

Village of Peninsula

AGENDA

PLANNING COMMISSION MEETING

Monday June 23, 2025 7:00 p.m.
Village Hall
1582 Main Street
Peninsula, Ohio 44264

CALL TO ORDER; ROLL CALL

CONSIDERATION OF MINUTES:
May 27, 2025 Planning Commission Meeting

CITIZENS PARTICIPATION:

MAYOR'S REPORT:

COUNCIL LIAISON REPORT:

BUSINESS:
Review of Area Master Plan/Downtown Plan Chapters 1-4

Discussion of Changes to Zoning Map
- Main Street
- West Side of N. Locust Street

Discussion of Additional Potential Zoning Code Amendments
(Scheduled to be Discussed in Detail at the July Planning Commission Meeting)
- Parking Requirements
- Dark Skies Ordinance
- Building Size Limits on Lots Adjacent to Residential Properties

ADJOURNMENT

RECORD OF PROCEEDINGS
VILLAGE OF PENINSULA PLANNING COMMISSION

Held: Tuesday, May 27, 2025

CALL TO ORDER: Chairperson Walters called the meeting to order at 7:00 p.m.

ROLL CALL:

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

OTHERS PRESENT: Village Planner Rita McMahon and Solicitor Brad Bryan.

CONSIDERATION OF MINUTES:
April 28, 2025 Joint Planning Commission and Council Meeting

Mr. Canda Mr. Royer requested that the Minutes be amended to clarify comments made related to sewer plant construction staging and the Village property on the north end of Akron-Peninsula Road currently being used for parking. Mr. Canda made a motion that was seconded by Mr. Royer to approve the Minutes as amended. Roll Call: Chairperson Walters, yes; Mr. Royer, yes; Mayor, abstain; Mr. Canda, yes; Mr. Steidl, abstain. The Minutes were approved.

CITIZENS PARTICIPATION: None.

MAYOR'S REPORT: The Mayor announced Randy Collins will begin his role as the Village Zoning Officer on June 1. Meetings will once again be held at Village Hall starting next month. The Mayor invited attendees to tour the renovated Village Hall building.

Mr. Bryan reported on a follow-up conversation he had with Mary Ann Driscol of Burgess & Niple as to whether it was contemplated that the Village parking lot would be used as a staging area for vehicles and equipment while the sewer plant is being constructed. Ms. Driscol confirmed they planned to use the lot but could make other arrangements if it were not available.

COUNCIL LIAISON REPORT: Mr. Steidl expanded on the Mayor's comments on the Village Hall renovations, emphasizing how critical it was to address hazardous electrical issues and code-deficient structural elements of the building. Mr. Steidl reported the building now looks vastly improved and functions safely and efficiently. The Mayor added that the Hummel Construction project team exceeded expectations. He praised Councilman Steidl for his leadership, noting his background made him an ideal liaison for the project.

Mr. Canda reminded the group about the upcoming presentation from the Conservancy for the Cuyahoga Valley National Park and National Park officials regarding preliminary redevelopment plans for the former golf course. He stressed the importance of Planning Commission attendance. Mr. Bryan clarified the presentation will take place at a Special Council meeting held at 6:30 p.m. at Village Hall before the June 10 Regular Council Meeting. Planning Commission Members are encouraged to attend that meeting. Mr. Canda and Mr. Royer expressed interest in hearing the Conservancy's updated vision.

RECORD OF PROCEEDINGS
VILLAGE OF PENINSULA PLANNING COMMISSION

Held: Tuesday, May 27, 2025

NEW BUSINESS:

Review of Area Master Plan/Downtown Plan

Ms. Walters discussed the draft of the Area Master Plan and recommended the Commission engage in a structured, phased discussion. The Commission agreed it would review and discuss Sections 1 through 4 at next month's meeting and then move on to Chapters 5 and 6 at the July meeting. Mr. Canda emphasized the importance of reviewing each section thoroughly rather than simply just voting to approve the plan. Ms. McMahon supported this approach. She explained the more actionable and impactful elements that will need to be discussed are in Chapters 5 and 6. Those chapters involve the proposed projects and potential zoning changes. Further discussion addressed the streetscaping component of the funding application being prepared by OHM. It was clarified that the full streetscape design is not finalized, but the preliminary roadway and pedestrian layout work is nearly ready for ODOT review. Ms. McMahon reported OHM outlined challenges associated with the suggestion of adding trees and decorative poles adjacent to the sidewalks, due to space limitations and overhead utilities. Therefore, those aesthetic enhancements may need to go in the raised medians and bump-outs. Daniel DeAngelo and Mr. Bryan noted the utility lines should not prevent the installation of decorative lighting. Ms. McMahon agreed. Mr. Steidl asked if more eyes could assist in reviewing the engineering drawings to help ensure that both regulatory compliance and visual quality are achieved.

