

**RECORD OF PROCEEDINGS
VILLAGE OF PENINSULA PLANNING COMMISSION
NOVEMBER 26, 2018 REGULAR MEETING**

Call to Order: The Meeting was called to order by Chairperson Karen Walters at 7:10 p.m.

Roll Call:

In Attendance:

Karen Walters - Chairperson
Chris Weigand
Kevin Royer
Greg Canda
Brad Bryan – Village Solicitor
Rita McMahon – Consultant

Absent:

Doug Mayer – Mayor

Attachments:

- Summit County Public Health Department Peninsula Stormwater Sampling Data
- Draft of Proposed New Conservation/Recreation Overlay Ordinance

Consideration of Minutes:

November 5, 2018 Long Range Plan Meeting

Mr. Weigand made a motion to approve the Minutes of the November 5, 2018 Long Range Plan Meeting, and the motion was seconded by Mr. Royer. Mr. Canda made a motion to make certain amendments to the minutes. That motion was seconded by Mr. Weigand.

Roll call vote (on the motion to amend): Mr. Royer, yes: Ms. Walters, yes: Mr. Weigand, yes: Mr. Canda, yes. Motion passed.

Mr. Weigand made a motion to approve the Minutes of the November 5, 2018 Long Range Plan Meeting as amended, and the motion was seconded by Mr. Royer.

Roll call vote: Mr. Royer, yes: Ms. Walters, yes: Mr. Weigand, yes: Mr. Canda, yes. Motion passed.

Citizens Participation:

The Planning Commission extended a welcome to new Village resident Steve Schultz.

Mr. Clifton expressed his concerns about waiting for a Traffic Engineer to conduct studies before taking certain actions. He stated some of the safety issues can be addressed right away such as the installation of signage on Rt. 271 and Rt. 8 regarding the preferred truck

routes, the flashing speed limits signs, and table-top cross walks at Riverview Road and between Fisher's and the Winking Lizard restaurants.

Mayor's Report: None.

Council Report:

Mr. Weigand reported Council met in regular session on November 13, 2018. At that meeting, Council approved all minutes from August 13, 2018 through October 30, 2018. The minutes from May 22, 2018 through July 9, 2018 still need to be approved. Council agreed to purchase a \$900 recording system for Council Chambers. Council passed Ordinance No. 29-2018, prohibiting the use of engine retarding devices or engine compression brakes in the Village. Mayor Mayer distributed information from the Summit County Health Department on its Peninsula stormwater sampling data. Discussions took place about the proposed parking lot on Route 303 east of the last home, the installation of preferred truck route signs on Route 8 and Interstate 271 in the spring of 2019 to dissuade trucks from cutting through Peninsula via 303, and safety concerns with the public crossing between Fisher's and the Lizard restaurants. Job postings have been issued for the Fiscal Officer position and two positions in the Service Department. The next Council Meeting is December 10, 2018.

New Business: The Summit County Public Health Department Peninsula stormwater sampling data was discussed. Ms. Walters suggested that the report be published on the Peninsula website under the Wastewater section. Mr. Weigand stated he wanted to make sure the record reflected that the Planning Commission now has a copy of the report.

The hiring of a traffic engineer was discussed. The scope of the work for the engineer would involve studying traffic flow in the Village, certain intersections, visitor flow, parking, bike lanes, and cross walks.

Mr. Canda made a motion to have Solicitor Brad Bryan prepare a draft of a request for qualifications for traffic engineers to be presented at the next Long Range Plan Meeting on December 3, 2018. The motion was seconded by Mr. Weigand.

Roll call vote: Mr. Royer, yes: Ms. Walters, yes: Mr. Weigand, yes: Mr. Canda, yes. The motion passed.

Ms. Walters made a motion to authorize Solicitor Brad Bryan to engage in talks with the ODOT legal department and the National Park concerning the mechanics as to how ODOT and the CVNP could permit the Village to build and operate a proposed parking lot on the south side of State Rt. 303 just east of the last house. The motion was seconded by Mr. Weigand.

