

Planning Commission
May 31, 2016
Minutes

The Chairman called the meeting to order at 4:32 PM. The following members were present: Mr. David Miller, Mr. Jim Jackson, Mr. Pete McGory, Mr. John Mears, Mr. Mike Zuilhof, and Mr. Wes Poole. Casey Sparks and Angela Byington represented the Planning Department, Trevor Hayberger represented the Law Department and Debi Eversole, Clerk from the Community Development Department.

Chairman Mears invited an audience member to speak against the approval of a prior application at 1216 Campbell Street.

Marcie Platte, residing at 1217 Columbus Ave, stated that her family has owned this property for over 51 years. She received a notice in the mail stating that Mr. Twardzik was going to make a change to the property to make it commercial. When she called the Assistant Planner, she was told that Mr. Twardzik had revoked his application.

A while later she had received a phone call from a neighbor stating that there is a sign in the window "F.K.N. Motorcycles" and "How's Your F.K.N. Performance?" She stated that she was very upset that a motorcycle repair shop was approved to be in her residential area.

Ms. Platte commented that she had previous trouble with Mr. Twardzik about 10 years prior stating that he had removed a fence that was in her back yard. When she contacted the police department, they tried to contact Mr. Twardzik with no response. They left a message for Mr. Twardzik to get in touch with Ms. Platte. When he did, he indicated that he had the fence removed and that he would replace with something better. Ms. Platte does not understand why Mr. Twardzik can do whatever he feels without getting neighbor approval, including putting a motorcycle repair shop at his property with an offensive name. She felt that the name of the shop implied inappropriate language in an area where children gather and play.

Ms. Platte stated that when she initially called, she was told that the request was for an automotive garage as it had been in the past. Eichenlaub Garage could work on one car at a time, so that was not a major concern. Now, the motorcycle shop can work on several more at one time. She also stated that the shop owner parks a toy hauler in the sight line. She stated that there is a possibility for someone to get hurt with the added traffic coming and going.

Ms. Platte added that if you drive past the property, you will see several motorcycles parked, cars parked in the intersection, and vehicles parked in the grass. She stated that her other concern is that the code indicates that surrounding neighbors are required to be notified on some things and not others. She felt that he changed his application to get around the notification procedure.

Ms. Platte concluded by stating that she is very upset that this passed and that it is not fair for her, her neighbors or the resale of the property in the area. She felt that the Commission did not take the time to research the area for safety issues. She stated that there are lies in the application and that he is not following the conditions placed on the approval. She plans to go to City Commission to voice her concerns.

- She stated that when she spoke to Commissioner Poole and Law Director Justin Harris, Mr. Poole told her that there was no neighbor response and Mr. Harris told her that there is nothing she can do but call each time she sees a violation. She feels that the Sandusky Police have more important issues than a motorcycle shop. She asked for an explanation as to why they recommended approval.

Mr. Poole asked Ms. Byington to explain why Ms. Platte was not notified of a second application. Ms. Byington responded that the first application received was for a rezoning, which is required to give surrounding neighbors notice. That application was withdrawn. The second application was for a Substitution of a Non-Conforming Use, which does not require notice. There was no intention to try to slip anything through, that's just what code specifies. Looking to the future, she stated that Staff could look at that section and possibly change the notification procedure.

Mr. Poole addressed Ms. Platte to say that he felt bad that she was not notified, and stated that there was never an intent to ignore her concern. He apologized and stated that Ms. Byington will look into preventing something like this from happening again. He added that F.K.N. are the initials of the individuals that started the corporation. Further, this Commission has no control with what people name their businesses. He then asked Ms. Platte if the noise had been bothersome. Ms. Platte stated that the noise had been bothersome and that the owner is not following the conditions. This was supposed to be a limited business with no vehicles outside and during daytime hours. She feels that she is expected to police the Planning Commission's decision. Mr. Mears stated that they cannot police the situation either. It has to be the people in the neighborhood that notify the City that something is wrong. If Planning Commission is aware of the complaints, they can go back to the applicant to say that they are not following the conditions expected.

Ms. Platte asked why the Commission went against the Planner's recommendation for denial. They are not supposed to put a commercial use back into a residential area. This is a potential safety problem.

Mr. Zuilhof suggested that in fairness to the other agenda items to move this item to another date to get to the bottom of these issues. Mr. Mears answered Ms. Platte's questions stating that Planning Commission does not only go off of Planning Staff's recommendation, but also with applicant information. Considering all of the information, the Commissioners made their decision to approve. He stated that if Ms. Platte would like to take these issues to City Commission, it is her privilege to do so. Ms. Platte feels very strongly that there is a safety issue and that the Commissioners did not research the information before their decision was made. Mr. Poole stated that he did inspect the property before the meeting and stands by his decision. He suggested that this be placed under Old Business and be discussed at a later date. Ms. Platte stated that she will take her concerns to City Commission, where it will be on TV and she will clearly say that safety was not a part of their decision. She thanked the Commission for their time.

