

MINUTES OF THE MEETING OF THE ZONING COMMISSION OF THE VILLAGE OF OTTAWA HILLS, OHIO HELD ON JUNE 6, 2018 AT 5:00 P.M. IN THE COMMUNITY ROOM OF THE OTTAWA HILLS ELEMENTARY SCHOOL

Mayor Kevin Gilmore called the meeting of the Ottawa Hills Zoning Commission to order at 5 pm on June 6, 2018. This meeting was held in the community room of the Ottawa Hills Elementary School in order to accommodate more interested citizens. In attendance were Zoning Commission members Katherine O'Connell, Sam Zyndorf, Paul Bishop, Zac Isaac and Mayor Kevin Gilmore. Village Solicitor Sarah McHugh and Village Manager Marc Thompson were also in attendance.

Others in attendance included Yarko Kuk, Michael Muse, Christine Nguyen, Sandy Brown, Vicki Krause, Donald Pennell, Adam Walter, Mary Werner, Truman Irving, Rex Decker, Santiago Garcia Mata, Sister Sandy Sherman, Josh Yecke, Matt Lewandowski, DaRonna Mensior, Carrie Connelly, Joe Rideout, Jackie Kane, Corey Hupp, Pete Shawaker, Erica Contreras, Dylan Orwig, and Ryan Wharry.

It was noted that the minutes from the May 17, 2018 meeting were not yet complete and would be available for consideration at the next meeting.

Mayor Gilmore administered the oath to everyone who intended to speak.

The first item on the agenda was a request for a fence location variance at 2105 Hawthorne Rd.

Mr. Thompson reminded the Commission that this topic was tabled at the May 17 meeting. He described that the Walter family lives on the bend on Hawthorne Road and has Hawthorne Road frontage in front of the home and on the side. He further described that the zoning code does not allow for a fence to be located between the setback line of the house and the street. In this case the Walter family wishes to have the fence enclose a portion of their side yard between the house and the street.

Dr. Walter stated that he had no additional comments to make.

Mr. Zyndorf said that he had no issue with the proposed variance although he recalled some discussion at the previous meeting about the retaining wall.

Mr. Bishop noted that the street goes up as it moves toward the rear yard and that the yard actually drops. He stated that the proposed fence looks very attractive.

Discussion followed regarding fence height with an understanding that the fence would be 4 feet above grade and that the fence would follow the grade. It was confirmed that at no point would it be more than 4 feet above grade. Mrs. O'Connell also noted that the adjoining neighbor no longer objects.

Mr. Isaac confirmed that the proposed fence would be along the existing sidewalk. He also discussed the possibility of having a split rail fence there in order to match the existing fence.

Dr. Walter stated that there was no objection on his part to a split rail fence instead of the proposed ornamental aluminum fence.

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Mr. Isaac commented that a split rail fence would be less expensive. Mrs. O'Connell said that would be more open and consistent with neighboring property.

Mr. Isaac made a motion to remove the request from the table consistent with Robert's Rules of Order. Mr. Bishop seconded the motion which passed unanimously.

Mr. Isaac then made a motion to approve a 48 inch split rail fence along the sidewalk and in the side yard closer to the street than is the house at 2105 Hawthorne Rd. Mrs. O'Connell seconded the motion and upon call of the roll, the motion passed unanimously.

The next item on the agenda was a public hearing related to a special use request at 3939 Indian Road for the St. Ursula Academy.

Mr. Thompson described the special use process and then described the specific request from the St. Ursula Academy related to the property they acquired in Ottawa Hills. That request includes expansion of their parking lot onto property in the Village, although 100% of the remaining St. Ursula Academy campus is in Toledo.

Mary Werner, President of the St. Ursula Academy addressed the Zoning Commission stating that this proposal is part of their master plan resulting in the desired separation of the softball and soccer athletic fields. The separation requires relocation of some of the parking onto the lot in Ottawa Hills. She also said that this would increase the amount of green space and decrease the total amount of parking. She continued by stating that the number of student drivers has been reduced by 140 and that parking would be reduced by 50 spaces.

Architect Michael Muse, of The Collaborative, said that the St. Ursula Academy was exploring an alternate parking location which increased parking at the southwest corner of the property. He identified those parking spaces on an exhibit. He said that the alternative parking was not best for the Village or for the school.

He mentioned that there would be a reduction in impervious surface on the property but also said that the entire campus would be brought up to the 2019 EPA standards.

Mr. Muse continued by discussing landscaping and a potential earthen berm along the perimeter of the proposed parking.

At the previous meeting discussion occurred regarding lighting of the parking lot and he confirmed that parking lot lights were on a photocell and therefore on all night long. He committed that the St. Ursula Academy would work with the neighbors and the Village regarding lighting on the proposed parking lot. He also mentioned the use of lower poles to address any lighting concerns for neighboring property owners.

Mayor Gilmore then asked if there were comments from citizens in attendance regarding the proposed special use. He asked everyone to identify themselves and provide their address prior to speaking.