Roll call vote: Mr. Royer, yes: Ms. Walters, yes: Mr. Weigand, yes: Mr. Canda, yes. Motion passed.

Old Business: None.

Long Range Plan:

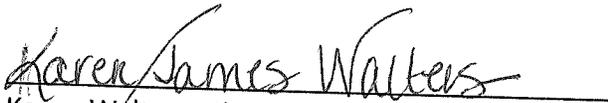
Ms. McMahon stated the purpose of the Village's existing Conservation/Recreation Overlay Ordinance (C.O. Section 1105.09) is to identify those areas within the Village that are recommended for eventual Conservation/Recreation Overlay zoning, consistent with the Village's Long-Range Plan. This designation is not meant to limit the uses permitted by the underlying zoning of parcels subject to this overlay designation, but rather to provide the Village with an opportunity to acquire and/or protect such land prior to its sale and/or conversion to other use.

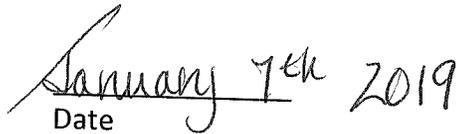
Ms. McMahon presented her draft of the proposed new Conservation/Recreation Overlay ordinance. She stated the intent and purpose of the ordinance is to permit, subject to Village Planning Commission and Council approval, planned developments which:

- Maximize the protection of the community's natural resources;
- Conserve (within the framework of natural resource conservation) the "small town" character of the Village;
- Encourage more efficient use of land and public services through unified development;
- Have a harmonious and integrated design and visual character;
- Do not increase the overall density of development within the Village; and
- Incorporate development review criteria which promote creative design solutions in a manner that best conserves the area's resources.

Minimum and maximum square footage for homes in new proposed developments was discussed. The Commission discussed holding public meetings on the proposed changes to get feedback from public. A combined Council and Planning Commission meeting was tentatively scheduled for January 17, 2019 to permit Ms. McMahon to discuss the proposed Conservation/Recreation Overlay ordinance with Council.

Adjournment: Mr. Weigand made a motion to adjourn that was seconded by Mr. Canda. All were in favor of the motion; none were opposed. The Meeting was adjourned 9:58 p.m.


Karen Walters, Chairperson


Date



Summit County Public Health

1867 West Market Street ♦ Akron, Ohio 44313-6901

Phone: (330) 926-5600 ♦ Toll-free: 1 (877) 687-0002 ♦ Fax: (330) 923-6436

www.scphoh.org

Peninsula Stormwater Sampling Data

Report generated 10/31/2018

Summit County Public Health (SCPH) staff completed an initial round of stormwater sampling on July 2, 2018. Of the nine locations identified, eight could be sampled. Four of those samples tested over the E.coli nuisance threshold of 1030 CFU/100mL. A second round of sampling was completed on 9/17/2018; six of those samples were over the E.coli nuisance threshold. One additional sample was taken on 10/23/2018 as part of a nuisance investigation.

Based on all the sampling results, an investigation is being conducted with the focus on the southern portion of the Streetsboro Road/Riverview Road intersection. Eleven residential properties along Bronson and Riverview Roads have been contacted regarding the investigation. To date, three of the septic systems at these properties have been dye tested and/or inspected. In addition, SCPH is reaching out to commercial properties in this area to complete dye tests. All information regarding inspections and dye tests of commercial properties will be shared with Ohio EPA.

The sampling data referenced above can be viewed on the following page.