Mr. Mears moved on with the first agenda item which was a Public Hearing for Zoning Amendment to the rear of the property at **629 Washington Street**, submitted by Dan McGookey Properties, LLC.

Dan McGookey, 225 Meigs Street stated that this is the second time that he had come before Planning Commission. He stated that they did get a variance approved through the Board of Zoning Appeals.

Mr. Mears asked if anyone wished to speak for the request and against the request. With no other participation, he moved to the Commission for discussion. Mr. Zuilhof moved to approve the application subject to the conditions in the report. Mr. Poole seconded the motion. With no further discussion, the motion passed, all in favor.

Mr. Mears moved to the second agenda item which was a Public Hearing for an Amendment to the Zoning Map for parcels along **Fourth, Third and Second Street**, submitted by Cedar Point, LLC.

Rob Decker, One Cedar Point Drive, spoke on behalf of the application restating that the 16 parcels are adjacent to Commercial Recreation Properties currently owned by Cedar Point, LLC and the application is to rezone these properties to Commercial Recreation. This is for future planning and development. Although there is not a plan in place, the hope is to rezone the parcels to prepare for future improvement or expansion to the area to service those living in the dorms.

Mr. Mears asked if anyone else wished to speak for the request. He asked if anyone wished to speak against the request. Mr. Zuilhof stated that the Commission would welcome neutral comments as well. Mr. McGory asked Mr. Rengle if he had any questions or concerns with the application. Mr. Rengle stated that all of his questions had been answered. With no other participation, he moved to the Commission for discussion. Mr. Zuilhof moved to approve the application. Mr. Jackson seconded the motion. Mr. Zuilhof asked about the Vacation portion of the application. Ms. Sparks stated that the Vacation portion is underway and that it was not required for Public Hearing through Planning Commission. The approval was granted through Public Hearing at City Commission. Also, all parties have signed off. With no further discussion, the motion passed, all in favor.

Mr. Mears moved to the third agenda item which was a Public Hearing for an Amendment to the Zoning Map at **1314 Prospect Street** submitted by Firelands Regional Medical Center. Ms. Sparks suggested that the next item on the agenda was a Site Plan Approval at the same address and asked to brief the Commission on both items.

Ms. Sparks continued to say that Alex Etchill, on behalf of Firelands Regional Medical Center, had submitted an application for a Zoning Amendment and Site Plan Approval for the property located at 1314 Prospect Street. The applicant is requesting to rezone the parcel from R2F/ Two- Family Residential to PF/ Public Facility. The applicant is also requesting Site Plan Approval for 14 additional parking spaces. The existing zoning is "R2F" Two-Family Residential. The subject properties are surrounded by several different zoning districts including: "PF" Public Facility and "R2F" Two- Family Residential. The rezoning application is in line with the Comprehensive Plan, which recommends developing the Hayes Avenue area as the Med- Tech/ Education district. Although this is not directly off Hayes Avenue, the parking will serve Firelands Regional Medical Center which will encourage the growth of the Hayes Avenue Corridor.

The site plan is proposing a total of 14 parking spaces, 6 of these spaces will be 10'x19', 4 parking stalls are proposed to be 10'x17.5', and 4 parking stalls are proposed to be 10'x18.5'. The proposed aisle width is 24' and 23.3'. Section 1149.13 requires 9' x19' parking stalls and an aisle width of 25'. The proposed parking area is consistent with the existing parking stall sizes. The site plan indicated a chain link fence adjacent to the existing single family dwelling, however there is an existing 6' wooden privacy fence, as such landscaping would not be required within this area.

Staff recommends approval of the zoning amendment as it is in line with the Comprehensive Plan for this area. Staff also recommends approval of the proposed site plan subject to the following conditions:

- The applicant receive variance approval for the proposed 8 parking spaces and aisle widths that do not currently meet the parking requirements set forth in Section 1149.13 or revise to meet code requirements and submit to staff for approval
- A landscaping plan be submitted to staff for the southwest corner of the lot

Mr. Mears asked if anyone wished to speak in favor of the Amendment to the Zone Map. With no response, he asked if anyone wished to speak against the Amendment to the Zone Map. With no response, Mr. Poole moved to approve the application. Mr. Miller seconded the motion. Mr. Poole commented that this application is simply to square up the property to be consistent with the area.

