

**Planning Commission
March 27, 2024
Meeting Minutes**

Meeting Called to Order

Chair Poggiali called the Planning Commission meeting to order at 5:00 pm. The following Commissioners were present: Commissioner Jackson, Commissioner McGory, Vice Chair Miller, Chair Poggiali, and Commissioner Zuilhof. Arin Blair and Alec Ochs were present on behalf of the Community Development Department, Stewart Hastings was present on behalf of the Law Department and Quinn Rambo was the acting clerk. Commissioners Castile and Whelan were absent.

Approval of Minutes from January 24, 2024

Chair Poggiali introduced the first item on the agenda, which was the approval of the minutes from the January 24, 2024, Planning Meeting. Vice Chair Miller made a motion to approve the minutes with the correction that Vice Chair Miller be added to those in attendance. Commissioner Zuilhof seconded the motion. Chair Poggiali called for a vote to approve the minutes with the correction, and the motion passed unanimously.

New Business

1636 Hayes Avenue- Steve Ruff, on behalf of the Ruff Brothers LLC, has submitted a site plan application for a new storage building at 1636 Hayes Avenue.

Chair Poggiali introduced the application and asked for the Staff report. Mr. Ochs stated the site was approximately 0.27 acres. The property to the east was also owned by the applicant. The new storage building would be the same front yard setbacks as the adjacent building and the same use. A front yard setback variance was granted to 1636 Hayes Avenue on July 20, 2023, to allow a 5 foot front yard setback. The property was currently vacant. The new building would be 40' x 130' and added 5,200 sq. ft. of storage. The site coverage would be 41.6%, below the 50% threshold and include twenty-six 10'x20' storage units. The units on the front side of the building would have 24-hour access and the rear units will have access from 8am – 5pm 7 days a week. Mr. Ochs stated requirements in Section 1149.04 of the Zoning Code, Measurement Standards (c) "Storage or warehousing may be waived with administrative approval and if not approved by the administration, the Planning Commission may approve the waiver". Staff recommended waiving any parking requirements, but the code still required all access driveways be paved. With no additional parking requirements, no additional landscaping was required. Staff recommended adding trees as part of any site-plan improvement, in this to beautify the site. Engineering Staff noted that there needed to be a re-work of stormwater drainage, reduce pipe outlet size 6" max, "bowl" out areas around catch basins, stone swales leading to catch basins, and added they were satisfied with the updated plans restricting the storm outlet from the added paved site received on March 20, 2024, and had no further concerns. The Building Department would like applicant to combine the parcel to the east (parcel 57-05665.001) to the parcel in this application (parcel 57-05666.000), per the building

code, an access point to the site could not be on a separate parcel. Staff recommended the approval of the proposed site plan 1636 Hayes Avenue (parcel 57- 05666.000) with the following conditions that all applicable permits were obtained through the Building Department, Engineering Department, Division of Planning and any other applicable agency prior to construction and Parcel 57-05665.001 and parcel 57-05666.000 were combined prior to construction. The Commission discussed landscaping options. Chair Poggiali asked the applicant to come forward to speak on behalf of the application. Mr. Steve Ruff came forward and explained the site plan. It was explained how he came to own the property and the extensive clean up he has done to the property. Mr. Ruff explained there would not be much room to add landscaping, but they did allow some of vegetation to remain to keep the run-off from the railroad to a minimum.

Vice Chair Miller made a motion to approve the application subject to Staff conditions. The motion was seconded by Commissioner Zuilhof. Chair Poggiali called for the vote and all Commissioners voted to approve the motion, unanimously.

1737 Tiffin Avenue- Mile Heiberger has submitted a site plan application for a drive-through restaurant and parking area.

