

MINUTES OF THE MEETING OF THE ZONING COMMISSION OF THE VILLAGE OF OTTAWA HILLS, OHIO HELD ON JUNE 28, 2018 AT 4:30 P.M. IN THE COMMUNITY ROOM OF THE OTTAWA HILLS ELEMENTARY SCHOOL

The June 28, 2018 meeting of the Ottawa Hills Zoning Commission was called to order by Mayor Kevin Gilmore at 4:30 pm in the Community Room of the Elementary School. In attendance were members Sam Zyndorf, Paul Bishop, Katherine O'Connell, and Mayor Kevin Gilmore. Commission member Zac Isaac was not present but was expected momentarily. Also present was Marc Thompson. Village Solicitor Sarah McHugh was not present but was expected.

Citizens present included Don Pennell, Mary Werner, Josh Yecke, Daronna Mensior, Mike Muse, Ryan Wharry, Yarko Kuk, Truman Irving, Sharon Fulop, Sister Joy Gray and Sister Sandy Sherman.

Mrs. O'Connell made a motion to approve the minutes from the May 17 and June 6 meetings with a minor amendment to the June 6 meeting regarding the proposed report from the Zoning Commission. Mr. Bishop seconded the motion which passed unanimously.

The oath was administered to Mary Werner, Sharon Fulop, Truman Irving, Marc Thompson, and Mike Muse.

The first item on the agenda was a request from Truman Irving of 3907 West Bancroft St. to construct a storage shed on his property. Mr. Thompson reported that the property already contains one storage shed and the zoning code prohibits two such structures. Other aspects of the proposal are consistent with our zoning code, so the variances relate to having two structures on the property.

Mr. Irving stated that he has downsized his proposal to a shed 10' x 10' for a size of 100 ft.<sup>2</sup>

Mr. Zyndorf stated that he had no problem with the proposed second storage shed particularly since it has been reduced in size.

In response to a question from Mrs. O'Connell, Mr. Irving said that it would be painted a dark color to make it less visible, probably a dark green.

Mr. Bishop discussed the specific location related to the driveway and asked about the concern of having a second utility shed, commenting that the zoning code limits property owners to one such shed.

Mr. Irving described that the existing shed had been built over 30 years ago and was originally an elevated playhouse for his children. Since then, he has reduced it in height so that it sits on the ground and is approximate 8' x 8'.

Rex Decker entered the meeting at 4:42 pm.

Mrs. O'Connell stated that in view of the size and the existing screening, she was not concerned about having a second accessory structure. She then made a motion to approve the request for second accessory structure with the conditions that it would be made of wood, it would be 10' x 10' square with 7 foot sidewalls and would be green in color. Mr. Zyndorf seconded the motion and upon call of the roll, the motion passed unanimously.

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Village Solicitor Sarah McHugh entered the meeting at 4:49 pm.

There was a slight delay to allow Mr. Isaac to get to the meeting as it was understood that he was on his way.

Dan Gehling of Brookside Road entered the meeting at this time.

Mr. Thompson provided a report related to the special use request of the St. Ursula Academy, reminding the Commission that the required special use public hearing had begun at the June 6 meeting and was continued until this meeting. He reviewed the requirements related to the requested special use stating that the Zoning Commission was charged with making a report to the Village Council regarding the impact of the proposed special use on the character of the neighborhood, traffic conditions, public utility facilities and other matters pertaining to public safety or general welfare.

He reported that the expectation is that this item will be on the Council agenda for the July 9 meeting to be held in Larson Hall at Hope Lutheran Church. The Council likely will consider this request through legislative action.

Mayor Gilmore asked if there were comments from the St. Ursula Academy. Mike Muse and Mary Werner indicated they had no additional comments at this time.

Dan Gehling of Brookside Road expressed concern related to plans for the property adjacent to 3939 Indian Rd. describing the potential for the St. Ursula Academy to expand further easterly along Indian Road. He was concerned specifically that the St. Ursula Academy refused to commit not to expand further east along Indian Road.

Mary Werner commented about a nearby house which is being rented out as an Airbnb and asked about its zoning application.

Solicitor McHugh said that such activities are not addressed in our zoning code.

Mr. Zyndorf commented that he did not have any issues with the proposed parking lot, noting that the alternative would be detrimental to the community. He also said that the adjacent neighbors do not appear to be opposed to the proposed special use and commented that the Epworth Church special use granted last year is similar in several ways.

Mrs. O'Connell stated that her position had not changed since the previous discussions, and she was concerned about the impact on the character of the neighborhood. She made reference to a popular song which included "they paved paradise and put up a parking lot". She also expressed concern about creating a precedent and said that reduction in parking spaces might have an adverse impact related to on street parking.

Mrs. Werner commented that the Ottawa Hills school district changed their start time without providing advance notice to the St. Ursula Academy. This change in start time made traffic

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and parking issues worse. She stated that if the Ottawa Hills school district provided advance notice they could work together to address some concerns.

Mr. Bishop stated that there are numerous pros and cons related to the proposal but he was leaning in the affirmative.

Mr. Isaac entered the meeting at 5 pm.