Robin Philon, 1321 Prospect Street asked if these changes would make it even more crowded than it already is on the street. A lot of the neighbors do not have driveways. They are forced to park on the street. Mr. Mears stated that by adding more spaces, it should help the problem, not make it more of a problem.

Mr. Poole stated that the parking lot that is being added will not have a negative impact because right now it is just grass. If anything, it will take employees that are parking on the street and give them a place to park. It should create a positive impact to the street parking.

Mr. Zuilhof suggested to get in touch with Firelands to ask what their parking policy is and try to deter their employees from parking on the street where the residents park.

Mr. Mears asked if there were any further comments. With no further discussion, the motion passed, all in favor.

Mr. Mears moved on to the Site Plan Approval for **1314 Prospect Street** submitted by Firelands Regional Medical Center.

Alex Etchill with John Hancock and Associates 326 E. Market Street stated that Ms. Philon expressed the need for more parking and that this site plan adds 14 additional spaces. This really just closes off the main parking lot and it will function more efficiently.

Mr. Mears wondered if the spaces that are not the full length that is required could be marked for smaller cars. Mr. Etchill said it is a possibility and it will be discussed at the Board of Zoning Appeals meeting, but he doesn't think that Firelands wants to designate smaller parking spaces.

Mr. Mears asked if there was anyone else that wished to speak in favor of this application. With no response, he asked if anyone wished to speak against the application. With no response he turned to the Commission for comments.

Mr. McGory asked if they were to approve the application then it's subject to the Board of Zoning Appeals approving dimensions of the spaces. Mr. Mears stated that Planning Commission approves the layout only. Ms. Sparks confirmed that is correct. The Board of Zoning Appeals would have to approve the width of the parking stalls and aisle widths.

Mr. Poole suggested that the spaces will not be a problem because they will be wider than required and the length of the parking space will become less of an issue.

Mr. Poole moved to approve the application. Mr. Miller seconded the motion. With no other comments, the motion passed, all in favor.

Mr. Mears moved to the fifth agenda item which was an application for Site Plan Approval at **1201 Cedar Point Drive**, submitted by Cedar Fair Entertainment Company.

Ms. Sparks added that Andy Gray, on behalf of Cedar Fair Entertainment Company, has submitted an application for Site Plan Approval for the property located at 1201 Cedar Point Drive. The property is currently operating as Hotel Breakers Express, the application is proposing to construct 78 additional parking spaces as well as the construction of 69 additional guestrooms.

The parking stalls are proposed to be 10'x 20' with a parking aisle of 25' which meets current zoning regulations. The applicant has provided a landscaping plan that was provided this evening. Staff suggested additional landscaping between the new parking area and the causeway as well as the western edge of the new parking area for a minimum of 15 spaces. The applicant has provided an additional drawing indicating these changes. The application has indicated a 6' chain link fence along the western side of the new parking area.

The applicant has provided an elevation drawing for the proposed addition, the applicant has provided a revised elevation drawing indicating the height of the existing building to be 34- 33' ½" , the building addition will be the same design of the existing structure.

Staff recommends approval of the site plan application, all conditions provided in the staff report have been met to date. Staff believes that the hotel addition will offer more opportunities for local visitors to stay within the area and is a benefit to Sandusky.

Andy Gray, 3660 Embassy Parkway stated that Cedar Fair Entertainment Company has had the vision of completing this addition. The original design called for more guest rooms and the demand was not there. With the demand for expansion, now they can complete their vision. This plan meets all greenspace requirements.

Mr. Zuilhof wondered what the purpose of the fence is. Mr. Gray stated that it encloses the area in case something needs to be stored there. There is nothing on the other side of the fence at this time. Since the fence is not being used at this time, it will simply be moved to add parking spaces.

Mr. Poole asked about the parking space formula that he saw in the paperwork. He wondered this because the proposed parking is more than the minimum. Mr. Gray replied that Hotel Management asked for a higher ratio for guest convenience. Mr. Decker added that in the hotel business, there is a very high turnover in parking. There could be not only hotel guests, but restaurant guests or meeting room guests.

Mr. McGory asked if the Commission would be approving the parking lot only or the addition of rooms. Ms. Sparks stated that this will be Site Plan approval for the addition of 69 guest rooms and 78 additional parking spaces.

Mr. Miller added that the parking that they are planning to add is for the majority for the hotel but cars may park there to enjoy the park across the street. There are several parks within the city that do not have parking lots.

Mr. Poole moved to approve the application. Mr. McGory seconded the motion. With no further discussion, the motion passed, all in favor.

