

**Planning Commission  
May 24, 2023  
Meeting Minutes**

**Meeting Called to Order**

Chair McGory called the May 24, 2023, Planning Commission meeting to order at 5:01 pm. The following Commissioners were present: Commissioner Castile, Chair McGory, Vice Chair Miller, Commissioner Poggiali, Commissioner Whelan, and Commissioner Zuilhof. Commissioner Jackson was absent. Arin Blair and Alec Ochs were present on behalf of the Community Development Department, Sarah Chiappone was present on behalf of the Law Department and Quinn Rambo was the acting clerk. Brendan Heil was present remotely, via phone, during the meeting.

**Approval of Minutes from March 22, 2023**

Chair McGory introduced the first item on the agenda, which was the approval of the minutes from the April 25, 2023, Planning Meeting. Commissioner Zuilhof questioned the attendance, and it was determined to be correct. Commissioner Miller made a motion to approve the minutes as presented and Commissioner Poggiali seconded the motion. Chair McGory called for a vote of all those in favor of approving the minutes as presented and the motion passed unanimously.

**Public Hearing**

**2068, 2056, 2054, 2050 Cleveland Road and vacant lot in between 2056 & 2068 Cleveland Road- Zoning Map Amendment.**

**Dan McGookey, on behalf of Blake McGory, Elaine McGory, Jeffery Larson, and Ernest & Catherine Ettore, has submitted an application for an amendment to the zoning map for 2068, 2056, and 2068 Cleveland Road (parcels 57-03358.000, 57-02994.000, 57-02885.000, 57-02989.000, 57-04471.000). The application is to amend the zoning map from either R2f- two family or R1-60 Single Family Residential to RRB- residential business at the above-mentioned parcels.**

Chair McGory stated due to the same last name of the applicants, that he would be abstaining from the vote on these applications. He introduced the application for Cleveland Road and asked for Staff report. Mr. Ochs stated Staff would prefer the Commission to evaluate the applications from a broader perspective of whether the zoning change makes sense for the parcel and the expected future land use of it, and the surrounding parcels. The Cleveland Road Corridor is a medium – high intensity commercial corridor and two hotels were located within a 650ft distance from the parcels listed in the application. The Bicentennial Vision Comprehensive Plan outlined several priorities for the neighborhood. Some of the priorities related to this site are: (1) Livable City: Top Priorities (summarized): Support the development and rehabilitation of a variety of housing types that meet the needs of current and future residents including: (1) short-term transient rental, (2) Destination City: Top Priorities (summarized) Zoning changes to encourage hospitality: Determine appropriate zoning for transient rentals and hotels, and other

hospitality development in the city, (3) Vibrant City: Top Priorities (summarized) Leverage impeding hospitality investments to revitalize Cleveland Rd. Corridor, (4) Connected City: Top Priorities (summarized) (a) Corridor improvements: example – Cleveland Road, Understanding the goals set for this area by the City's Comprehensive Plan and the reasons previously stated in this report, the rezoning could satisfy the above conditions. It is unclear if all property owners were interested in transient rental use, though they did authorize *McGookey Law Offices* to act as their agent to rezone the properties. Lastly, if the applicant desired these properties to be utilized for transient rental, they each would need their own transient rental application and be thoroughly reviewed by the Code Enforcement Department and the Planning Department. The decision in this case is a factor of weighing the following: (A) The demand for long-term housing versus short-term housing in the city, both priorities of the Comprehensive Plan, and (B) The high-traffic mixed use nature of Cleveland Road. and its future as a primarily commercial corridor in the City versus the preservation of existing homes for long-term residential. On May 8, 2023, the Sandusky City Commission passed a moratorium on rezoning properties for the purpose of transient rental use. The moratorium takes effect on June 7th, 2023, and will remain in effect for 18 months unless ended earlier, or extended, by motion and vote of the City Commission. If Planning Commission were to recommend this application for approval, it would not proceed for approval due to the recently passed moratorium. If approved by the Commission, Staff asked that the condition of all applicable permits being obtained through the Building Department, Engineering Department, Division of Planning, and any other applicable agency be added to approval. Chair McGory asked if there were any questions for Staff. Vice Chair Miller asked if it were not for the moratorium, would Staff have recommended the application for approval. Ms. Blair stated possibly from a 20-year standpoint/ future land use map, she could see these properties being zoned business, but as of right now the area was a very interconnected residential area. Commissioner Whelan asked if the approval would not count because of the moratorium. Mr. Ochs stated the application would be paused until the moratorium was lifted. Commissioner Zuilhof asked for clarification on the moratorium in connection to the applications. Ms. Blair stated that the requests were directly in conflict with the moratorium. The moratorium pauses the creation of new transient rental zoning overlay districts, any expansion of the transient rental overlay district, and any rezoning for the purpose of the transient rentals. Commissioner Whelan asked Commissioner Poggiali if he would inform the Commission about the moratorium. Commissioner Poggiali stated that he would be abstaining from the vote due to a conflict of interest and it would not be appropriate for him to comment. Chair McGory asked, if procedurally, the application could be taken to City Commission. Ms. Blair answered there was not sufficient time before the moratorium went into effect for the application to make the legal requirements of a rezone request. Commissioner Zuilhof stated that City Commission would need a super majority to override the recommendation of the Planning Commission. Ms. Blair confirmed that was true. Chair McGory asked if there was anyone present to speak on behalf of the application. Mr. McGookey was present to speak on behalf of all property owners. Mr. McGookey stated that the application would go before the City Commission, no matter what the Planning Commission ruled. The