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First to speak was Pete Shawaker of 3434 Pelham Rd. He said that he was a consultant to the St. Ursula Academy and thought that this proposal is very similar to the recent special use approved at Epworth Church. He said that Epworth Church purchased an adjoining house, removed the house, and expanded their parking lot onto the property where the house was located.

Mayor Gilmore noted that the entire facility of Epworth Church is located in the Village of Ottawa Hills and that only the St. Ursula parking lot would be located in Ottawa Hills. He thought this was a substantial difference from the special use currently under consideration with several implications.

Mr. Shawaker said that he did not believe that tax payments were an issue before the Zoning Commission and that he had never heard of tax payments being related to a special use permit in the past.

Corey Hupp of 3428 Brantford Rd., President of the Ottawa Hills Board of Education, spoke next expressing concern about the tax exempt status for the property in question. He said that it cost the school district about \$5600 per year. He commented that the Board of Education never received notice of the request for tax exemption. He stated further that St Ursula's original intent was unclear and expressed concern that the adjacent house may be donated to the St. Ursula Academy allowing for further expansion.

Mary Werner said that there was no intention on the part of the new owner of the adjacent house to donate the house to the school.

Mr. Hupp commented that Hope Lutheran Church owns two homes in the Village which they rent. He expressed further concern about the lack of housing in the Village.

Mrs. Werner stated that she was sensitive to the loss of tax dollars. She also commented that 15 students from Ottawa Hills attend school at the St. Ursula Academy. She said that some families move into Ottawa Hills to be close to the St. Ursula Academy, which is beneficial to the Village. She commented that one Ottawa Hills school principal and one teacher is an alumnus of the St. Ursula Academy and that they want to be a good neighbor. She said that she thought this would benefit the entire Village and they made a strong effort to keep four large trees when clearing the lot. She also commented that a family recently constructed a new home in Ottawa Hills so that their children would be close to the St. Ursula Academy.

Ryan Wharry of Valleyview Drive spoke next. He said that he was a neighbor of Epworth Church and that their expansion has been a nightmare. They have faced stagnant water, dust storms and other problems. He said that when Epworth Church purchased the adjoining lot he was told that they were not interested in growing but then they moved the parking lot. He said that expansion into the Village by the St. Ursula Academy would be a potential problem, referring to a "slippery slope".

Mr. Wharry also mentioned the possibility of increased on street parking if enrollment increases.

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Kristen Hinshaw of 3735 Indian Rd. said that she works at the St. Ursula Academy and was here to support the proposal. She said that she grew up in Ottawa Hills but went to the St. Ursula Academy as a student. She bought her current home in Ottawa Hills to be close to the school.

DaRonna Mensior of 4152 Brookside Rd. then addressed drainage problems that she has related to storm water runoff from the existing St. Ursula Academy campus. She said that there is water being pumped into a drainage course which runs alongside her home and that her property is adversely affected by the existing situation.

Mr. Thompson pointed out the location of 4152 Brookside Rd. on the maps identifying it as being in Ottawa Hills immediately adjacent to the southwest corner of the St. Ursula property.

Matt Lewandowski described that the entire storm sewer system will comply with current requirements and that storm water would be captured, treated and released slowly. He felt strongly that the storm water situation will improve because of less impervious surface and better treatment of the situation through necessary retainage.

Mr. Muse confirmed that placing parking in the alternative location would place it closer to Mrs. Mensior's home and that this location is not a preference of the St. Ursula Academy. He said under any circumstances storm water from parking lots would be captured and released more slowly and comply with current standards.

Mr. Lewandowski stated that there would be retention and treatment would likely include a fore bay and a micro bay, in addition to a slower release.

Substantial discussion followed regarding storm water management generally and some specifics related to this site.

Mr. Decker entered the meeting at 5:41 pm.

Next to speak was Carrie Connelly of 2842 Pembroke Rd. She thanked the Village for placing the crosswalks on Indian Road near Pembroke. She said that her children walk to the Ottawa Hills schools and it is difficult for children to cross the street. She was worried about more parents picking up students at the St. Ursula Academy. She also expressed concern regarding loss of tax revenue. She asked if the St. Ursula Academy had any interest in further expansion of their campus.

Mary Werner said that the St. Ursula Academy has no interest in future expansion and that the purchase of this lot was the first time in 60 years that the school took such action. She said it was vacant for four years prior to their purchase and that rehabilitation of the property was not fiscally responsible. Other nearby properties are well-maintained and are smaller lots and she suggested that it was unlikely that the St. Ursula Academy would ever do this again.

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Next to speak was Sandy Brown of Brantford Road. She said that she is a longtime Ottawa Hills resident and a graduate of the St. Ursula Academy. She asked that the St. Ursula Academy and the Village of Ottawa Hills work together so that everyone would benefit.

