournment:**

Commissioner Castile moved to adjourn and the motion was seconded by Commissioner Whelan. The meeting ended at 7:42 PM.

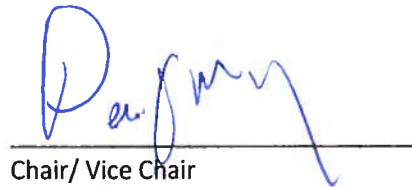
**Next Meeting:**

December 28, 2022 at 5:00pm.

**Approved:**



Clerk



Chair/ Vice Chair