

**Record of Proceedings
Village of Peninsula
REGULAR PLANNING COMMISSION MEETING**

Held: November 28, 2017

CALL TO ORDER: The Village of Peninsula Planning Commission convened from 7:02 p.m. to 8:57 p.m. in the Peninsula Village Hall, with Commission Chairperson Karen Walters presiding. The following members and visitors were present.

COMMISSION MEMBERS:

Michael Kaplan PRESENT	Mayor Douglas Mayer	PRESENT
Michael Matusz PRESENT	Karen Walters	PRESENT
Joseph Mazur PRESENT		

OTHERS PRESENT: Solicitor Brad Bryan, Councilperson Dee Holody, Richard Slocum, Greg Canda, Todd Clarke, Nancy Brunswick, Brandon Battig.

MAYOR'S REPORT: No Report

PLANNING COMMISSION SUBCOMMITTEE REPORTS

LONG RANGE PLAN: Mr. Kaplan reminded the Commission that it will need to reconstitute after the first of the year due to the election. Mr. Kaplan's appointed seat will be vacant, requiring a replacement, and Council will decide who will serve as the Council representative. With that in mind, the composition of the Long Range Plan Committee may be adjusted as well. Mr. Kaplan reminded everyone of the need for the LRP Committee to move aggressively to complete its work and the long range plan. He mentioned Mr. Kuboff has assisted with compiling updated data which is necessary to update the plan. Any recommended zoning updates or changes will need to be made by the Planning Commission and Council. Mr. Kaplan asked about putting out a RFQ for a professional or firm to assist with that task. It was decided that Mr. Bryan and Mr. Kaplan would work on preparing a draft of an RFQ for the Commission to review and consider at its next meeting. Mr. Kaplan also stated that if members of the Commission or community would like to be involved with the LRP Committee, they should let someone on the Commission know.

WOODRIGE INTERMEDIATE SCHOOL: Councilperson Holody reminded everyone that an auction to sell the school property will be held on January 13, 2018. Ms. Holody stated her understanding was the school board could reject any and all bids if it chose to do so. She raised the question as to whether the Village would like to participate in the sale to try to acquire ownership of the ballfields and the arboretum. Mr. Bryan and the Mayor pointed out that it is up to the School Board as to whether it wants to sell the property as a whole or in different parcels.

Mr. Kaplan asked what role the Planning Commission has in such matters. Mr. Bryan stated it can weigh in with respect to the purchase or acquisition of public property. A discussion ensued regarding the rights of the Village, the rights of a potential unnamed buyer (presumed to be a private religious school), the scope of the public institution zoning category, and possible use of the property once sold. Mr. Bryan was asked to review that zoning category and make a recommendation to the Commission as to whether any zoning amendments need to be introduced prior to the auction date.

Mr. Kaplan asked if the auction is limited to a buyer who would keep it within the same scope and use as a school. Mr. Bryan and Ms. Holody stated it was their understanding is that it is not limited to that category of buyer.

Ms. Walters commented if Village owned the property, it could grant access to the ball fields instead of other way around. Issues related to whether it was necessary or a good idea for the Village to own that portion of the property and whether the Village has the means to do so took place. Mayor Mayer indicated he expected the entity that has had discussions with the school board to bid on the property at the auction and the school to sell the property to that entity pursuant to the auction.

It was decided that the Commission would meet again before the auction took place. It was decided that the December Regular Planning Commission Meeting, which regular date falls on Christmas, would instead be held on Monday December 18, 2017 at 7:00 p.m.

CONDITIONAL USE PERMIT HEARING: The Commission moved on to the scheduled hearing on the application of Nancy and Robert Brunswick for a Conditional Use Permit to convert their existing home at 1550 E. Mill Street to a two-family dwelling. Two-family dwellings are permitted in Village R-2 zoned districts if a conditional use permit is obtained. Property owners and residents within 300 feet of the Brunswick property were notified of the hearing pursuant to the requirements of the Village Code.

Mr. Kaplan announced he was recusing himself from participating in the hearing and vote on the matter because he previously represented the Brunswicks on an unrelated matter.

Mr. Bryan gave the Commission and audience a synopsis of the history of this project, the code requirements, and the criteria for deciding whether to issue the permit. He stated the Brunswicks were issued a zoning permit by the Village Zoning Officer in April to build a second single family structure on the property. Based upon that zoning certificate, the building plans were approved by the Stow Building Department (which handles the Village's building inspection responsibilities) and the historic tobacco barn was purchased and shipped in from North Carolina. In late August, the matter was brought to the attention of the Solicitor, who determined that two detached single family residences are not permitted on one residential parcel in the Village. At that point, discussions took place between the Brunswicks, their attorney, and their architect as to how the project could be brought into compliance with the Village code. It was determined that the structures would be attached, and a conditional use permit for a two-family dwelling would be sought. Mr. Bryan stated he appreciated the Brunswicks' and their representatives' cooperation in connection with this matter.