Mr. Mears moved to the sixth agenda item which was an application for Conditional Use for a Group Home located at **628 Hancock Street**, submitted by Alysia Gilliam. **This item was tabled at the previous meeting.**

Mr. McGory moved to take the item off of the table. Mr. Zuilhof indicated that with the absence of minutes, he wants to be sure that there was not a motion on the table prior to tabling the application. Mr. Hayberger stated that he suggests that since this meeting is not on a regularly scheduled date, to take it off the table for discussion and put it back on the table until the regularly scheduled meeting on June 22, 2016 so that anyone that may wish to speak in favor or opposition will be aware of the meeting date. Mr. Poole seconded the motion to take the application off of the table. Motion passed, all in favor.

Ms. Sparks informed the Commission that the application had been tabled at the April 27th Planning Commission meeting, to date the applicant has provided additional information regarding letters of support from several organizations, an evacuation plan, and information regarding licensing. A revised hand book was provided to address some of the concerns presented at the last Planning Commission. The applicant has indicated that she would have the involved organizations present at the meeting to address concerns of Planning Commission. Staff did receive a question regarding fire suppression and separation requirements for the building, the building will not be required to be sprinkled however fire separation requirements between the residential units and the commercial use will need to be met.

Staff recommends approval of the conditional use, the building has been utilized as a two- family dwelling for several years and it is Staff's understanding that this also operated as a church. Staff recognizes that the zoning is "LB" local business which would permit rental units on the second floor and a retail or business use on the first floor. The rental units will continue to operate and the proposed counseling area will only service the tenants that will be living in the units on the second floor. In regards to the parking, section 1151.07 does allow nonconforming parking facilities to continue if a building, existing lawfully at the time zoning code became effective, does not meet existing off- street parking as long as the proposed use is not increasing seating capacity or floor area. Understanding that the previous use was two-family and a church or assembly hall on the first floor, the proposed use for two-family and accessory counseling service does not increase the parking requirements for this property.

As such staff approves with the following conditions:

- The applicant would be required to update planning staff if any of the proposed guidelines for the program change, or additional rental units are added. If substantial changes are made, Planning Commission approval would be required.

- In lieu of the required off-street parking, the adjacent public parking area and on street parking shall be utilized to meet parking requirements. The operator shall instruct all employees and counselors to utilize the public parking lot.
- The applicant shall provide hours of operation for the counseling activities for the proposed use.

Alysia Gilliam, 3601 Spencer Ave presented to the Commission what her proposed use would consist of. She commented on parking, sleeping arrangements, counseling, activities, curfew, and provided a handbook which states procedures for the facility. She also invited Mr. John Feick to answer any questions that the Commission may have that she cannot answer. She offered letters of support from organizations.

Mr. McGory asked if the building was originally used as a triplex with 3 individual apartments occupied by individual families. The proposed plan appears to be 2 apartments and a common area. Ms. Gilliam confirmed that the two apartments on the top floor will be for the individual families and the bottom floor will be a common area. Mr. McGory asked how many people will be in each apartment. Ms. Gilliam answered up to 8-10 people to stay at the facility. Mr. McGory wondered what the sleeping arrangements would be if there were 10 people to stay at the facility. Ms. Gilliam stated that one apartment is 3 bedroom and the other is a 2 bedroom. The facility should be able to accommodate up to 10 people.

Ms. Sparks stated that Staff was under the impression that the 2 apartments would service 2 families, a mother and her children in each apartment. And all counseling and office space would be in the bottom floor. Ms. Gilliam stated that an upstairs room will be used for accommodations for a counselors. If that is not allowed, she can use it for storage.

Mr. McGory stated that a mother and children would occupy one apartment along with the office/storage area is in the same apartment.

Mr. Poole asked for Ms. Gilliam to get a clear answer on what needs to be done about meeting building and fire codes before the Commission votes in the next meeting and what the differences between Commercial and Residential regulations?

Mr. John Feick 224 Water Street stated that residences are existing so they remain as is. There will be some work to do on the first floor to separate from the residential area of the property. He stated that even if Planning Commission approves, they cannot move forward until the building department issues all permits. Mr. Poole stated that if there will be counseling upstairs, you may have to think about the Commercial and Residential issues with the building and fire code. Mr. Feick stated that he is sure that the building department will not give approval if the fire code is not met.

Mr. Zuilhof asked the applicant to point out where this extra room is on the top floor. Mr. Feick stated that the layout of the building has not changed. Mr. Zuilhof stated that this extra room upstairs would have to be accessed through the living area of the tenants. Mr. Feick stated that they are still working on the plan. Mr. Feick stated that the plan may change regarding the office upstairs.

