



AGENDA
REGULAR MEETING OF PLANNING COMMISSION
February 26, 2024 7:00 p.m.
Peninsula Village Hall
1582 Main Street
Peninsula, Ohio 44264

CALL TO ORDER; ROLL CALL

CONSIDERATION OF MINUTES

December 18, 2023 Special Planning Commission Meeting
January 22, 2024 Planning Commission Meeting

CITIZENS PARTICIPATION

MAYOR'S REPORT

COUNCIL LIAISON REPORT

HEARINGS

Lot Consolidation Request of Gregory Hansen of Rt. 303 Parcel No. 11-10750 (4.005 acres) and Rt. 303 Parcel No. 11-00495 (4.368 acres) (new consolidated parcel will be 8.3671 acres)

Request for Historic District Property Certificate of Appropriateness from Purple Brown Freight Depo and Peninsula Valley Historic & Education Foundation, Inc. for ADA Deck and Ramp and Screening Addition

Cuyahoga Valley Scenic Railroad Temporary Gravel Parking Lot Approval Request for Grassy Area between the Garage at 6090 N. Locust and 1600 Mill St. Building

OLD BUSINESS

Wastewater and Water Projects

Area Master Plan

NEW BUSINESS

Review of Short-Term Rental and Short-Term Rental Tax Ordinance
(Moved to March Meeting due to time constraints due to the Hearings)

ADJOURNMENT

Record of Proceedings
Special Meeting of Planning Commission
Held: Monday, December 18, 2023

CALL TO ORDER Karen Walters called meeting to order at 7:00 PM

ROLL CALL

Chairperson Karen Walters	Present
Kevin Royer	Present
Mayor Daniel Schneider, Jr.	Present
Greg Canda	Present
Council Rep. John Krusinski	Present

OTHERS PRESENT

Solicitor Brad Bryan and Village Planner Rita McMahon

PURPOSE OF MEETING

Ms. Walters stated the purpose of the meeting is to discuss and make a recommendation to Council regarding whether the Village should request the County to accept the Village into and under the Sanitary Sewer Authority of the Summit County Metropolitan Sewer District. Ms. Walters then recused herself from the Meeting due to her employment with the Peninsula Foundation and passed the gavel to Mayor. Ms. Walters then left her spot on the dais.

CITIZENS PARTICIPATION

Amy Frank-Hensley thanked the Planning Commission for permitting discussion on this topic. She asked the Commission Members to continue to perform their research and remain open-minded to resident voices. She urged everyone to take more time to better identify the source and extent of the E.coli levels in the Village storm system. She urged everyone to work together for the advancement of the community.

Lee Spencer, who lives on Main Street, asked the Commission to continue to be representatives of the citizens of Village of Peninsula.

Liz Biddick, who resides on Canal Street, urged the Planning Commission and Council to observe normal channels in this process and for any Council legislation on this topic to receive three readings before passage. She stated the recent meeting with the County officials was scheduled at the last minute and all the County wants is more rate payers. The County is not concerned about quality of life benefits.

Kathy Bertsch noted emergency legislation is not subject to referendum actions and this issue does not sufficiently constitute an emergency. Mr. Bryan stated Council can legally take emergency action on this issue. Ms. Bertsch urged Village officials to consult with the surface water management agency to assist with the problem.

Mr. Bryan explained when this matter comes before Council, Council has the authority to waive the three reading rule by at least a three-fourths vote of its members. In Peninsula's case, that requires 5 Councilpersons to vote in favor of waiving that rule. Whether legislation is passed as emergency legislation is a separate issue. Emergency legislation requires at least a two-thirds vote of Council. A valid reason for the emergency action needs to be included in the emergency clause of the legislation, and a reviewing court will customarily defer to the discretion of Council as to its determination that emergency action is needed. If legislation is passed as emergency legislation, the legislation is effective immediately rather than 30 days from when the legislation is passed. It also means, as Ms. Bertsch stated, the legislation is not subject to referendum. In this case, if the legislation was adopted by Council and was subject to referendum, a petition

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signed by just 10% of the Village electors could prevent the legislation from becoming effective and force a vote on the issue in November of 2024, since there is not sufficient time for such a referendum action to be placed on the March primary ballot. Since the County would not spend money to move forward with the design engineering for the project under those circumstances and the project has to be under contract before the end of 2024 in order to utilize the 7.5 million dollars of ARPA money, a referendum petition would essentially permit 10% of the Village electorate to kill the sewer project and lose the 7.5 million dollars.

Steve Schultz stated the timing of this Meeting and the expected upcoming Council Meeting are suspicious. The Village's actions and decisions are all lined up already. He will be deprived of his ability to vote on this issue as a new Councilperson due to it being rushed through. He feels many of the residents' questions have not been answered.

Sarah Dollhauser stated she also feels that many of the questions submitted have gone unanswered. Mr. Bryan gave her the opportunity to voice some of the questions she felt were submitted and went unanswered. The Mayor stated he disagreed. He stated the questions posed have been answered at prior meetings.