Chair Poggiali introduced the application and asked for the Staff report. Mr. Ochs stated the site was approximately 0.4915 acres. The applicant purchased the property to develop into a quick service Caribbean themed restaurant structure. There were plans to add three 20' x 8' parking areas for transient food trucks, a walk-in cooler, and a pad for a pop-up vendor. The permanent structure would be approximately 8' x 24' and would total 192 sq. ft. The project required 2 off-street parking spaces. The site plan proposal included 13 parking spaces and a one-way drive-through lane with access from Harbor Boulevard. This development would create two jobs. The building coverage would be 0.9% and the parking coverage area would be 8,988 sq. ft. with a landscaped area of 11,481 sq. ft. The proposed hours of operation would be from 10am – 8pm Monday-Saturday, and 11am – 7pm Sundays with no indoor seating but would offer outdoor seating up to 24 people and would be predominantly drive-through/walk up service. A 6-foot fence along the multi-family residential zoning district to the west along the entirety of the property line would be required. The applicant proposed a monument sign placed along the entrance along Harbor Boulevard. A sign permit would be required before construction of the sign. The proposed site lighting to be used was LED, and dark sky compliant according to the applicant. The parking proposed was below the 25-space threshold with 23-spaces and would not require landscaping standards. Staff recommended adding trees as part of any site plan improvement. In this case, trees would be most appropriate in the future courtyard space as an amenity for customers. All area, yard, height, and parking standards were satisfied and would be a permitted use for the site. The Engineering Department had concerns about the transient food vendors dumping used cooking oil into the catch basin on the site and have recommended adding a grease trap in-line to minimize damage to City infrastructure and providing an additional grease dumpster for the transient vendors if needed. The Building Department had no objections to this request but stated additional submittals would be

required to show compliance with Ohio Building Code & ADA codes. Fire Department stated all transient food trucks must remain at least 3 feet apart from each other and 10 feet away from any openings in the permanent restaurant. Staff recommended the approval of the proposed site plan for 1737 Tiffin Avenue (parcel 58- 02862.000) with the following conditions that all applicable permits were obtained through the Building Department, Engineering Department, Division of Planning and any other applicable agency, a grease trap was constructed within the catch basin CB-A in the parking area, and illumination would be designed/ located were shielded from adjoining Residential Districts. Ms. Blair added, after the Staff report was written, the light fixture presented was not dark sky compliant because of the ability to angle the light, and Staff would work with the applicant to select a fixture that would meet dark sky requirements. Commissioner Jackson asked if there would be rotating food truck on the site and if restrooms would be provided on site. Mr. Ochs stated he would let the applicant address those questions. Chair Poggiali asked the applicant to come forward and speak. Mr. Miles Heiberger, the applicant, came forward and stated that initially the main restaurant will have a restroom for employees, but would add public restrooms as the project progressed. He continued that they had contracts with 3 vendors for spots and those truck would be available on the weekends unless they wanted to expand their contract. The applicant described his restaurant and the food that would be offered. Commissioner Zuilhof asked if code required restrooms. Mr. Ochs stated that the zoning code does not address restrooms, but the building code would handle that requirement. Commissioner McGory asked if portable restrooms would be allowed during the high season. Mr. Ochs stated he did not recall any building codes regarding portable restrooms. Ms. Blair added that there should not be a prohibition of portable restrooms because they were used in some of the City parks during the high season and stated she was concerned adding the requirement of restrooms would add a substantial cost to the project, when a portable restroom may suffice for outdoor seating during the nice weather season. The applicant stated he had researched a concession style restroom that was portable and converted to a permanent structure and would be willing to add that to the site.

Commissioner Zuilhof made a motion to approve the application with the staff conditions, fully shielded lighting and mobile or permanent restrooms with addition of on-site consumption. The motion was seconded by Commissioner Jackson. Commissioner McGory stated that the Yacht Club used a similar structure in the summer for their pool and was inclined if there was no in-house seating not to have restrooms required. Commissioner Zuilhof stated the applicant agreed to the requirement. Mr. Ochs stated that if there was a major change to the site plan, it would be required to come back to the Planning Commission for approval.

Commissioner McGory moved to amend the motion to delete the restroom requirements. The amended motion was seconded by Vice Chair Miller. Chair Poggiali called for a vote to amend the original motion and it passed, unanimously. Chair Poggiali called for vote on the amended motion and all Commissioners voted to approve the application with Staff conditions and shielded lighting.