The Brunswicks and their architect, Todd Clarke, were present. Mr. Clarke described the project and advised that it was not their intent to submit a project that was not compliant with the code. He stated the addition enhances the Brunswicks' and their neighbors' property values and fits in with the historic character of the community.

Neighbors in the audience complemented the project. Mr. Slocum commented that what the Brunswick's have done "looks spectacular". He stated he fully supports granting the permit. Mr. Slocum asked what happens if the property is sold? The Solicitor stated that the subsequent owner would need to reapply for a conditional use permit, and that application would be evaluated pursuant to the same criteria. He stated the circumstances would have to change drastically for the Village to deny the permit, but if circumstances warranted, the Village could attach reasonable, legally justified conditions to the granting of a subsequent conditional use permit. No other residents chose to speak on the issue.

At that point, the Solicitor stated the Commission can vote on whether to grant or deny the permit this evening, can ask the applicant to submit more information if it feels that is necessary, or can defer its decision to its next meeting. The Solicitor encouraged the Commission to make a decision this evening if the Commission felt ready to do so due to the fact that the original zoning permit was applied for and received in April.

MOTION TO APPROVE THE CONDITIONAL USE PERMIT BASED ON THE PROJECT'S COMPATIBILITY WITH ADJACENT USES, COMPATIBILITY WITH THE LONG RANGE PLAN, COMPLIANCE WITH VILLAGE

REGULATIONS, LACK OF IMPACT ON PUBLIC SERVICES AND TRAFFIC, AND ENHANCEMENT OF THE SURROUNDING ENVIRONMENT.

Motion made by Mayor Mayer. Seconded by Mr. Mazur.

Mr. Mazur, yes; Mayor Mayer, yes; Ms. Walters, yes; Mr. Kaplan, abstain due to his recusal; Mr. Matusz, yes. The conditional use permit is approved 4 votes to 0.

A discussion ensued about making sure the Zoning Officer consults with the Solicitor and others to make sure permits in violation of the codified ordinances are not issued in the future.

OLD BUSINESS:

PARKING: Ms. Walters stated she and Mr. Kuboff will try to get information on different payment systems to the Commission members prior to the next meeting.

That discussion led to questions about enforcement of the 25 mile hour speed limit in the downtown area on 303. The Mayor stated he has had discussions in the past about this issue with the Police Chief, and the Chief feels the level of speeding in the downtown area is minimal compared to other areas of the Village. The Mayor stated he would speak to the Chief about the issue again. It was suggested that the Village get a speed limit monitor sign and set it up temporarily in the downtown area.

WASTEWATER: Councilperson Holody reported two weeks ago, some members of the Core Committee went to tour a traditional aeration treatment plant and a MBR plant with Gary Silcott from Stantec. They met a part time worker who said he was trained to run MBR plant and showed them the plant and what tests he runs. The MBR Plant has a smaller footprint than the traditional extended aeration plant. The MBR plant was totally enclosed and could be used to store equipment and vehicles. At the MBR plant, you can be in same room and still hold a conversation. It was very quiet and did have a Wi-Fi monitoring system, whereas the traditional system did not have a monitoring component. Sewer and hookup fees were discussed. There was a water tower as well. The systems Mr. Silcott took them to see were put in around 2005.

Mr. Mazur asked a question about operating costs in similar areas. Mr. Mazur and Mr. Kaplan stated they are still waiting on Mr. Silcott to answer questions they submitted to him at the last meeting. Mr. Kaplan stated he is still waiting to get the final copy of the report. Ms. Holody stated she would get a final copy to him and Mr. Mazur and would reach out to Stantec regarding an outstanding questions.

Ms. Holody then mentioned the pending sewer fee legislation. A discussion was had about different options as to how fees would be apportioned prior to the system becoming operational.

Mayor Mayer questioned whether the Village is ready to institute a sewer fee for the proposed district, stating the residents do not know what they are being asked to pay for and how it will be financed. Ms. Holody stated letters of support for the Village's Army Corps sewer system grant application were received from the Cuyahoga Valley National Park, Senator Portman, and Senator Brown.

NEW BUSINESS: Ms. Walters asked Planning Commission members to provide her with a list of important issues that they wish to discuss in the upcoming year.

ADJOURNMENT: A motion to adjourn was made by Mayor Mayer and seconded by Mr. Mazur. All were in favor of the motion, none opposed. The meeting adjourned at 8:57 PM.