Sean Hensley asked whether the Planning Commission and Councilmembers received the questions submitted by the residents. The Commission Members confirmed they received the questions.

Jodi Padrutt asked if the Village has the ability to get out of the County sewer district in the future. Mr. Bryan stated once the Village is a member of the District and money is spent on the Project, the Village cannot pull out of it unilaterally. A negotiated settlement with the County would have to be reached. Mr. Royer and Mr. Canda stated the Village would have to assume responsibility and reimburse Summit County should the Village change its mind.

Rita Johnson asked if every homeowner would be responsible for connecting to the system and whether they have the option to opt-out. Mr. Bryan explained as of now, the County does not plan on assessing property owners for any portion of the construction costs for the Project, which is unprecedented. Property owners will, however, be responsible for the cost of tying into the system. Property owners within the service district will be required to connect to the system. The County has not determined whether there will be a grace period for property owners who have compliant systems to tie in. There are programs to assist with the costs of connecting and removing septic tanks for lower income individuals. The Village has also talked about whether it would be able to assist property owners with those costs.

A resident stated how she felt that meetings in the past were much more informative. Mr. Canda noted these discussions have been going on for more than thirty years. Desires and priorities are one thing, and requirements under the law are another. The Village could not afford to take any action until this point.

Another resident stated she read the letter stating the EPA and County agreed that if every residential system in the Village was replaced, the Village would still likely be in violation of the Clean Water Act. Mr. Krusinski explained the basis for those conclusions.

Amy Frank-Hensley asked what the Commission knows about the County Engineer's County Surface Water Management Agency program and how it could help the Village. Ms. Frank-Hensley reminded everyone she brought this issue up two meetings ago and apparently no one has reached out. It was noted that entity deals with wastewater and might be useful with dealing with areas of the Village that are outside of the proposed wastewater district. Mr. Krusinski stated he discussed that suggestion with the County and supports that idea once the Village makes progress with the sanitary sewer issue.

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Bill Clifton expressed his support for the Project. He noted the fact that every Village committee or body that has studied this issue over the several years has come to the conclusion the best solution is for the County to design, build, and operate a central sewer system. The obstacle in the past has been the inability to pay for the system. Due to the money being allocated by the County that is no longer an issue. As an engineer, he discussed the interaction between the wastewater issues and the storm water system and the resulting high E.coli readings.

Esther Kaufman stated she feels this decision is being rushed. Mr. Bryan stated this iteration of the project started in 2020 with the Village Wastewater Committee in place at that time. The Committee met with all of the relevant agencies, several public meetings were held via Zoom that year during the pandemic, and public input was sought. The Wastewater Committee report recommending a central sewer system was issued in the spring of that year and has been posted on the Village website. The period since that time has been devoted to getting the County to take on, study, and pay for the Project.

Resident Daniel D'Angelo stated he has consistently asked for a more thorough discussion of this issue. He feels those discussions have not taken place, and now all of a sudden there is a hurry to get this matter passed. He is asking for better communication in the future and for these conversations to continue.

The Mayor then shared his experience with working with the Ohio EPA and County. He stated he feels those entities are acting in the best interests of the Village. He feels confident that moving forward with this Project now is best for the community.

Mr. Krusinski stated this matter has been studied and discussed for several decades, and every Village entity or committee that studied this issue came to the conclusion that a central sewer system was the best solution to eliminate the wastewater pollution problem. Due to the generosity of the County, the funds are now available to make the Project feasible without having to assess Village property owners for the construction costs.

BUSINESS

Mr. Krusinski made a motion that was seconded by Mayor Schneider to recommend to Council that the Village request the County to accept the Village into and under the Sanitary Sewer Authority of the Summit County Metropolitan Sewer District.

Mr. Canda asked to bounce ideas off Mr. Royer since the Mayor and Mr. Krusinski have already made their positions on this issue clear. He asked if Mr. Royer thinks there is a wastewater problem and if he is aware of where the pockets of problems are. Mr. Royer answered yes to both questions. He stated he can smell the problem and is sure many Village systems are noncompliant.

Mr. Canda turned to Ms. McMahan and asked her advice to the Commission on this issue. Ms. McMahan stated based upon her experience with the Village over the past four years and prior experience with these sanitary sewer issues in general, she recommends joining the District and moving forward with the Project. She emphasized the Ohio EPA has voiced this problem with the Village and will not go away. If the problem is not solved quickly, the EPA will hold the Village accountable and levy fines that the Village will not be able to afford to pay. She shared her experiences with the EPA while representing other communities and how it issues fines. In her over 40 years in public service, she has never seen a community that has received the handout that the County is offering the Village. She encouraged the Village to take advantage of the funds.

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Mr. Canda asked for Ms. McMahon's input regarding the Master Plan and the potential for the central sewer system project to be in conflict with that Plan. Ms. McMahon stated the Village Long Range Plan Update contemplated solving the wastewater problem and the possibility of a central sewer system in the Village.

