

**Planning Commission
January 25, 2023
Meeting Minutes**

Meeting Called to Order

Chair McGory called the January 25th Planning Commissioner meeting to order. The following Members were present: Vice Chair Miller, Commissioner Poggiali, Commissioner Whelan, and Commissioner Zuilhof. Commissioners Castile and Jackson notified Staff that they were unable to attend the meeting in advance. Arin Blair and Alec Ochs were present on behalf of the Community Development Department, Brendan Heil was present on behalf of the Law Department and Quinn Rambo was the acting clerk.

Approval of Minutes from November 22, 2022

Chair McGory introduced the first item on the agenda, which was the approval of the minutes from the November 22, 2022 Planning Meeting. Vice Chair Miller moved to approve the minutes as distributed and Commissioner Poggiali seconded the motion. Chair McGory called for all those in favor of approving the minutes as submitted and the motion passed unanimously.

Election of Officers

Chair McGory introduce the next item on the agenda as election of officers for 2023 and asked for a motion. Vice Chair Miller moved to keep Chair McGory as chair and the motion was seconded by Commissioner Poggiali. Commissioner Zuilhof made a motion to keep Vice Chair Miller as vice chair and the motion was seconded by Commissioner Poggiali. A vote was called and the motions for Chair and Vice Chair were approved unanimously by the Commission.

Transient Rental Zoning Ordinance Reintroduction

Chair McGory stated that the Law Director had an item to present to the Commission for a vote. Mr. Heil requested that the Commission take up a piece of time sensitive business, which was the reintroduction of the Transient Rental Zoning Regulations. Mr. Heil continued that in 2017, the City passed a comprehensive update to the transient rental regulations that included zoning provisions, and also a regulatory portion in the Environmental Health and Safety Code. Mr. Heil explained that less than a week ago, the Sixth District Court of Appeals invalidated the ordinance on a technicality and therefore, in order for the City to continue as it had for the last five years, the Planning Commission would have to vote to reintroduce the ordinance for transient rental regulations in the zoning code. The only change would be to delete the words "non-transient" from the definition of dwelling. This would not change how the city handled

transient rental and would not expand it. It would keep the status quo. If approved, this would be presented at the next City Commission meeting and the other part of the ordinance, which was the Environmental Health and Safety Code portions, would be split from this vote because the zoning provisions need to follow the procedural mechanism, whereas the environmental health and safety provisions of the ordinance do not have those same procedural mechanisms. Chair McGory asked if the only difference between what was before the Commission was the highlighted language. Mr. Heil stated that the reason for the change was from a 2013 court case, where non-transient dwelling was not defined and was not needed in the City's Code because of its vagueness. Commissioner Zuilhof asked Mr. Heil what would be the appropriate motion. Mr. Heil answered he would ask for a motion to approve the proposed ordinance modifying the identified sections of the zoning code. Commissioner Whelan and Chair McGory asked if the Commission was being asked to recommend that the existing statute be reenacted with proper procedures and that the recommendation go to the City Commission, and if it would have to come to the Planning Commission. Mr. Heil stated that was correct, and if it had originated with the City Commission; it would have been required to come to the Planning Commission for approval. Commissioner Zuilhof made a motion to refer the planning legislation in question to City Commission. Commissioner Poggiali seconded the motion. Commissioner Poggiali asked if the City Commission had the option to send this back to the Planning Commission if they felt it needed to be reworked. Mr. Heil answered yes, just like any piece of legislation and recommended that time be of the essence, to at least return the City to where it was prior to this discovery. Mr. Heil indicated that the Commission could amend the motion to recommend the passage of the draft ordinance presented which amended the listed sections of the Planning and Zoning Code. Commissioner Zuilhof proposed to amend the original motion to Mr. Heil's recommendation and the motion was seconded by Commissioner Poggiali. Chair McGory asked if the typographical errors and errors of that nature would be cleaned up. Mr. Heil stated those items could be taken care of and that the definition in the 2017 ordinance of non-transient would be removed and the definition of transient occupancy would be updated. Chair McGory called for a vote on the amendment to the original motion and roll call resulted in a unanimous approval of the amendment to the original motion. Chair McGory asked Vice Chair Miller for his questions. Vice Chair Miller wanted to verify his impression that part of the urgency of this matter was the annual renewal of transient rental permits. Mr. Heil stated that was correct, that the City begins receiving those in January and was holding off processing those until this correction had been approved by Planning Commission and City Commission. Chair McGory called for approval of the amended motion. The roll call resulted in unanimous approval of the amended motion.