Peninsula Sampling Results

Sample ID	Location Description	Sampling Round 1			Sampling Round 2		
		Date	Time	Result (<i>E. coli</i> in CFU/100mL)	Date	Time	Result (<i>E. coli</i> in CFU/100mL)
Peninsula 1	SE Corner of W. Streetsboro Rd. bridge	7/2/2018	11:05am	1,100	9/17/2018	9:55am	30,760
Peninsula 2	SW Corner of W. Streetsboro Rd. bridge	7/2/2018	11:00am	No Flow	9/17/2018	9:50am	No flow
Peninsula 3	Off of bike trail on the NW side of W. Streetsboro Rd. bridge	7/2/2018	10:55am	1,680	9/17/2018	10:15am	570.4
Peninsula 4	NE corner of W. Streetsboro Rd. bridge. Behind "Century Cycles"	7/2/2018	11:10am	613.1	9/17/2018	10:00am	1,732.90
Peninsula 5	Catch basin to the North of 6122 N Locust St driveway	7/2/2018	10:40am	204.6	9/17/2018	10:20am	2,920
Peninsula 6	South side of Orchard St across from 1643 Orchard St	7/2/2018	10:45am	150	9/17/2018	10:30am	2,620
Peninsula 7	Catch basin on the East side of Riverview Rd. just North of library entrance	7/2/2018	10:20am	19,350	*see additional sampling		
Peninsula 8	Catch basin between Peninsula Foundation parking lot entrances	7/2/2018	10:10am	51,200	9/17/2018	9:30am	>241,960
Peninsula 9	Pipe on the East side of Stine Rd. & Riverview Rd. intersection	7/2/2018	10:30am	290.9	9/17/2018	9:40am	980.4

Additional Sampling

Sample ID	Location Description	Date	Time	Result (<i>E. coli</i> in CFU/100mL)
Peninsula 7 (North)	Catch basin on the West side of Riverview Rd. across from library entrance (flow from N)	9/17/2018	9:35am	547.5
Peninsula 7 (South)	Catch basin on the West side of Riverview Rd. across from library entrance (flow from S)	9/17/2018	9:35am	29,870
Bronson/Riverview	Catch basin on the NW corner of Bronson Ave. & Riverview Rd. intersection (flow from Bronson)	10/23/2018	3:50pm	261.3

Existing Code Section

1105.09 CRO, CONSERVATION/RECREATION OVERLAY.

The purpose of the CRO, Conservation/Recreation Overlay is to identify those areas within the Village that are recommended for eventual CR, Conservation/Recreation zoning, consistent with the Village's Long Range Plan. This designation is not meant to limit the uses permitted by the underlying zoning of parcels subject to this overlay designation, but rather to provide the Village with an opportunity to acquire and/or protect such land prior to its sale and/or conversion to other use.

Proposed New Code

CRO, CONSERVATION/RECREATION OVERLAY

XXXX.01 Purpose and Intent

In addition to the applicable provisions stated in Section 1105.08 and 1105.09, the intent and purpose of the Conservation/Recreation Overlay District is to permit, subject to Village Planning Commission and Council approval, planned developments which:

- a) Maximize the protection of the community's natural resources;
- b) Conserve (within the framework of natural resource conservation) the "small town" character of the Village;
- c) Encourage more efficient use of land and public services through unified development;
- d) Have a harmonious and integrated design and visual character;
- e) Do not increase the overall density of development within the Village and
- f) Establish development review criteria which promote creative design solutions in a manner which best conserves the area's resources.

XXXX.02 Permitted Uses

Uses permitted in the underlying R-1 Rural Residential District by Section 1109.03 shall be permitted in the Conservation Overlay District provided the following regulations are adhered to for any proposed development.

XXXX.03 Minimum Project Area for Conservation Development

- A. The gross area of a tract of land proposed for development according to the conservation development option shall be a minimum of fifty (50) acres, but shall not include area within any existing public street rights-of-way.
- B. The area proposed shall be in one (1) ownership or, if in multiple ownership, the application shall be filed jointly by all the owners of the properties included in the conservation development.

XXXX.04 Permitted Density/Restricted Open Space

- A. The minimum restricted open space shall be fifty-five percent (55%) of the total project area. Required lots, setbacks and building separations within the disturbed or developed portion of a Conservation Development shall not be included in the calculation of permanent open space for the purposes of complying with the requirements of this section.
- B. In no case shall the density be greater than the lesser of one (1) dwelling unit per four (4) acres or the permitted density determined by a "yield plan" for a conventional four (4) acre lot subdivision which conforms to all Village regulations. The determination of permitted density shall not include any areas designated as flood plain or which are covered by an existing conservation easement.