Mr. Canda turned back to Mr. Royer to ask for his thoughts. Mr. Royer stated the Village needs to move forward with the Project at this time. He does not want to wait and take the chance that the County will change its mind about the money it is offering. He does not want to lose the money. It is 7.5 million dollars. That is a lot of money to give up.

Mr. Canda requested the motion be amended to make the Village joining the District conditional on the Village having a representative for the Project that would be a voice for the Village residents. Mr. Bryan stated the County would not permit the Village's request to be accepted into the District to be conditional. The rules need to be the same for all of the District members. He stated he is confident the County is receptive to input from the Village in connection with the sewer project. The Mayor shared his experience with working with the County since he has become Mayor, and stated the County has been very open about listening to the Village. Mr. Bryan stated the Village could appoint a representative that would be responsible for communicating with the County for this Project and reporting back to the Village and residents. Mr. Canda stated he feels there should be more than one person, possibly someone from Council and the Planning Commission, in that capacity.

A resident asked about the timing for the Village's decision to join the District and the Project itself. Mr. Canda asked Mr. Bryan to answer that question and advise the audience what the Village joining the District would mean and what authority would be given to the County as a result of this action. Mr. Bryan then outlined information contained in his letter to the Planning Commission and Council on this issue. He relayed in order to move forward with the design engineering phase of the Project, the County Executive's Office and County Department of Sanitary Sewer Services need the Village to become a member of and come under the sanitary sewer authority of the Summit County Metropolitan Sewer District. Time is of the essence at this point due to the requirements and timing for the use of the Federal American Rescue Plan Act funds. The County's current timeline for the project is for the design engineering to be complete by the beginning of August of 2024 and the construction contract to be in place by the end of 2024. Once the Village is accepted into the District, the County will issue a RFQ to engineering firms for the design engineering work. That process will take 2 to 3 months before the design engineering work can get started.

The Summit County Metropolitan Sewer District was formed in 1970. The formation of the District served to consolidate approximately 23 sewer districts that existed in the County at the time. The footprint of the District has grown significantly since 1970. Membership in the District essentially outlines which communities fall within the authority of the District. The District does not have its own Board. The Ohio Revised Code statutory authority granted to the Summit County Metropolitan Sewer District is exercised by the County Department of Sanitary Sewer Services under the direction and supervision of the Summit County Executive's Office in accordance with a budget established by Summit County Council. As a result, the County DSSS acts as the sanitary sewer authority for the District and its members.

In becoming a member of the District, the Village would be agreeing to permit Summit County, through the County Department of Sanitary Sewer Services (an entity

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that has significantly more expertise in these matters than the Village), to have authority over sanitary sewer matters in the Village.

The County and DSSS would then be authorized to perform all functions afforded to sewer districts pursuant to Ohio Revised Code Chapter 6117 in the Village. In summary, that authority includes: setting sewer rates; conducting surveys in connection with sanitary facilities; establishing general plans regarding sanitary sewer matters; acquiring or purchasing property for sanitary facilities; exercising the power of eminent domain; constructing, maintaining, and operating sanitary facilities; issuing or deferring assessments; borrowing money to construct improvements; paying for improvements; entering into contracts for the construction of improvements; establishing rules for the connection, disconnection, and reconnection of properties; and assisting the Board of Health with investigating and resolving complaints about unsanitary conditions.

Mr. Canda clarified he supports the motion because he wants to solve the wastewater pollution problem in the Village and feels the Village can't solve the problem on its own due to its lack of technical expertise and money. He feels the input of Village residents and business owners should be considered and regular status updates from the County are imperative. He understands the need to move forward with the project expeditiously but urges Council to have at least two readings of its legislation and not pass it as emergency legislation. He asked Council to have at least one reading of the legislation in January to allow the new Councilpersons to weigh in on the issue.

Roll Call Vote: Mr. Royer, yes; Mayor Schneider, yes; Mr. Krusinski, yes; Mr. Canda, yes. The motion was approved.

ADJOURNMENT

Mr. Krusinski made a motion that was seconded by Mr. Royer to adjourn the Meeting. Roll Call Vote: Mr. Royer, yes; Mayor Schneider, yes; Mr. Krusinski, yes; Mr. Canda, yes. The motion was approved. The meeting was adjourned at 9:35 p.m.

Respectfully submitted:

Daniel Schneider Jr.

Date

**RECORD OF PROCEEDINGS
VILLAGE OF PENINSULA PLANNING COMMISSION**

Held: Monday, January 22, 2024

CALL TO ORDER Chairperson Walters called meeting to order at 7:00 PM

ROLL CALL

Chairperson Karen Walters	Present
Kevin Royer	Present
Mayor Daniel Schneider, Jr.	Present
Greg Canda	Present
Council Rep. Doug Steidl	Present

OTHERS PRESENT: Solicitor Brad Bryan and Village Planner Rita McMahon

CONSIDERATION OF MINUTES

Mr. Canda made a motion that was seconded by Mayor Schneider to approve the November 27, 2023 Planning Commission Meeting Minutes. Roll Call Vote: Ms. Walters, yes; Mr. Royer, yes; Mayor Schneider, yes; Mr. Canda, yes; Mr. Steidl abstain. The Minutes were approved.

