

**City of Huron
Planning Commission
January 22, 2020**

The meeting was called to order at 5:30p.m. in the Council Chambers at Huron City Hall, 417 Main Street by Acting Chair Bob Howell. Members in attendance: Jim Hartley, Mark Claus and Mark Cencer. Members absent: Gary Boyle. Staff in attendance: City Engineer/Zoning Inspector Doug Green, Zoning Admin. Assistant Christine Gibboney.

Adoption of Minutes (November 20, 2019)

Motion by Mr. Hartley to approve the minutes of November 20, 2019 as presented.

Motion seconded by Mr. Cencer. Members voted as follows:

Yeas: Cencer, Howell, Hartley, Claus (4)

Nays : 0

Motion passes, minutes approved.

Audience Comments- None.

Old Business-None.

New Business

Public Hearing- 362 Main Street, Parcel #42-02081.008- Rezoning Application Request.

Project description from summary: The applicant would like to rezone the parcel from its current B-2 designation to B-3 to allow for mixed use, specifically, the ability to utilize ground floor space for residential units in addition to the current business usage.

Mr. Howell called the Public Hearing to order at 5:32p.m. Mr. Green reviewed the application from Mr. Garry Savage for the rezoning of his property located at 362 Main Street, from B-2 to B-3 and recapped the executive summary. Mr. Green referenced the property was part of Urban Renewal, and noted he and the Law Director have reviewed the Urban Renewal Plan, noting the plan specified that residential units be limited to above ground floors. He commented that the Law Director advised that the Urban Renewal Plan is hard to enforce unless there is a specific deed restriction on the property. Mr. Green referenced the restrictions within the current B-2 zoning explaining that this zoning does not allow any residential use, noting that this property and other nearby properties have existing upper floor residential condos and are all pre-existing, non-conforming uses. A discussion regarding the ground floor offices ensued, as Mr. Green commented that he understood most of the ground floor space was vacant and referenced this in his summary accordingly. Mr. Savage stated that all ground floor office spaces are currently leased, that there are no vacancies at this time. Mr. Green noted the applicant is seeking mixed use. In response to a question by Mr. Howell, Mr. Green confirmed that commercial use is allowed throughout the building. Mr. Hartley asked if there was any vacant space available, referencing the summary. Mr. Green noted he must have misunderstood in his conversations with Mr. Savage, and thought the ground floor had vacancies.

Property Owner: Garry Savage, 1225 Marina Drive. Mr. Savage explained he has been receiving inquiries from people interested in ground floor condominiums and referenced that he would like to be able to have the ability in the future to have this mixed-use option. He referenced the years he has owned the building and stated that they have tried promoting retail but that the ground floor areas did not work for retail as he believes there is not enough exposure. He stated that he would like to have condominiums and office

spaces and eventually be able to have condos on the first, second and third floor as he believes this would be the best use. He noted all buildings are part of the Riverview Condo Association. In response to questions from members, Mr. Savage confirmed that each of the four ground floor units is 1,250sf, but noted that walls can be moved to expand the size of the units; referenced that the complex has 70 parking spaces, and confirmed that he is trying to sell the property. Mr. Savage reviewed all the spaces and occupants in the complex. Members reviewed the zoning map stating the surrounding properties are also B-2. Mr. Howell referenced that the B-2 zoning does not prohibit a third story as the height max is 40'. Mr. Green noted if he wanted to add a third floor for residential, a variance or rezoning would still be needed as B-2 does not allow for any residential. Mr. Claus referenced the condos on the second floor at Anchor Point and it was noted they are in the same position and are also non-conforming and grandfathered in.

Mr. Howell referenced Mr. Boyle's email relative to the re-zoning as he expressed that the code in that area was designed to have first floor commercial or office use and residential above. Mr. Howell noted his concerns related to allowable uses under a B-3, some of which he referenced: mini Lowes, sheet metal shops, and car dealerships. He stated he had concerns with these allowable uses in the future if the property were to be rezoned. Mr. Hartley commented that he understands the request as a business owner, but referenced the city would be setting a precedent and would need to consider what the goal would be for Main Street if it were to allow this and consider the possibility of surrounding businesses doing the same. Mr. Howell referenced the extensive code amendments in recent years relative to zoning and future development of the city. Mr. Claus inquired if any other adjacent properties in the B-2 zoning would be allowed to build condos on the second floor. Mr. Green replied they would not be allowed to do so, but explained that those in existence are allowed to continue. Mr. Howell inquired about the potential option for Mr. Savage in seeking a variance. Mr. Green noted he had this conversation with Mr. Savage and then explained that the standard for the BZA to approve a use variance is much higher and Mr. Savage would have to prove an actual hardship. Mr. Savage questioned the zoning of the surrounding property where I5's is located. Mr. Green and members noted that property is also B-2, noting the nearest B-3 is around Valley Ford and reviewed the zoning map with Mr. Savage. Mr. Savage commented that he would like to reside in one of the ground level condominiums himself and talked about the location and view. He added that it would be hard for anyone to put in a dealership or any of the other uses mentioned by Mr. Howell as the property is not large enough. Mr. Savage also mentioned the 99-year lease he has with the city for a portion of his property and other leases he has with surrounding businesses. He referenced being able to use the property and build it up to where the demand is- for three floors of condominiums. He referenced that the large building is going to be an issue when the tenant leaves because he has taken over the whole building and would then again have an issue with the ground floor. Mr. Howell asked if there were any other comments. There being none, he closed the Public Hearing at 5:51p.m. and declared the regular meeting to order.