XXXX.05 Regulations for Restricted Open Space

- A. General Standards: The restricted open space required in Section XXXX.04(A) shall comply with the following:
 - 1. Restricted open space shall be designed and located to conserve significant natural features and historical and cultural elements located on the site.
 - 2. Areas designated for restricted open space purposes may be:
 - a) Preserved in its natural state,
 - b) Designed and intended for the use and/or enjoyment of residents of the proposed development,
 - c) Utilized for farming when authorized in a conservation easement or in the Association's covenants and restrictions.
 - 3. Restricted open space shall be interconnected with open space areas on abutting parcels where possible.
 - 4. In order to encourage the creation of large areas of contiguous open space, areas that shall not be considered restricted open space include:
 - a) Private roads and public road rights-of-way;
 - b) Parking areas, accessways and driveways within open space areas.
 - c) Other small fragmented or isolated open space areas that have a dimension less than one hundred (100) feet in any direction.
 - 5. Any area within the restricted open space that is disturbed during construction or otherwise not preserved in its natural state, other common areas such as required setback areas, and both sides of new streets shall

be landscaped with vegetation that is compatible with the natural characteristics of the site.

6. The restricted open space, including any recreational facilities proposed to be constructed in such space, shall be clearly shown on the general site plan.
7. Restricted open space areas shall not be used for the location of common on-site wastewater disposal systems.

B. Prohibition of Further Subdivision of Restricted Open Space.

Restricted open space in a conservation development shall be prohibited from further subdivision or development by deed restriction, conservation easement, or other agreement in a form acceptable to the Village's Legal Advisor and duly recorded in the office of the Summit County Fiscal Office Recorder Division.

C. Ownership of Restricted Open Space.

The restricted open space shall be made subject to a perpetual conservation easement in a form approved by the Village in favor of an organization or agency acceptable to the Village. Conservation easements shall include the Village as third party beneficiary of the terms of the easement with the right, but no obligation, to enforce the provisions of the easement.

XXXX.06 Development and Site Planning Standards

Buildings, structures, pavement, and streets shall be located in compliance with the following development and site planning standards.

A. Ownership.

Ownership of lots in a conservation development shall be fee simple. All lots shall comply with the requirements of this section.

B. Lot Requirements.

1. Lots for standard detached single-family dwellings included as part of a conservation development, shall be not less than 2.5 acres in area.
2. The applicant shall depict on the development plan the maximum, parameters or building envelopes, to indicate where buildings shall be located, and shall demonstrate that such building locations will be in compliance with the spacing and setback requirements of this section.

C. Perimeter Building Regulations

1. The minimum setback from an existing public street shall be two hundred (200) feet.

2. The minimum setback from the project boundary shall be one hundred (100) feet.

D. Interior Building Setback Regulations

1. The minimum setback from a proposed interior private street edge of pavement or a public right-of-way, if permitted by the Village, shall be seventy five (75) feet.
2. The minimum side yard setbacks shall be twenty-five (25) feet
3. The minimum separation between dwellings shall be fifty (50) feet.
4. The minimum rear yard setback shall be fifty (50) feet.

E. Height

The maximum height of buildings shall be as provided in Section 1113.01.

F. Resource Protection Regulations

1. Wetlands Protection. Wetlands that are required by the Army Corp of Engineers or the Ohio EPA to be retained shall be protected by the following:
 - a) A buffer area having a width not less than twenty (20) feet, measured from the edge of the designated wetland. The area within this buffer shall not be disturbed and shall be retained in its natural state; and
 - b) A minimum building and pavement setback of thirty five (35) feet, measured from the edge of the designated wetland.
2. Conservation of Riparian Zones:
 - a) A riparian buffer shall be provided along the entire length and on both sides of a river or perennial stream channel. The buffer area shall have a width not less than fifty (50) feet, measured from the river or stream bank.
 - b) Walkways or trails may be permitted to be located within riparian buffers when the Planning Commission determines that such will create minimal change to the riparian buffer.