CITIZENS PARTICIPATION

Sasha Miller asked if a solution to the ongoing staff and visitor parking problem with the Cuyahoga Valley Scenic Railroad could be reached. She explained how those parking issues have affected the local businesses. The Mayor stated he would reach out to the Railroad officials about this issue. This matter may need to come before the Planning Commission.

Councilperson John Najeway asked about the current process for enforcing property maintenance code violations and what is being done about recurring violators. Mr. Bryan stated additional noncompliance notices will be sent. If compliance is not achieved by the indicated deadline, the property owners can be cited into court and/or the Village can perform the necessary remedial work and bill the property owner. If the bill is not paid, it can be certified to the County Fiscal Officer for placement on the tax duplicate. That certification process can only take place once per year in early September, so would be a delay in being reimbursed for the work in that circumstance. The violation, however, would be remedied.

Mo Riggins spoke about the short-term rentals issue and violations she found on different websites. A broad discussion on enforcement and rules took place. Mr. Bryan and Ms. McMahon will identify specific provisions of the short-term rental ordinance that should be discussed and considered for modification at the February Planning Commission Meeting. Anyone else that has suggestions should forward them to Mr. Bryan, Ms. McMahon, and Ms. Dorton.

MAYOR'S REPORT

The Mayor asked Councilperson Najeway to update everyone on the wastewater and water projects. Mr. Najeway stated he attended the County Council Public Works Committee Meeting that took place earlier today with the Mayor and Mr. Bryan. The Committee voted unanimously to recommend the acceptance of the Village into the Summit County Metropolitan Sewer District. The RFQ to engineering firms desiring to perform the project design engineering work is ready to be released once County Council approves the legislation accepting the Village into the District. That is expected to occur next week. The County Executive's office is still actively engaged in discussions with potential water providers to the Village.

**RECORD OF PROCEEDINGS
VILLAGE OF PENINSULA PLANNING COMMISSION**

Held: Monday, January 22, 2024

COUNCIL LIAISON REPORT

Mr. Steidl stated no action involving Planning Commission topics were taken at the January Regular Council Meeting. He stated the Village submitted repaving projects for the north and south portions of Riverview Road that have not recently been repaved to the County for inclusion in the bidding process for this year's County Repaving Program.

HEARINGS

None.

OLD BUSINESS

Wastewater and Water Projects

These matters were discussed during the Mayor's Report portion of the Meeting.

Area Master Plan

The Mayor stated the first meeting of the Steering Committee will take place sometime in early February.

NEW BUSINESS

Determination of How Commission Desires to Go about Evaluating Current Short-Term Rental Ordinance

This topic was handled during the Citizens Participation portion of the Meeting.

Mr. Bryan stated a lot consolidation request was submitted to the Village after the deadline for getting on the agenda for tonight's Meeting. He stated he will review the request with Ms. McMahon and provide a recommendation to the Commission. That matter will be on the agenda for approval at the February Planning Commission Meeting.