Members then discussed the re-zoning:

- Mr. Hartley commented that if the city is going to allow a rezoning, then City Council and City Administration should review all property that is currently zoned B-2 and decide if they can afford the flexibility a B-3 affords, then it should be considered.
- Mr. Cencer commented it is difficult when there are pockets of differing zoning, as the inconsistencies undermine the Zoning Code. He noted he believes the property is best to remain B-2. Mr. Howell noted his agreement.
- Due to this being his first meeting, Mr. Claus asked for clarification of the process, asking if this board is voting to make the recommendation to City Council. Mr. Green and members advised this was correct, and referenced that City Council is

required to set a public hearing and they will make the ultimate decision on the rezoning.

- Mr. Howell acknowledged the applicants desire to be able to have ground floor condos on the property, referencing the code does not allow this. He referenced the extensive amendments to the zoning code and map to shape the downtown section of the city to be mixed use, but not all residential; and noted his objection relates to all the other allowable uses under B-3 zoning.

Motion by Mr. Cencer that the recommendation to Council would be to retain this property as the current B-2 zoning. Motion seconded by Mr. Hartley. Roll call on the motion:

Yeas: Cencer, Howell, Hartley, Claus (4)

Nays: 0

Motion passes and recommendation to be provided to City Council.

Mr. Howell commented on future development of ConAgra, stating this property and others will increase in value and he didn't believe there would be any issues in renting. Mr. Savage noted there would still be trouble renting retail. Mr. Savage noted his goal is to keep it all residential.

Proposed amendments to Code Sections 1123.01 and 1123.02 relating to the implementation of the transient rental regulations- referred to the Planning Commission by City Council.

Mr. Green referenced the city enacted Transient Rental Regulations in November of 2018, and explained that currently City Council, Administration, and Building and Zoning are considering changes to the ordinance before it is implemented. Changes include fee schedules, criteria for inspections, hiring of a PT or FT Zoning Inspector, protocol of scheduling of inspections, and the mechanics of issuing certificates. He explained in review of the city's existing code, it was noticed by the Law Director that the current code language does not list transient rentals as an allowable or conditional use in residential zones. Proposed changes to Section 1123.01 and 1123.02 will include language that will address what is currently happening with regard to transient rentals in residential areas. He referenced Mr. Boyle's email inquiring about the possibility to allow or disallow transient rentals in specified neighborhoods or areas of the city, like an overlay district. Mr. Green referenced discussion with the Law Director who advised the way to implement this would be by the existing zoning map and designate by zoning sections only. The Law Director had concerns with disallowing in an area where there have been rentals for years and the legal ramifications of doing so. Following a question by Mr. Howell on more restrictive regulations relative to transient rentals; Mr. Green advised that this is what is being discussed within the Transient Rental Registration ordinance, but clarified that the matter before the PC tonight is strictly the amendment to the code to make legal what is already being done in the city, but is not a part of the discussion of how rental registration is going to work.

Mr. Howell stated that Huron has had a long history of transient/short-term rentals throughout the city and believes there would be backlash if the city were to prohibit rentals. He noted he doesn't believe it would be right to prohibit rentals, but does believe there needs to be restrictive regulations. He referenced materials he provided from Chatham, New York on their Transient Rental Regulations and the FAQ Fact Sheet they developed. A discussion ensued relative to efforts by the city to do the same.

Mr. Hartley referenced that other communities have included language in their ordinances that require property owners to secure permission/approval of their homeowner's

associations, if applicable. He referenced the community of North Royalton who has this in place. Mr. Hartley asked that this suggestion be reviewed by the Law Director. A brief conversation regarding some homeowner associations ensued as Mr. Claus noted the Chaska Beach Association has had discussions on the topic. Mr. Claus recognized audience member, Kyle Wright, President of Beachwood, commenting that he believes Beachwood has a deed restriction for transient rentals, Mr. Wright noted this is in the original restrictions. Discussion ensued regarding homeowner's association by-laws versus the city's codified ordinance and Mr. Green advised that the city looks only at the codified ordinances, the property owner and by laws of their association are separate and not regulated by the city. Mr. Hartley suggested having the language in the city ordinance and believes the city Law Director look into the matter. A discussion regarding parking regulations associated with Transient Rentals ensued as some surrounding communities have added language relative to on street parking as well. Mr. Claus and Mr. Green reviewed items that have been discussed relative to Transient Rental Regulations.

Mr. Howell provided comments/suggestions on Section 1123.01:

- (a) 2 -Suggested the first sentence should read: Churches and other *religious* places of worship
- (a) 2- fourth sentence- typo error – should read: public *art* galleries.
- (a) 4- Suggested size maximums of nurseries and greenhouses should be added. Mr. Howell suggested that the ordinance be more specific.
- (a) 6- Licensed adult family homes as defined in ORC 3722.01- Mr. Howell noted this section no longer exists, this section should be removed.
- (a) 7 (A)- Suggested that the language “or portion of a dwelling unit” be added following the language “a dwelling unit”
- (a) 7 (B)- concerns with use as party house with guests not actually staying overnight; may need to be more restrictive in language.
- 1123.02 (a) 4- same suggestion as (a) 7(A).

Mr. Green advised the comments would be provided to the Law Director for review.

Motion by Mr. Hartley to approve the proposed amendments to Sections 1123.01 and 1123.02 with the recommended changes discussed. Motion seconded by Mr. Cencer.

Members voted as follows:

Yeas: Cencer, Howell, Hartley, Claus (5)

Nays: 0

Motion passes, and recommendation to be provided to City Council.

With no further business, motion by Mr. Cencer to adjourn, seconded by Mr. Hartley. All in favor, meeting adjourned at 6:18p.m.



Christine M. Gibboney
Zoning Administrative Assistant

Adopted 8-26-20