G. General Street Design Criteria

1. All streets constructed as part of a Conservation Development shall be private streets unless a public street is specifically authorized by the Village to provide for interconnection or to achieve some other public access purpose.

2. Private streets within a Conservation/Recreation Overlay shall have twenty-two (22) feet of asphalt pavement with berms. Private cul-de-sac streets shall be designed with sufficient turn around areas to adequately accommodate emergency vehicles and service vehicles such as snow plows and garbage trucks. Private streets shall be designed and constructed in accordance with the standards and specifications of the Village Engineer.
3. Each dwelling unit shall have access to a public street or to a private street internal to the Conservation Development in a manner approved by the Village and said access shall be clearly defined on the site plan.
4. Street alignments should follow natural contours and be designed to conserve natural features. Stub streets should be eliminated unless development of adjacent land is demonstrated by clear and convincing evidence.
5. Locations of streets should be planned to avoid excessive storm water runoff and the need for storm sewers.
6. The area of the project devoted to streets and related pavement should be the minimum necessary to provide adequate and safe movement through the development.

H. Pedestrian Circulation Systems

1. A pedestrian circulation system shall be included in the conservation development and shall be designed to ensure that pedestrians can walk safely and easily throughout the development. The pedestrian system shall provide connections between properties and activities or special features within the restricted open space system and need not always be located along streets.
2. Trails for which public right of passage has been established should be incorporated in the pedestrian circulation system.

I. Sewage Disposal

Development shall be served by individual or public sewage disposal structures consistent with the Summit County and/or Ohio EPA requirements. Individual sewage disposal systems shall comply with all applicable regulations of the Summit County Health District. If common on-site system is to be used it shall not be located in the restricted open space.

J. Architectural Design

Architectural treatments shall demonstrate a cohesive design concept which promotes compatibility among structures and reflects the character of the Village of Peninsula.

XXXX.07 Development Design Criteria

In addition to the development and site planning standards set forth in Section XXXX.06, all elements of a conservation development, particularly the restricted open space areas, shall be designed in accordance with the following criteria to ensure that the project is appropriate for the site's natural, historic and cultural features and meet the objectives of this district.

- A. Conservation of Sloping Land
The road system and buildings should be located to minimize changes to the topography and the need for cutting and filling.
- B. Conservation of Woodlands, Vegetation and other Natural Areas
The design and layout of the development should conserve, maintain, and incorporate existing wooded areas, meadows, and hedgerows and tree lines between fields or meadows, especially those containing significant wildlife habitats.
- C. Conservation of Wildlife Habitats
Wildlife habitat areas of species listed as endangered, threatened, or of special concern by the U.S. Environmental Protection Agency and/or by the Ohio Department of Natural Resources should be protected.
- D. Conservation of Prime Farmland
Farmland that satisfies the USDA definition of "prime" or "locally unique" farmland should be conserved.
- E. Conservation of Existing Scenic Vistas and Visual Quality of the Environment
Buildings should be located to ensure that scenic views and vistas are unblocked or uninterrupted.
- F. Conservation of Cultural Resources
Sites of historic, archaeological, or cultural value and their environs should be protected insofar as needed to safeguard the character of the feature, including stonewalls, spring houses, barn foundations, underground fruit cellars, earth mounds and burial grounds.

XXXX.08 Project Review Procedures

Projects proposed under the Conservation/Recreation Overlay zoning shall comply with the Site Plan Review and approval procedures established by Sections 1149.01 to 149.06 of the Codified Ordinance of the Village of Peninsula.

XXXX.09 Fees

Fee shall be in conformance with Section 1149.11 of the Codified Ordinances of the Village of Peninsula.

DRAFT

11/19/2018