Old Business

Dark Sky Lighting Regulations-

Chair Poggiali introduced Ms. Blair to present updated dark sky regulation presentation. Ms. Blair reviewed what had been previously presented and gave a summary of proposed changes. The proposed changes would be for future lighting plans and would not be retroactive for existing fixtures. Ms. Blair gave the Commission three options on moving forward that included removing the codified language approach and enact a policy, moving only the “fully shielded” language forward, or move forward as originally presented. Commissioner Jackson asked who would review new structures for the lighting. Ms. Blair stated multi-family and commercial structures would come before the Planning Commission for review, but single-family and two-family structures would be reviewed by Staff as they were currently done now. Commissioner Zuilhof wanted the definition to be consistent between the City’s definition and industry standard. Commissioner McGory stated he understood the need to protect the night sky but was struggling with what the Commission should do to address it, especially with neighborhood lighting or globe lighting. Ms. Blair stated as drafted for the commercial sites, the language states that parking areas and wall mounted fixtures would point down and would eliminate the question of globe light lower to the ground. Vice Chair Miller asked how the vote would work for this item. Mr. Hastings asked the Commission to let him review the Sandusky Codified Ordinances. Chair Poggiali asked if the lights around the Chesapeake were compliant. Ms. Blair stated that they were considered full cut off. Mr. Zuilhof stated they were not compliant and better ambiance could be created without the glare. Chair McGory stated he would prefer low wattage of lights that were unshielded than the requirement of a fully shielded light. Chair Poggiali asked Mr. Hastings if he had an answer for Vice Chair Miller’s question. Mr. Hastings answered that per Robert’s Rules of Order a majority vote of the quorum would be needed to pass a motion. Chair Poggiali asked about how the policy document would work if the Commission passed that instead of an ordinance change. Mr. Hastings stated the policy document would still need to be approved by City Commission. Ms. Blair explained if the policy document was approved the code would refer to an annual program document supplied by the Planning Division and would be more flexible than implementing code change. Commissioner McGory asked if there were currently any nuisance codes regarding bright lights. Mr. Hastings stated Sandusky did not currently have any nuisance codes regarding that issue but other cities in Ohio did have nuisance codes regarding lights. Mr. Ochs read the portion of the current zoning code that addressed lighting. Chair Poggiali asked what Planning Staff would prefer. Ms. Blair stated they felt good about the initial proposal but the simplest solution was to address the definition and focus on design features and add more later if necessary. Commissioner McGory asked if there had been complaints regarding lights. Ms. Blair stated after talking to other departments there were not many complaints regarding lighting. Commissioner Zuilhof stated there was currently no reason to complain because the public was not aware of the protection that could be offered with dark sky regulations. Chair

Poggiali stated that he agreed that enforcement, the ability or not to enforce policy, was not a reason to move forward or not with this but he was concerned to how to implement something that could not be enforced and not meet the expectations of the public for enforcement. He liked the idea of moving slow, adjusting as needed, and asked the Commission if there was a motion. Commissioner Jackson asked about if electric utility companies would be bound to install streetlights per this regulation change if implemented. Ms. Blair stated it would be required for new streets but would not be to replace one pole in an existing street. Mr. Ochs added that if this policy had been in place, prior to the adoption of Cold Creek Subdivision, it could have been part of the initial plat. Mr. Zuilhof stated that the City pays for the streetlights and could select options that would meet the proposed regulations. Chair Poggiali asked about the earlier application where the lights were addressed and what would change, because it seemed as if the Commission was already addressing the issue. Ms. Blair answered it would be easier for Staff to direct applicants to the regulation with a clear definition of what was required because there was currently a lot of back and forth when site plans were submitted and reviewed by Staff.

Chair Poggiali asked for a motion. Vice Chair Miller made a motion to approve the originally presented code change with the revision of the definition of fully shielded. The motion was seconded Commissioner Zuilhof. Commissioner McGory asked if that would apply to new residential and commercial. Ms. Blair stated that it would be for brand new build, new construction, or new expansion. Mr. Ochs gave the example of a new shed. There was discussion regarding a property on the corner of Meigs and Market Street and if exterior lighting would have been reviewed if the regulations were in place. Chair Poggiali asked how the Commission felt about if they limited the regulations to new subdivisions only. Commissioner McGory stated he didn't feel comfortable dictating what could be placed on personal residences because the property on Meigs and Market looked very nice and would not have been allowed with the proposed regulations. Ms. Blair stated that could possibly be addressed by changing the document to state something to the effect of to not include decorative lighting because floodlighting was the primary concern of the regulations. Mr. Zuilhof stated there were compliant fixtures with charm that would meet the proposed regulations. Chair Poggiali asked Mr. Hasting if decorative lighting could be taken out and the regulation be amended further down the road if complaints began to come in after adoption. Mr. Hastings stated all those options were possible and a nuisance ordinance could be implemented as well.

Chair Poggiali asked for a vote. A vote was called, which resulted in a 3-2 vote, in favor of passing the motion to approve the originally presented code change with the revision of the definition of fully shielded. Vice Chair Miller, Commissioner Jackson, and Commissioner Zuilhof voted in favor of the motion. Chair Poggiali and Commissioner McGory voted against the motion. The motion passed.

Adjournment

Chair Poggiali adjourned the meeting at 6:38 pm

Next Meeting:

April 4, 2024, at 5:00pm.

Approved:



Clerk



Chair/ Vice Chair