Public Hearing

306 West Water Street

Havinfun, LLC, has submitted an application for an amendment to the zoning map for 306 West Water Street (parcels 56-00131.000, 56-61007.000). The application is to amend the zoning map from LM- Limited Manufacturing to DBD- Downtown Business District.

Chair McGory introduced Havinfun, LLC and asked staff to present the application. Mr. Alec Ochs present the application to the Commission. Mr. Ochs stated the applicant was seeking to change the property's zoning to downtown business. The applicant's property is contiguous to downtown business zoning district to the north and also the east, which allows transient occupancy. Staff recommended approval of the application and considered downtown business a more appropriate zoning for this site. Mr. Ochs continued that from a zoning perspective the downtown business zoning was more restrictive than the property's current zoning of manufacturing. Ms. Blair mentioned the staff review and recommendations process for rezoning applications considers not only the existing land use and the desired land use of the applicant, but also the future land use of a property in context with surrounding land uses. In this case, the property is cohesive to the Downtown Business District, is within the Downtown Historic District, is functioning like a downtown business, which all leads to the staff recommendation that Downtown Business is a more appropriate zoning for this parcel. Staff asked if the Commission approved the application that the following conditions be applied, that all applicable permits were obtained through the Building, Engineering and Planning Departments and any other applicable agencies. Chair McGory asked if there was anyone who wished to speak on behalf of the applicant or against the application. No one came forward to speak. Chair McGory made a motion to approve the application as submitted subject to Staff recommendations. The motion was seconded by Commissioner Zuilhof. A vote was called and the motion to approve the application as presented with Staff recommendations was approved unanimously.

1315 Campbell Street

Lionel McCrimon, on behalf of Z Commercial, LLC, has submitted an application for an amendment to the zoning map for 1315 Campbell Street (parcel 57-000229.000). The application is to amend the zoning map from R2F- Two Family Residential to RRB- Residential Business District.

Chair McGory introduce the application for 1315 Campbell Street and asked for the Staff Report. Mr. Ochs stated the property is currently zoned R2F- Two Family Residential and is surrounded on the north, south, east and west by Two Family Residential. The applicant was seeking to rezone the property to RRB- Residential Business. The applicant's property was not contiguous to any transient rental zoning classifications

and was surrounded by two family zoning on all sides and continued for the majority of the neighborhood. Staff did not recommend approval of the application because rezoning this property to a less restrictive use would not meet the goals of the Comprehensive Plan and does not meet the trends of the surrounding area. Mr. Ochs added that Code Compliance found this property illegally operating as a transient rental on November 9, 2022. Ms. Blair added when the Planning Department reviewed applications, that they were not just looking at what the current applicant wanted but to the future of the neighborhood. Staff has heard from the Commission and residents that they want their neighborhoods preserved. She continued this application was clearly surrounded by residential properties and was not in line with any expansion of transient rental in the City. Chair McGory inquired if the property owners within 300 feet had been notified of the application and if Staff had heard any feedback from surrounding neighbors. Both Ms. Blair and Mr. Ochs stated they had not heard from any property owners for or against the application. Chair McGory asked if the representative of the application would like to come forward to speak on behalf of the request. Mr. Lionel McCrimon came forward to speak on behalf of the application. Mr. McCrimon stated he recognized the importance of preserving the neighborhood and was originally from Florida and knew about the downfalls of transient rentals. He stated management was key to a successful transient rental property and he had worked closely with neighbors to make sure the property did not become a nuisance to the neighborhood. Chair McGory asked if the house was set up as a single family or apartments. Mr. McCrimon replied that the house is set up as two apartments. Chair McGory asked if the property was ever used for long term rentals. Mr. McCrimon stated that the downstairs apartment had been used as a long term rental. Commissioner Zuillhof asked what other uses are permitted in the Residential Business District. Mr. Ochs answered light scale business uses would be allowed with a conditional use permit, and only a handful of uses were permitted outright, some examples included baked good, flower sales, barber shops and hair salons. Ms. Blair added to think of the district like Sandusky's historic neighborhood commercial where there were often cases of storefront on the bottom floor and residents upstairs. Chair McGory asked if there was any other public comment and there was none. Chair McGory called for a motion. Commissioner Poggiali made a motion to follow Staff's recommendation and deny this application as presented. Commissioner Poggiali added that the first application was contiguous to areas that allow transient housing but moving into residential neighborhoods, was a no vote for him. Commissioner Zuillhof seconded the motion to deny the application. Vice Chair Miller stated for 18 months the discussion around expansion of the transient rental area, not currently zoned appropriately, has been ongoing and the lack of affordable long term rental spaces has many concerned. Vice Chair Miller continued that he believed there were willing renters at a good price point to rent spaces like this for a long term rental in a residential neighborhood, which was what the property was zoned for and an