ADJOURNMENT

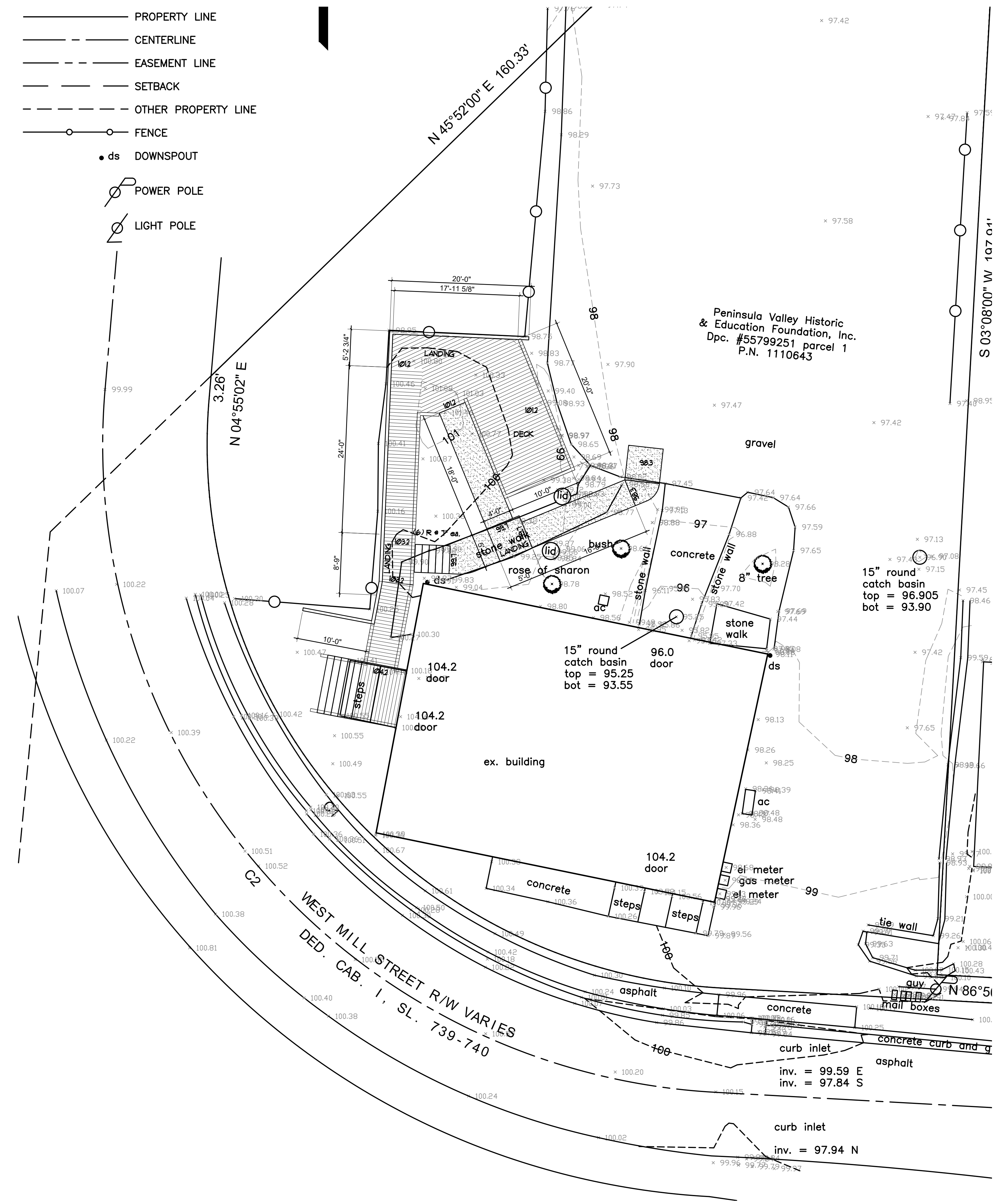
Mr. Canda made a motion to adjourn that was seconded by Mr. Steidl. Roll Call Vote: Ms. Walters, yes; Mr. Royer, yes; Mayor Schneider, yes; Mr. Canda, yes; Mr. Steidl, yes. The meeting was adjourned at 8:30 PM.

Respectfully submitted:

Karen Walters, Chairperson

Date

- PROPERTY LINE
- - - CENTERLINE
- - - EASEMENT LINE
- - - SETBACK
- - - OTHER PROPERTY LINE
- FENCE
- ds DOWNSPOUT
- ⊗ POWER POLE
- ⊗ LIGHT POLE



DESIGN
MANAGEMENT
ARCHITECTS

641 WEST MARKET ST
AKRON, OH 44303
330/762.1411

MARK DeLANEY SMITH
OH LICENSE #9746
EXPIRATION 12/31/2023

PROPOSED NEW
CONSTRUCTION FOR:

**PURPLE
BROWN
FREIGHT
DEPOT**

1619 MILL STREET
PENINSULA, OHIO
44624

JOB NUMBER: 23A13

DRAWING RELEASE:

No.	Date	Description
02/15/24		SCHEMATIC DESIGN

SHEET TITLE:

**SCHEMATIC
SITE PLAN**

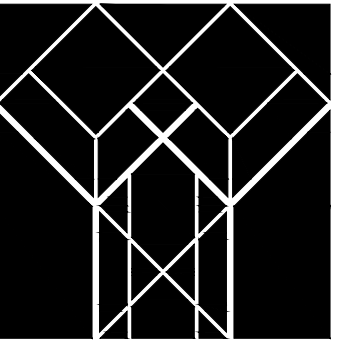
SHEET NUMBER:

A001

01

S I T E P L A N

SCALE = 1/8" = FT



DESIGN
MANAGEMENT
ARCHITECTS

641 WEST MARKET ST
AKRON, OH 44303
330/762.1411

MARK DeLANEY SMITH
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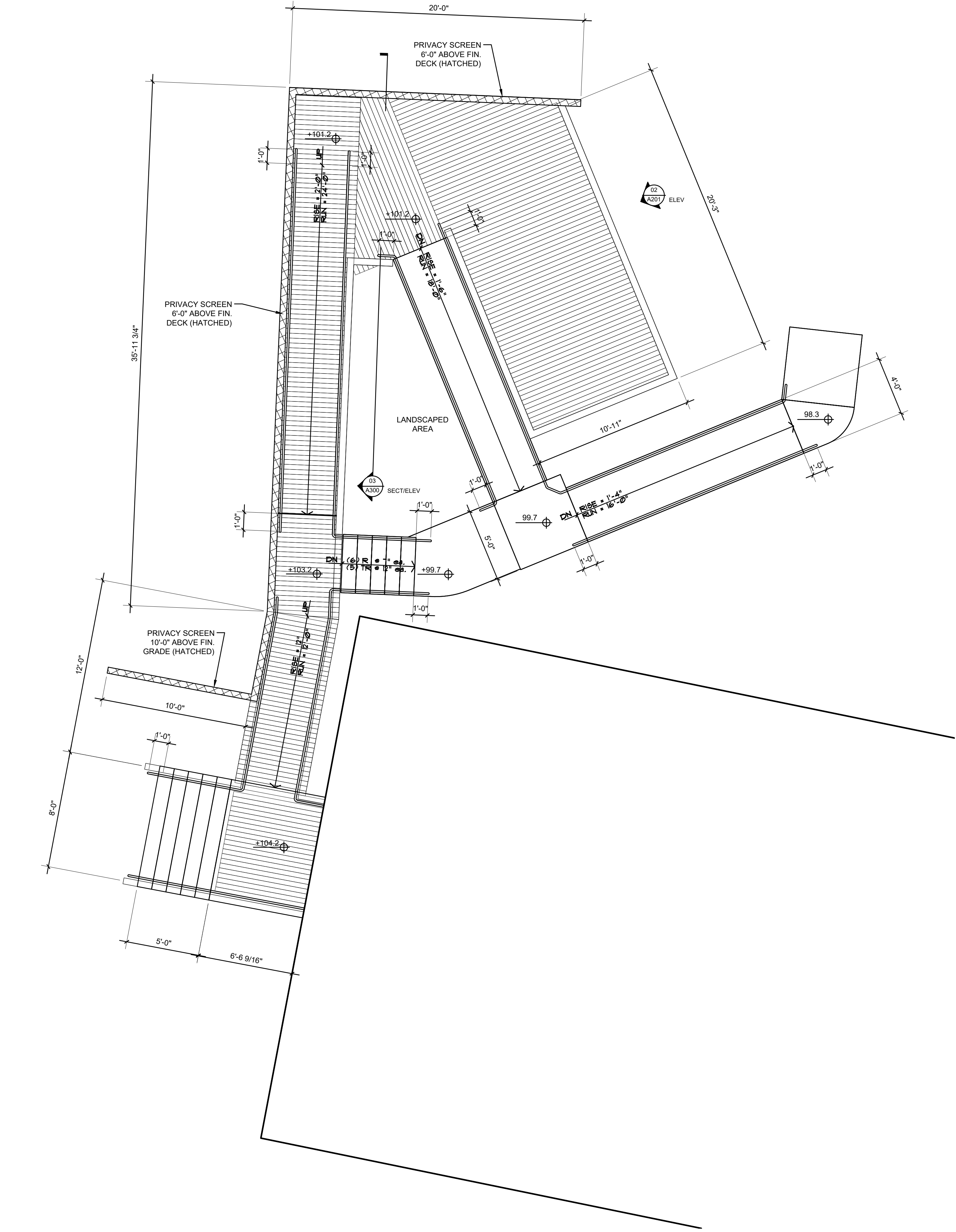
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02	02/15/24	SCHEMATIC DESIGN

SHEET TITLE:

MAIN PLAN

SHEET NUMBER:

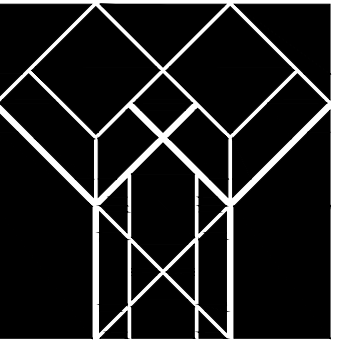
A101



01

S I T E P L A N

SCALE = 1/4" = FT



DESIGN
MANAGEMENT
ARCHITECTS

641 WEST MARKET ST
AKRON, OH 44303
330/762.1411

MARK DeLANEY SMITH
OH LICENSE #9746
EXPIRATION 12/31/2023

PROPOSED NEW
CONSTRUCTION FOR:

PURPLE
BROWN
FREIGHT
DEPOT

1619 MILL STREET
PENINSULA, OHIO
44624

JOB NUMBER: 23A13

DRAWING RELEASE:

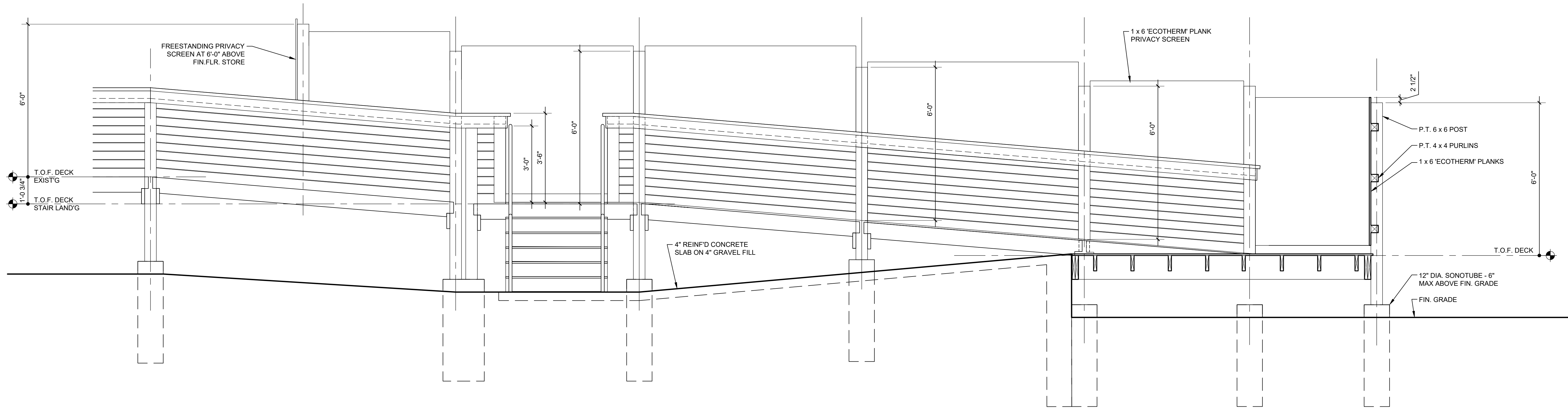
No.	Date	Description
02/15/24		SCHEMATIC DESIGN

SHEET TITLE:

ELEVATIONS

SHEET NUMBER:

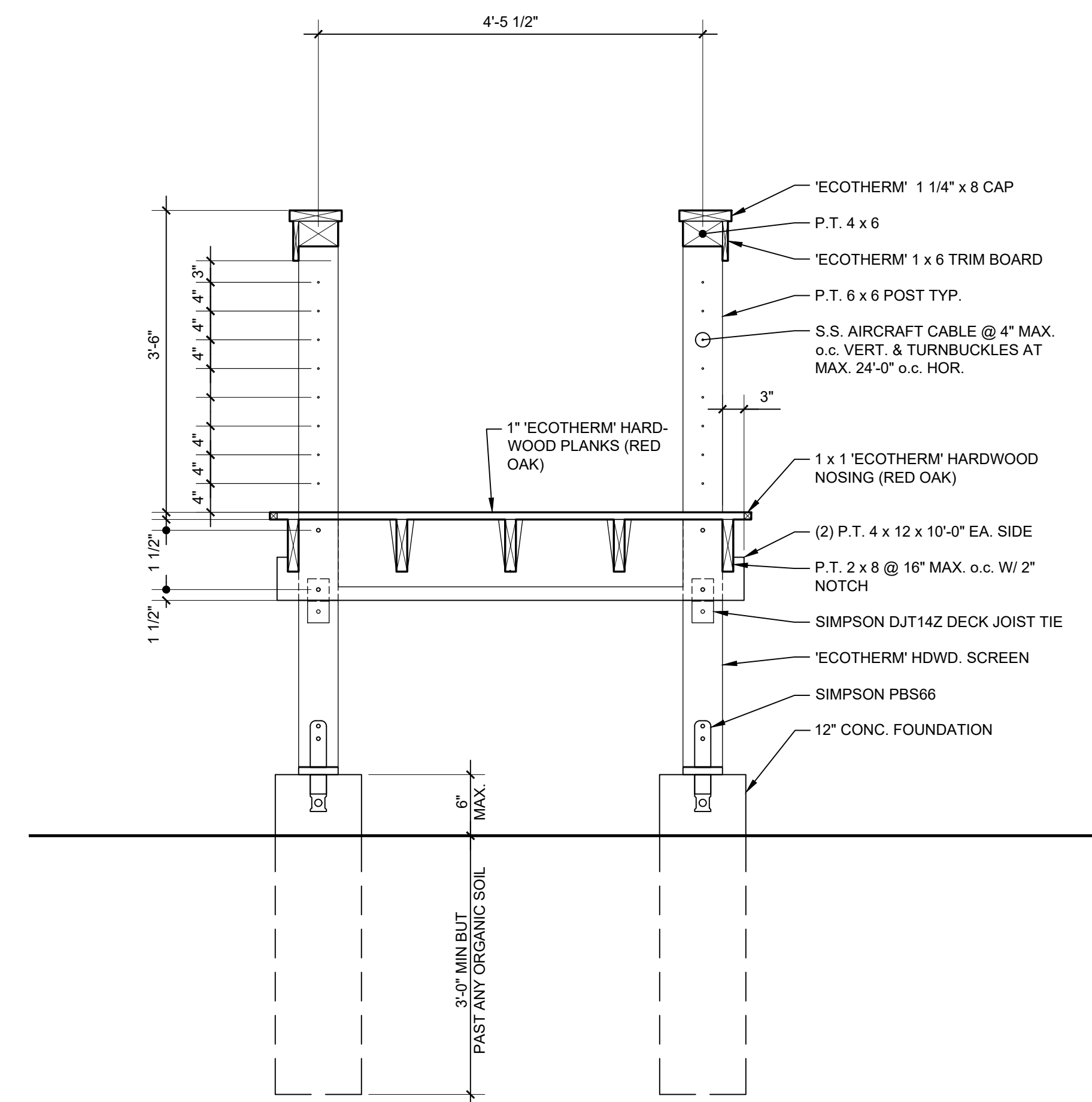
A201



01

SECTION - ELEVATION

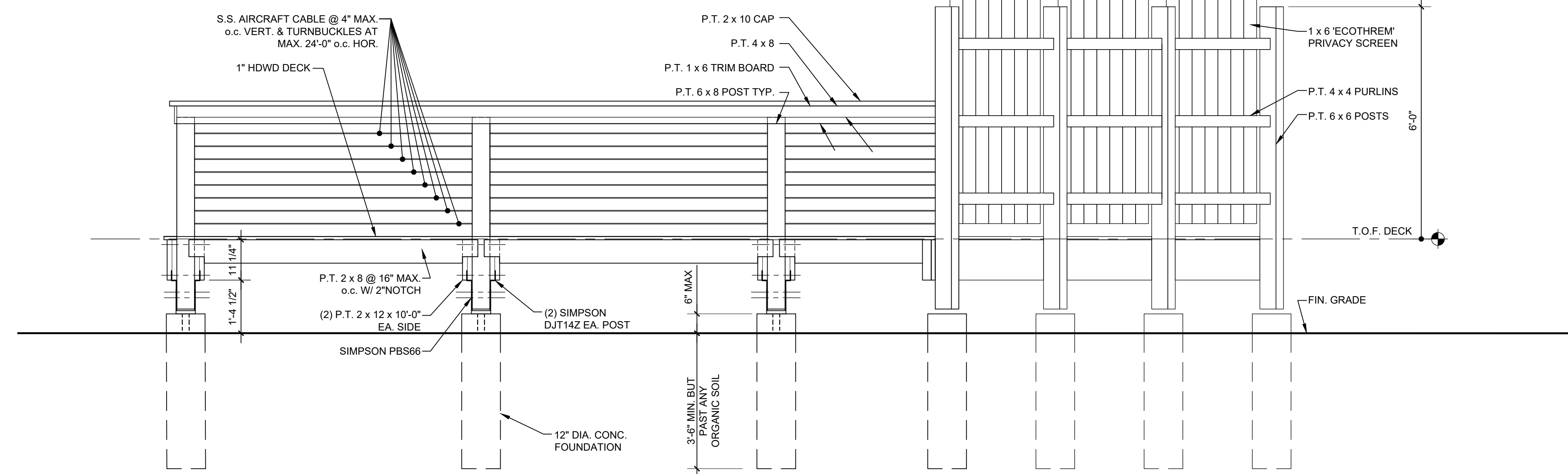
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03

SECTION

SCALE = 3/4" = FT



02

ELEVATION

SCALE = 1/2" = FT



Anthony Carlson

440-554-1793

Sharp Snow and Ice Management, LLC.

PO Box 33279

Peninsula, OH 44264

CVSR Stone Parking Lot

6090 N Locust Street

Peninsula, OH 44264

To Whom it may concern; Cuyahoga Valley Scenic Railroad is interested in adding additional parking to their 6090 N Locust Street office location. Currently the area is grass and has been used as a seasonal overflow parking area. The area is growing unsightly with mud tracks. The area is also unusable when the weather is rainy or snow covered.

Sharp Snow and Ice Management, LLC has offered the solution of making the area a formal stone parking area. We are the CVSR's snow removal service at their depots and offer these services in the summer. This parking area will match the existing stone parking area in front of the neighboring Art Academy and Train Depot. The process for making this a stone area will include the following:

- Contact OUPS to mark the underground public utilities in the area
- Remove the grass and dirt to grade the property appropriately for parking and drainage
- Install a layer of woven fabric to act as a barrier between the dirt and the stone
- Deliver, Install, and Compact limestone #304



Thank you for your consideration,

Anthony Carlson

CVSR Parking Map

6090 N Locust St

Legend

-  6090 N Locust St
-  Parking Area



6090 N Locust St

i 60'

i 20'

Mill St W

Mill St W

Mill St E

Mill St E

N Locust St

Akron Peninsula Rd

Mill St W

Mill St W

Google Earth



Image © 2024 Airbus

100 ft



CVSR Parking Map
6090 N Locust St

Legend

-  6090 N Locust St
-  Parking Area



Google Earth

©2024 Google

402 ft