applicants were entitled to their due process. Mr. Heil, City Law Director, stated based on the timing of when the moratorium would take effect, no more applications would move forward procedurally, so this would not move forward to City Commission. The applicant would have other administrative appeal rights but the way the moratorium was designed and passed, as legislation, basically stopped all applications from proceeding procedurally. If these applications had been received after the effective date of the moratorium, it would not even have come before Planning Commission. Commissioner Zuilhof stated the Commission could not look outside of the request to the moratorium; the job of the Commission was to rule on the application presented to them. Commissioner Castile asked Mr. McGookey based on the Staff reports listed reasons would be a hardship and what would justify a change in zoning because she was not compelled, based on the request, that the rezone was a necessity at present. The only criteria met was in line with the future comprehensive plan. Mr. McGookey stated that it was a close equivalent to Route 250 in Perkins Township and only allowing residential on one side of the road and commercial on the other. Mr. McGookey stated that it was the burden of the government to give a reason why that property could not be used as the property owner was requesting. Mr. McGookey stated the Staff reports confirm that the applications met the Comprehensive Plan. Commissioner Zuilhof stated that zoning districts should not be divided by streets or boundary lines and said these properties were in a relatively stable residential neighborhood. Commissioner Zuilhof worried that a zoning change would negatively impact the neighborhood. Mr. McGookey stated there were commercial properties interspersed throughout the neighborhood currently. Ms. Blair reminded the Commission that the Chair has the power to move the conversation along, and not allow debate to take place. Chair McGory asked if there was anyone else present to speak for or against the applications. Vice Chair Miller stated that if the market was seeking more transient uses, in the past, the Commission looked to zoning and was not compelled to rezone to accommodate additional transient uses. Commissioner Castile asked what the merits were of changing the zoning of these properties. Commissioner Whelan asked if the Commission was changing their standard of what was considered a hardship, particularly in the view of a livable city and he wanted to be consistent. Mr. McGookey reiterated the burden falls to the government to decide whether there's some reason to deny the request. Mr. Heil interjected, saying that he disagreed with Mr. McGookey's argument about the burden being on the government. Mr. Heil continued procedurally that the burden in any rezone request was on the applicant to show why the use would meet the standards in our zoning code for amendments which would specifically be about the public necessity, general welfare, and good zoning practices. Mr. McGookey disagreed with Mr. Heil's assessment. Commissioner Poggiali asked Mr. McGookey how the applicants had been denied the use of their properties. Mr. McGookey answered that the properties were restricted, and they have the right to be given a valid reason of why they can't use their properties as requested on the application. Commissioner Castile asked if a stable residential neighborhood could be used as a valid reason for denial. Chair McGory asked Mr. Heil if the request did not have to meet the all of the zoning guidelines hardships. Mr. Heil answered it was up to the Commission's interpretation of the ordinance.

Commissioner Zuilhof made a motion to deny the application and the motion was seconded by Commissioner Castile.