appropriate use. Chair McGory expressed that the applicant seemed responsible and the kind of applicant that would properly run a transient rental but there were two kinds of transient rentals, ones that were no problem and the ones were constant problems. Chair McGory continued that a rezone for this situation was not how the applicant should proceed. Commissioner Whelan agreed with Chair McGory and added that he was normally in favor of the expansion of transient rental beyond what the Commission had been doing but not in the middle of a two family neighborhood. Commissioner Whelan explained that he did not like telling property owners what to do with their property, particularly when they seem responsible and the request was reasonable. Mr. McCrimon explained that there were a lot of properties in bad shape, that may be affordable but were not adequate housing and there were a lot of slum lords in the area. Mr. McCrimon stated his goal was to provide properties that include furnishings, internet, air conditioning, heat and a person to contact when something goes wrong and it doesn't have to be 100% Airbnb. The property would follow the Cedar Point schedule. Commissioner Zuilhof asked the applicant if this property was owned by a real estate investment company. Mr. McCrimon answered it was partnership and that he was the management company in the venture. Commissioner Zuilhof stated that this was a growing business model and was displacing a significant number of locals and that Sandusky needed a moratorium on Airbnbs, but the Commission may have found one because nothing could be passed at the moment. Commissioner Zuilhof pointed out that the property has alternatives to an Airbnb, the property could be used as it was zoned and earn a decent return. Chair McGory stated there was a motion on the table and called for a vote. The vote resulted in a unanimous vote to deny the application as recommend by Staff. Ms. Blair thanked the applicant for being at the meeting, spending his career in the area, and Staff would definitely like to help him find where he could invest in the City. Vice Chair Miller added that among his daughter's friends, Sandusky was ripe for attracting new people, with a modest cost of living and the multiple opportunities available, but they wanted to visit not move here- which aligned with what the applicant said about furnished apartments for a few months.

New Business

2130 Hayes Avenue- Site Plan

Claire Bank and Arie Swirsky with ThenDesign Architects, on behalf of the Sandusky Board of Education, has submitted a site plan for 2130 Hayes Avenue for a pool addition to Sandusky High School.

Chair McGory introduced the Site Plan 2130 Hayes Avenue. Mr. Ochs presented the application and stated that the surrounding uses are park, business, and school facilities. The application is for the Sandusky City School Natatorium and scope of work consisted of renovating the existing locker rooms, converting the existing pool into a multi-purpose room, family locker rooms and constructing a new natatorium. This facility

would be available for use by the students and the community. Staff recommended approval of the site plan for 2130 Hayes Avenue with the following conditions that all applicable permits are obtained through the Building, Engineering, Planning Departments, and any other applicable agency prior to construction. Chair McGory asked for a motion. Commissioner Zuilhof made a motion to approve the site plan and the motion was seconded by Commissioner Poggiali. Mr. Feick, the applicant's representative, came forward to address the Commission. He stated that the School Board had approved ThenDesign Firm to start construction documents. The applicant was hoping to go out to bid in April, construction to start in June, and to take approximately 18 months to finish the project. Commissioner Poggiali asked if this site plan was the original layout. Mr. Feick stated that it was not, that after reviewing the original plan the costs were too much but the new layout would have the community gaining a multipurpose room. Commissioner Whelan asked were there considerations made to keep the school separate from the public. Mr. Feick answered that there would be separate entrance and locker rooms from the school. Chair McGory called for a vote. The roll call result in unanimous approval of the 2130 Hayes Avenue Site Plan.

1502 Hayes Avenue- Site Plan

Victor Huston Has submitted a site plan for 1502 Hayes Avenue, to build a barber shop.

Mr. McGory introduced the site plan for 1502 Hayes Avenue and asked for Staff report. Mr. Ochs stated the property is zoned RRB- Residential Business and surrounding properties were zoned both residential and business and that the existing lot was vacant. The site was located on a focus corridor in the Comprehensive Plan and the applicant would like to place a barber shop on the site. The site was currently part of the City's Landbank Program and this proposal would add a taxable parcel back into that Auditor's database. Staff added that the parking standard were below the requirement to enable the City's landscaping requirement but was recommending low level landscaping along the facades of Hayes Avenue and Osborne Street and that all area standards, yard regulations, and uses were satisfied by the site plan per the City's zoning code. Staff recommended approval of the site plan with the following conditions that all applicable permits were obtained from the Building, Engineering, Planning Departments, and any other applicable agency prior to construction, and that the parking space layout follows Staff's recommendations. Chair McGory asked if the picture provided was what the actual building. Mr. Ochs stated he believed that was what the applicant planned to put onsite and the applicant was present to speak more on that topic. Chair McGory stated that the building did not look like it had a foundation and wanted to know if that would be acceptable construction for that area. Ms. Blair answered that Staff had met with the Chief Building Inspector and the applicant to explain what the applicant would have to do to get the building seated on the site