Discussion followed regarding the absence of a final draft report for the Zoning Commission to consider. Solicitor McHugh stated that drafting a final report prior to the Zoning Commission articulating the contents of such a report was particularly difficult and perhaps inappropriate. In the alternative, the preparatory memo sent to the Zoning Commission included many of the topics which would constitute a final report once the decision of the Zoning Commission was clarified on each item.

Mayor Gilmore suggested that Ms. McHugh go through the various items to allow for discussion by each member of the Zoning Commission.

Mr. Isaac stated that he thought the letter from Attorney Rideout, representing the St. Ursula Academy clearly represented the most recent discussions.

Solicitor McHugh then reviewed the numerous topics which would be considered as part of a final report from the Zoning Commission. Among those were permitted uses in a single-family zone, paved area maximums in a single-family zoning district, setbacks from the adjacent properties, property values generally, an alternate parking plan which was submitted by the St. Ursula Academy, drainage related to the entire campus, parking lot lighting, possible mounding, screening of existing parking lots and proposed parking lot from neighboring properties, the overall reduction in parking places, on street parking, and reduction in overall impervious surface.

Mounding was discussed at great length and it was agreed that mounding would be included within discussion of screening. Mr. Muse commented that prior mounding discussions had related more directly to drainage than to visibility. He stated that the proposed setbacks would not permit mounding of a height which would adequately screen nearby properties from automobile headlights.

Substantial discussion followed regarding parking, both on street and on St. Ursula property. The St. Ursula Academy initially proposed a reduction of 50 parking spaces and some concern was expressed that the reduction in parking spaces would increase on street parking. In further discussion, Mrs. Werner stated that a previous commitment not to add additional parking at the rear of St. Ursula property if the special use permit was approved was no longer valid. She said that the St. Ursula Academy Board would not approve such a permanent commitment.

Attorney Sharon Fulop confirmed that the St. Ursula Academy would not agree in perpetuity to forgoing any additional parking at the rear of the property.

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Mayor Gilmore stated that this is a significant change because part of the consideration of the Zoning Commission has been the recognition of potential additional parking at the rear of the St. Ursula Academy Fieldhouse. Prior commitment by the applicant not to place such parking in that location was an important consideration. Mr. Bishop confirmed that this recent change is problematic, from his perspective.

Additional discussion followed with Mary Werner stating that she thought it was very unlikely that the St. Ursula Academy would ever need to put parking at the rear but would commit for a 10 year period of time that there would be no additional parking. Mr. Bishop commented that after a 10 year prohibition then the St. Ursula Academy should seek approval from the Village for any additional parking.

Dan Gehling of Brookside Road stated that this may increase the likelihood of additional purchases of property on Indian Road.

Mrs. O'Connell expressed concern that the St. Ursula Academy did not contact the Village regarding the removal of the house and that the St. Ursula Academy will not make a firm commitment on the property at 3935 Indian Rd. She stated that 10 years did not seem like a very long time.

Mary Werner suggested a 15 year commitment on the alternate parking location but said that she would make no commitment on the property adjacent to 3939 Indian Rd.

After additional discussion, Mr. Isaac made a motion that, based on the public hearings, the Zoning Commission recommends to the Village Council, after consideration of the impact of the proposed special use on the character of the neighborhood, traffic conditions, public utilities, and other matters pertaining to public safety and general welfare that the Council approve the special use permit which would allow a parking lot to be permitted in the A-2 single-family zone on the property at 3939 Indian Rd. His motion continued with the following specifics related to the recommendation: 54% paved area on the lot, 11 foot front setback, 14 foot side setback, and a 10 foot rear setback, with the conditions that drainage on the entire property would be approved by the Village prior to any improvements, parking lot lighting which may include timers and photocells be approved by the Village, landscaping with approved vegetation on the south and east property lines, regarding type, size, and quantity to be specified in the final plan after approval by the Village, the parking lot along with the reduction in impervious surfaces will be as described in "Exhibit A" with no greater than 50 parking spaces eliminated, with the condition that no additional parking will be placed on the site for an additional 15 years. After 15 years any proposed additional parking on the south and east side of the school identified as Exhibit "B" will have screening and drainage approved by the Village prior to any discussion or approval from the City of Toledo.

In response to a question from Attorney Fulop, Mr. Isaac confirmed that his motion intended that prior approval by the Village for any alternate parking must occur before approval from the City of Toledo is requested. That approval would relate to screening and drainage.

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Discussion followed clarifying the intention of the Zoning Commission that the overall number of parking spaces on the entire campus to be eliminated from the current number of parking spaces would not exceed 50. Mr. Bishop commented that a lesser reduction might be preferable.

Mr. Bishop seconded the motion.

Upon call of the roll, members Bishop, Isaac and Zyndorf voted in favor of the motion, members O'Connell and Gilmore voted against the motion to recommend approval of the special use. Mayor Gilmore stated, prior to his vote, he firmly believed that the character of the neighborhood would be adversely impacted, and that the general welfare of the Village would be adversely impacted.

It was agreed that the next meeting of the Zoning Commission would be on July 25 at 5 pm.

There being no further business the meeting was adjourned at 5:55 pm.



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Mayor Kevin Gilmore