- A vote was called, Commissioners Castile and Zuilhof voted in favor of the motion, Vice Chair Miller and Commissioner Whelan voted in opposition to the motion, and Chair McGory and Commissioner Poggiali abstained from the vote. The motion did not pass.

Commissioner Zuilhof asked for Mr. Heil's counsel. Mr. Heil stated the motion did not pass, so debate could continue or motion to approve the application could be considered.

Commissioner Whelan stated the Commission should have a real reason to deny the application. Commissioner Zuilhof stated there was strong reason to deny the application because it is in the interest of the community to leave the zoning as currently zoned; because of the public feedback the Commission received- that citizens were unable find permanent housing. Commissioner Castile stated she agreed with Commission Zuilhof and added that there wasn't anything brought in opposition to that reason during the presentation.

Chair McGory asked for another motion. Commissioner Whelan made a motion to approve the application with conditions of Staff and the motion was seconded by Vice Chair Miller.

- A vote was called, Commissioners Castile and Zuilhof opposed the motion, Vice Chair Miller and Commissioner Whelan voted to approve the motion, and Chair McGory and Commissioner Poggiali abstained from the vote. Mr. Heil stated that the motion to approve failed and constituted a denial of the application.

One of applicants spoke up after the vote but did not come to the podium or state his name, he stated that right down the road is an Airbnb and it was not right that they could operate one, but he couldn't. Commissioner Zuilhof stated that could be a Code Compliance issue.

Commissioner Zuilhof stated he wished the applicant had gotten up and spoken during the public hearing. Mr. McGookey stated that all those facts were before the Commission. Chair McGory stated the Commission would be moving forward with the meeting.

### **Adjudication Hearing**

#### **409 Jackson Street- Conditional Use**

**Ben Cooper, on behalf of 419 Housing, LLC has submitted an application for the conditional use permit at 409 Jackson Street to allow the transient occupancy in a LB- Local Business Zoning District.**

Chair McGory swore in all parties and introduced the application for 409 Jackson Street and asked for the Staff Report. Mr. Ochs stated the site was a 2-family residential structure and has 6 off-street parking spaces. The applicant was seeking a conditional use permit to allow 1 of the 2 units to be used for transient rental. Mr. Ochs continued that Staff preferred conditional use permitting in local business districts to allow transient rental cases where the expanded use would foster catalytic projects that provided a greater benefit to the public than the project

would be able to provide without the conditional use. Based on recent policy direction from City Commission regarding transient rentals, Staff did not have a recommendation for the application. Staff asked if the Commission approves the application, that the following conditions be applied: (1) all applicable permits were obtained through all applicable departments and agencies, and (2) the project does not exceed the proposed one transient units. Chair McGory asked if there were any questions for Staff. There were none. Chair McGory asked if there was anyone to speak on behalf of the application. Mr. Ben Cooper, the applicant, was present to speak on behalf of the application. He stated that there were currently (2) long-term tenants, so the transient rental would not take place for possibly a year. The reason for this request was to help with making improvements to his (19) rental properties without him and his partner being forced to raise the rent for their long-term rental tenants. Commissioner Poggiali asked Mr. Cooper if he would go on the record stating that he would not come back to the Commission to get the other rental unit approved as a transient rental. Mr. Cooper stated he would go on the record that he would not bring the other unit back to the Commission for a conditional use of transient rental. Multiple Commissioners voiced their opinion of how the 409 Jackson Street application differed from the previous applications on Cleveland Road; that this property was zoned Local Business and requesting a conditional use and not requesting a zoning amendment/ rezone.

Commissioner Poggiali made a motion to approve the application with Staff conditions and the condition that the lower unit is the only unit that would be approved for conditional use. The motion was seconded by Commissioner Miller.

- A vote was called, and the motion passed unanimously to approve the application.