properly and get his occupancy permit. Commissioner Zuilhof stated that a condition be made that the excessive apron be fixed. Commissioner Whelan asked if the building was set the way it was because of setback requirements and if the building could be moved closer to the street, like the beauty salon across the street, that there would be better flow of parking coming in from Hayes Avenue and exiting onto Osborne Street. Ms. Blair answered that the City wanted to limit the amount of curb cuts on Hayes Avenue since it was a travel corridor. Mr. Ochs added that what Commissioner Whelan was proposing would require a variance because residential business was at the top end of residential in regard to setback standards. Commissioner Zuilhof made a motion that the site plan be approved per staff recommendations, that the apron be fixed, and all parking areas be paved. Commissioner Poggiali seconded the motion. Vice Chair stated that it was good to see a small business appropriately zoned for this former derelict property. Commissioner Poggiali added that the Landbank Committee agreed to give the land to the applicant because he was going to make it a productive piece of property. Chair McGory asked if the applicant would come forward to explain their vision, and answer the Commission's questions. Mr. Victor Huston, the applicant, came forward to speak. He stated that he had been born and raised in Sandusky and had been operating a barbershop since 2011. Mr. Huston continued that everyone needs a haircut and the vacant lot being near an elementary school, middle school and high school would be a perfect location for his business. He added he has hosted events, such as a full day of free haircuts at Lion's Park and he provided 60 haircuts that day. He viewed his business as a place to bring the community together, mentor young people, and will provide two or three jobs in a small family owned business. The applicant let the Commission know he was open to the suggestions from the Commission but he was also ready to move forward since he had been pursuing this request since June of 2022. Commissioner Zuilhof proposed that the Commission could table the application to let the applicant make adjustments to finalize his plans. Chair McGory stated there was a motion and a second on the table. Commissioner Zuilhof stated that a discussion could be tabled at any time. Mr. Huston answered that he wanted the Commission to give him an answer today. Chair McGory called for a vote to approve the site plan with staff conditions, removing concrete and replacing with tree lawn all portions of the existing curb apron that are not needed as part of the new parking configuration, and all parking areas, including on site, were paved. The vote on the site plan for 1502 Hayes Avenue was approved unanimously by the Planning Commission.

223 Meigs Street- Site Plan

John Hancock, on behalf of McGookey Properties, LLC, has submitted a site plan for 223 Meigs Street for a building expansion at the Bait House Brewery.

Chair McGory introduced the site plan for 223 Meigs Street and asked Staff to provide their report. Mr. Ochs presented the application stating that existing property was a

restaurant and brewery and was surrounded by two family residential and public facilities. The applicant requested to construct a building to expand seating for the restaurant/ brewery, move the second floor kitchen to the ground floor, additional parking and landscaped areas. On December 6, 2022 staff met with the applicant on site to better understand the concept for additional pedestrian circulation and parking constraints. Staff has determined that the proposed building configuration was optimal for the flow and placement of the back of house needs, which includes kitchen and staff areas and also the location of the walk-in cooler. Mr. Ochs continued that the parking demand for the site was 48 spaces but the municipal building parking lot had been utilized for overflow parking. Staff recommended approval of the site plan and the enhanced parking lot configuration recommended by the Engineering Department, and paving the existing gravel parking lot and any additional parking area that is currently grass or where the garage existed. Due to the close proximity to the Sandusky Bay Pathway, Staff also suggested that the applicant to add bicycle racks throughout the parking lot to accommodate up to six bicycles. If the application is approved tonight, the applicant would go to the Board of Zoning Appeals to request variances on the side setbacks and minimum buildable lot for the four lots that were not currently meeting the area/ yard requirements for R2F Residential zoned parcel. Mr. Ochs explained that the Engineering Department did give some parking feedback and recommendations to the applicant to maximize parking coverage at the site, and provided a better traffic flow pattern. Staff recommended approval of the site plan with the following conditions: (1) all applicable permits were obtained through the Building, Engineering, Planning Departments, and any other applicable agency, (2) a variance application would be submitted and approved by the Board of Zoning Appeals for encroachment to the 15 foot side yard minimum setback and also the creation of four parcels that would not meet the minimum area/ yard requirements, (4) a lot combination to consolidate the new lots into the bait house parcel, (5) the gravel portion of the existing parking lot and any new parking areas be paved and 100 foot of landscaped areas be added, bike racks added, and recommended layout of parking lot per Engineering Staff be incorporated. Ms. Blair added the applicant would like to keep their proposed parking plan. Chair McGory asked the applicant to come present their position on the parking lot and what they were advocating to keep. Mr. Dan McGookey, the applicant, and Mr. John Hancock, the applicant's engineer, were present to speak on behalf of the application. Mr. Hancock explained that the angled parking that the Engineering Staff suggested did several things that they wanted to avoid. One was that it lost the regularly configured center median, which provided the landscaping island requirements, which would be used for stormwater control. The second item was that the angled spots blocked off the back of the old bait shop building, which required unrestricted access because it was still used by the brew house. Commissioner Zuilhof asked if the perpendicular parking plan met requirements and that he did not recall many precedents where the City redesigned a