Michael Muse mentioned that he is a 10 year resident of Ottawa Hills and hopes that this can be accomplished in a manner that is good for all parties. He commented that 10% of the faculty and staff of the St. Ursula Academy live in Ottawa Hills.

Kathleen White of 2021 Orchard Rd. spoke next. She said that the plan was not capricious in nature and she spoke in favor of its acceptance. She has lived in Ottawa Hills for 20 years and has had children who've gone to the Ottawa Hills schools and to St. John's. She commented that the overall amount of parking was being reduced and that there would be more green space as a result of the plan.

Dan Gehling took the oath and commented that he lived at 3928 Brookside Rd. Mr. Gehling expressed concern about potential interest by the St. Ursula Academy in the house and lot adjacent to 3939 Indian Rd. and asked if Mrs. Werner would be willing to put in writing that the St. Ursula Academy has no current interest and will not, in the future, pursue acquisition of that property.

Mrs. Werner said that she would not be willing to make such a written statement. She asked if the Epworth Church was requested to make a similar commitment.

Mr. Gehling concluded by stating that he saw no return on investment for Ottawa Hills.

Heather Thurston of 4012 Brookside Rd. then took the oath. She stated that they live adjacent to the existing parking lot and that the St. Ursula Academy said that this plan would improve the drainage and the lighting to the benefit of the neighboring property owners.

Mayor Gilmore then asked for comments from Zoning Commission members. Mr. Zyndorf stated that his position had not changed and that he thought the St. Ursula Academy was a good neighbor. There should be less storm water runoff because of less pavement and he commented that Mr. Lewandowski is a man of his word and a competent professional engineer. He also commented that there were several new houses under construction and that this is not a net negative for the community. He also said that he thought the alternative plan was much worse and that he did not have an objection to the proposal.

Mrs. O'Connell stated that this was a very difficult issue. She stated that the proposal is not jarring from an aesthetic standpoint but she was very worried about setting a precedent for other nonprofit organizations. She hoped that the Village of Ottawa Hills and the St. Ursula Academy would be willing to work together to solve this issue but they certainly were not there yet. She mentioned the possibility of a parking lot fee or some other method by which Ottawa Hills could identify some benefit. She hoped that everyone would be able to work together.

Sandy Brown commented that in past years the Village of Ottawa Hills has used the St. Ursula parking lot for community events.

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Mrs. Werner commented that the Ottawa Hills Police Department parks in the St. Ursula parking lot virtually every day.

Mr. Zyndorf said that he thought the precedent was set with the expansion of the Epworth Church and that he did not expect the St. Ursula Academy to continue to purchase property based on the size and relative expense of the nearby properties.

Mr. Shawaker said that the St. Ursula Academy had gone to the county for tax exemption and that they followed the proper protocols.

Ryan Wharry said that the result of the Epworth expansion has been adverse to his home and not a positive for the community.

Commission member Bishop said that at the last meeting he was in favor of the proposal and sees this as an investment in the community. He expressed concern about the potential for reduction of 50 parking spaces if the population grows. He said that he was not sure how he would vote, but he was very concerned about the concept of future expansion of the St. Ursula Academy into the Village.

Mr. Shawaker reminded everyone that the St. Ursula Academy has added grades six through eight to compensate for the reduced enrollment in the high school grades.

Discussion followed regarding the potential for on street parking on nearby side streets by students who may not have parking lot privileges.

Mrs. Connelly of Pembroke Road expressed concern about traffic speed issues and also commented that the Sunset House owns four houses on Jodore Road.

Zac Isaac said that he understood the concerns that were being expressed and was very concerned about setting precedent. He said he would support a proposed plan which was well thought out, had more green space and was less dense; he thought that the drainage would improve as a result.

Mary Werner said that the St. Ursula Academy has been very transparent throughout and that she hopes people take her at her word that there is no intention to expand to the east.

Mr. Isaac said that he did not feel that he was ready to make any decisions without something being put in writing and maybe it should be considered at an upcoming meeting.

Mayor Gilmore stated that the next meeting of the Village Council was on July 9.

Jackie Kane of Pembroke Road stated that it would be beneficial for the St. Ursula Academy to move forward quickly in order to get the project scheduled for the next summer.

Mr. Shawaker suggested that the Zoning Commission allow the Village staff to work out details.

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Mayor Gilmore stated that he did not feel that there was much effort at working together and that at this point is not comfortable moving forward with a vote.

Discussion followed regarding timing and the potential legislation on the agenda for July 9 related to the St. Ursula Academy request.

Rex Decker took the oath and reviewed the three reading requirements for legislation and how those requirements could be waived.

Mayor Gilmore directed Commission members to submit any comments to Mr. Thompson by midweek.

Marc Thompson and Sarah McHugh indicated that they would begin work on a draft report format.

It was agreed that the Zoning Commission would reconvene at 4:30 pm on June 28 with the intention of finalizing a report which would be forwarded to the Village Council for their consideration.

After brief additional discussion the meeting was adjourned at 6:40 pm.



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Mayor Kevin Gilmore