### **306 W. Adams Street- Conditional Use**

**Ben Cooper, on behalf of 419 Housing, LLC has submitted an application for the conditional use permit at 306 W. Adams Street to allow the transient occupancy in a LB- Local Business Zoning District.**

Chair McGory introduced the application for 306 W. Adams Street and asked for the Staff Report. Mr. Ochs stated the site was part of a 5-family residential structure. The building footprint was approximately 3,887 sq. ft. and has 6 off-street parking spaces shared with the building to the south. The applicant is seeking a conditional use permit to allow 1 unit to be used for transient rental. The residential structure is across the street from Veterans Park, the County Courthouse and near the Sandusky Library. Based on recent policy direction from City Commission regarding transient rentals, Staff did not have a recommendation for the application. Staff asked if the Commission approves the application, that the following conditions be applied: (1) all applicable permits were obtained through all applicable departments and agencies, and (2) the project does not exceed the proposed one transient units. Chair McGory asked if there was anyone to speak on behalf of the application. Mr. Ben Cooper, the applicant, was present to speak on behalf of the application. Mr. Cooper stated that they were making the request to generate revenue for the property and the unit was vacant. There were (5) units in the building. Mr. Cooper stated he would not feel comfortable stating on the record, as he did on the previous application, to only request one unit to be used as a transient rental but today's request was for just one unit.

Commissioner Zuilhof made a motion to approve the application with Staff conditions and only approval for the unit with the address of 306 W. Adams Street. The motion was seconded by Commissioner Whelan.

- A vote was called, and the motion passed unanimously to approve the application.

### **Other Business**

#### **1702 Campbell Street- Site Plan**

**Jeff Krabill has submitted an application for a Site Plan at 1702 Campbell Street for a mixed-use development.**

Chair McGory introduced the site plan for 1702 Campbell Street and asked for Staff report. Mr. Ochs stated the applicant planned to revitalize the site and make it a mixed-use property. Mixed-use sites would be permitted in this zoning district- if all uses were either a permitted main or accessory use. The applicant proposed to "condoize" the entire building, with 7 condominiums on the top floor of this building, commercial space/restaurant on the main floor and a commercial space/retail on the lower floor. Each unit would be individually owned but the applicant would own the building. The applicant was proposing 82 parking spaces. The parking spaces and driveways would have an area coverage of 36, 044 sq. ft. The applicant was also proposing 4,000 sq. ft. of landscaping. The hours of the site would vary by use. The applicant proposed to provide lighting that fully points away from adjacent residential properties. The applicant has stated that architectural lighting may be used on the building. Chair McGory asked if there were any questions for Staff. Commissioner Zuilhof stated that he cannot properly view the site plan and then asked if the lighting shown on the plans was existing or new and if the lighting would be dark sky compliant. Commissioner Poggiali asked if the applicant would come forward and answer Commissioner Zuilhof' s questions. Mr. Jeffery Krabill, the applicant, and Mr. John Feick, the applicant's architect, were present to speak on behalf of the application. Mr. John Feick answered the lighting plan was new and dark sky compliant. Mr. Krabill stated Staff recommended a 5<sup>th</sup> light fixture, but the applicant was trying to keep the lighting from causing problems with adjacent residential properties.

Commissioner Poggiali made a motion to approve the site plan with Staff conditions and the motion was seconded by Chair McGory.

- A vote was called, and the motion passed unanimously to approve the site plan.

### **Presentation**

**Findings from the OSU City & Regional Planning Junior Undergraduate Studio Coursework "Sandusky Climate Migration Adaption Plan."**

Ms. Blair explained that Ohio State University reached out to Sandusky to use the City for their project on Climate Migration Adaptation Plan. The Commission would not be voting on this presentation, this was specifically for educational purposes. She continued that the students mission statement is to provide recommendations for the City to enhance the elements of the built and social environments that attract, inspire, and welcome those seeking to rehome in a climate refuge city. Ms. Blair presented the document/ plan to the Commission. The Commission was impressed by the presentation and agreed that Sandusky would be a great city for climate migrants.

**Adjournment**

Commissioner Poggiali made a motion to adjourn the Planning Commission Meeting and the motion was seconded by Commissioner Castile. The meeting adjourned at 7:24 pm.

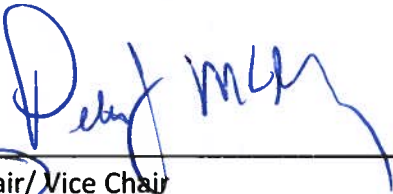
**Next Meeting:**

June 28, 2023, at 5:00pm.

**Approved:**

  
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Clerk

  
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Chair/Vice Chair