plan for an applicant. Ms. Blair confirmed that the applicant's plan did meet requirements. Commissioner Poggiali asked Staff if the parking plan from the City was Josh's recommendations. Ms. Blair stated that was correct, that he didn't say that the applicant's concept wouldn't work and that the applicant explained their reasoning fully of why they had designed the layout as presented. Commissioner Poggiali made a motion to approve the application with Staff conditions with the exception of Engineering Department designed parking lot, the applicant could move forward with their presented configuration. The motion was seconded by Vice Chair Miller. Chair McGory asked for a vote and the application was approved unanimously by the Commission.

Superior Street Public Right-of-Way Dedication

Chair McGory introduced Mr. Jonathan Holody, Community Development Director to present the request. Mr. Holody stated that for the last year the City has been working with the Erie County Health Department to help them improve their entrance to their facility on Superior Street. The main objectives were to improve the signage to their facility and create a pedestrian walkway leading to their facility. It was determined that the best way to accomplish that would be to purchase the two family home at the corner of Superior Street and West Monroe Street. The City partnered with the County Landbank Program to have the house demolished. The City then entered into a 5 year lease with the Health Department for the property; at the end of the lease the Health Department would own the property. Mr. Holody continued that they worked with the Public Works Department and the Engineering Department for the expansion of the Superior Street Right-of-Way. This would allow for the jog in the road to be straightened out and for continuous/ consistent tree lawn. Commissioner Zuillhof made a motion to approve the Superior Street Right-of-Way Dedication and the motion was seconded by Commissioner Whelan. A vote was called for the motion and was approved unanimously by the Commission.

Public Comment

Chairman McGory called for a motion to adjourn but Commissioner Poggiali pointed out that there was a citizen present to speak. Ms. Sue Doherty was representing Serving Our Seniors. She wanted to follow up on the recommendation that the Commission consider modifying ordinances that would allow for Accessory Dwelling Units, also known as ADUs. Ms. Doherty stated she attended the planning meeting when the recommendation was made by Ohio Leadership that the Commission consider modifying their ordinances to allow ADU's. She wanted the Commission to know that she was in favor of that proposal and if that recommendation was still being given consideration. Ms. Doherty gave examples of citizens that Serving Our Seniors helps and the desperate situations many of them were facing. Commissioner Zuillhof stated that

standards needed to be established to help solve this problem and our society has created the problem that some can afford multiple homes but others can't afford rent. Chair McGory asked if Staff had an update of the analysis. Ms. Blair answered that Staff need to do the research but seven cases this month and a bustling Community Development Department have taken priority. Chairman McGory contemplated with the number of derelict properties in Sandusky, if the bones were strong enough to be redone. If the City should rethink tearing down these houses, renovate them instead, and rent them out long term. Would a property owner be able to recoup their investment? Chair McGory continued that as a member of the Habitat for Humanity Board that low income houses get built on those demolished lots, and sometimes, although rarely, Habitat for Humanity has rehabbed existing homes. Commissioner Zuilhof stated part of the problem is the law, if a house was condemned, it was condemned to demolition. Mr. Heil stated that there had been some internal staff conversations about not just using demolition as a mechanism but that would take time for a municipality to do. It was not as easy for a municipality to accomplish as it was for a community development corporation. Commissioner Poggiali stated in 2008 it was the school of thought that not all the housing was needed anymore. Federal money was available for demolition and The City followed where there was fund availability.


Adjournment


Commissioner Poggiali made a motion to adjourn the Planning Commission Meeting and the motion was seconded by Vice Chair Miller. The meeting adjourned at 7:13 pm.

Next Meeting:

February 22, 2023 at 5:00pm.

Approved:


Clerk


Chair/ Vice Chair