Mr. Mears asked if there were any further questions or comments. Mr. Zuilhof moved to lay the application back on the table. Casey Jacobs, 606 Wayne Street addressed the Commission to ask if there would only be

one family in the larger apartment or is there the potential for more than one mother and their children. Ms. Gilliam stated that there may be more than one mother and their children sharing the larger apartment.

Mr. McGory commented that since the counselors will be from external providers, why the families couldn't go to the external facilities. Ms. Gilliam stated that the families are more than welcome to travel if it is feasible. The counselors will come in as a convenience factor. Ms. Gilliam offered that if this is an issue, she can outsource the families to the counseling facilities. Mr. McGory stated that his concern is that she is trying to provide all things to all families and that the focus should be providing a place to stay. This residence may be a little small for everything that she is trying to provide.

Ms. Sparks asked for clarification regarding the 2 units housing more than one family. How would the rent be charged? Ms. Gilliam stated that the \$150 donation for rent is strictly to offset bills. She wants to take in as many families as possible. She feels that one mother and one child would only be using one bedroom and that she could house another mother and child in the other bedroom. She further stated that the families would have to be compatible people.

Ms. Sparks stated that this was not Staff's understanding of the application. Staff's understanding was that one family would rent one unit and another family would rent the other unit, rent would be paid. Ms. Gilliam stated that according to her current use, she has to charge rent. When the conditional use is issued and she starts receiving grant funding, she can stop charging rent and take donations, just to offset costs.

Mr. Zuilhof asked for clarification of the comment regarding that the applicant has to charge rent. Ms. Byington stated that this is the first that she has ever heard of technically charging rent until grant money comes through and then charge donations. Staff will meet with the applicant to clarify that. Ms. Byington continues to state that the bigger concern is that the understanding was that 2 families would occupy the residence, as it was formerly a 3 family residence. If more than 1 family occupies a unit that is cause for concern. Tonight's meeting brought new information and Staff recommends tabling the application once again.

Mr. Zuilhof moved to table the application. Mr. Miller seconded the motion. With no further discussion, the motion passed, all in favor.

Mr. Mears moved to the seventh agenda item which was an application for Site Plan Approval at **1202 First Street**, revised site plan submitted by Larry & Crystal Kessler.

Ms. Sparks briefed the Commission that at the March 23rd Planning Commission meeting the Commission approved a site plan for 1202 & 1208 First Street for Pro Automotive. The applicant has since revised the approved parking plan to accommodate for a larger building, the plan indicates 5 spaces outside the fenced in area, a paved parking area instead of gravel, (11) 9'x19' parking spaces, and additional landscaping in the front of the property. Staff recommends approval with the following conditions:

- All inoperable vehicles shall be stored within the building or behind the fence, as not be viewed from First Street
- The Fence shall be solid, either wood or vinyl

- Landscaping shall be extended to include the area between the new building and fencing and the alley
- The fenced in area shall be reduced in size to leave a six foot setback between the southern portion of the fenced in area and the alley, to assure proper site vision for First Street properties that utilize the alley to access the rear of their property.

John Feick, 224 E. Water St addressed the Commission to state that this revised parking plan is more appropriate for the size of the business. This revised plan fits the applicants need and also the City's need.

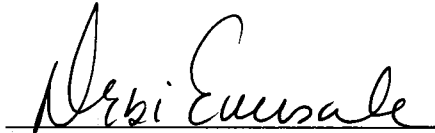
Mr. McGory stated that under Conclusions and Recommendations in Staff's report, the word inoperable was used and he wondered when an inoperable vehicle becomes a junk vehicle or nuisance. He is concerned that junk vehicles will be stored on the First Street property. Who can control this?

Ms. Byington stated that Staff did not consider how to deal with junk cars because this would not be a permitted use. If there is a junk vehicle being stored and a complaint is made, the City Code Enforcement will address this as a nuisance situation.

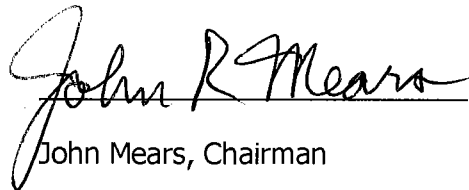
Mr. Miller moved to approve the application with the conditions provided in the staff report. Mr. Poole seconded the motion. With no further discussion, the motion was approved, all in favor.

With no further business, Chairman Mears adjourned the meeting at 6:08 PM.

APPROVED:



Debi Eversole, Clerk



John Mears, Chairman