Ordinance No. 09-2025
An Ordinance Establishing Section 1351.23 of the Village Property Maintenance Code Pertaining to Exterior Lighting on Residential Properties

The Mayor explained this proposed Ordinance originated from an ongoing neighbor dispute involving excessive lighting aimed at an adjacent residence. Despite efforts by the impacted property owner to resolve the matter, including installing screening bushes and contacting the landlord for the neighboring property, the situation escalated, with the number of uncovered lights increasing significantly over time. The tenant responsible for the lighting has ignored multiple requests to resolve the issue, prompting this formal legislative action. The Mayor noted the Ordinance is not a zoning ordinance, which would trigger a required Planning Commission review. The Ordinance would supplement the property maintenance code in the Village Building Code. Mr. Canda also asked for clarification why the Ordinance only applies to residential properties. Mr. Bryan stated this Ordinance fills a gap not addressed in the Code. Provisions already exist in the Code that regulate light trespass from commercial properties. Mr. Canda made a motion that was seconded by Mayor Schneider to recommend to Council that the Ordinance be adopted. Roll Call: Ms. Walters, yes; Mr. Royer, yes; Mayor Schneider, yes; Mr. Canda, yes; Mr. Steidl, yes. The motion was approved.

OLD BUSINESS:

Discussion of Changes to Zoning Map and Discussion of Potential Zoning Code Amendments

Ms. Walters asked how the Commission would formally proceed with any zoning map changes. Mr. Bryan explained that a motion would be made and approved to request that draft legislation be prepared. The Planning Commission would then decide on the amendments proposed and make a recommendation to Council. Council would then consider the amendments over 3 meetings and hold a public hearing. Notice of the zoning map change would be sent to all affected and adjoining property owners. Ms. Walters and Mr. Canda agreed the Village should

first reach out informally to those living on the west side of N. Locust Street to understand the neighborhood sentiment before formally voting any proposals. Mr. Canda identified two key areas in the Village where parcels grandfathered as Commercial now sit amid predominantly residential surroundings. He pointed out a three-story, three-unit building whose owners might object to losing commercial rights. Ms. Walters echoed that concern. Richard Slocum reminded the group they previously proposed contacting homeowners out of fear of presuming outcomes. He urged for that outreach to take place. The Mayor agreed to reach out to Mr. Fisher to get his input. Ms. McMahon suggested preparing alternative maps for the west side of N. Locust. One converting the entire corridor back to residential, another preserving strategic and corner parcels as mixed-use. Another map would be prepared for the Main Street parcels that were discussed. She proposed that those visual options would help frame the discussion at the next meeting once neighbor feedback is gathered. The Commission requested that Ms. McMahon prepare the alternative maps for discussion at the June Meeting.

Ms. McMahon emphasized that any zoning map change must align with the Village's Long-Range Plan and Area Master Plan and satisfy the criteria set forth in Section 1149.09 of the Village Code. She cautioned that if a property owner challenged the change, the Village would need to demonstrate in the record how the amendment supports the Village's long-term land-use goals. Mr. Steidl volunteered that the area is already predominantly residential and buffered by trees. He asked if Ms. McMahon could draft the written justification once the preferred map option is chosen. Ms. McMahon said she could. Amy Frank-Hensley added that discussions in the Master Plan about parking and pedestrian connections had prompted this review, underscoring the importance of tying any map amendment back to those guiding principles.

Shifting to code amendments, Ms. McMahon proposed replacing the strict, use-based parking tables with a more flexible, context-sensitive standard. She pointed out that requiring exact parking counts forces developers toward repeated variance applications, encourages excessive paving, and undermines the ability to add additional landscaping. She recommended an ordinance empowering the Planning Commission to set parking requirements on a site-plan basis, considering on-street spaces and the property's proximity to shared public lots. Ms. Walters and Mr. Steidl agreed that such flexibility would spur small-scale commercial activity such as coffee shops, galleries, and home-based studios without overburdening property owners. It was determined that Ms. McMahon would have the proposed parking requirement amendment ready to discuss at the July Planning Commission Meeting.

Additional zoning code amendments were referenced for discussion at future meetings, such as limiting the square footage of commercial and mixed-use buildings adjacent to single-family homes and adopting "dark skies" lighting standards.

ADJOURNMENT:

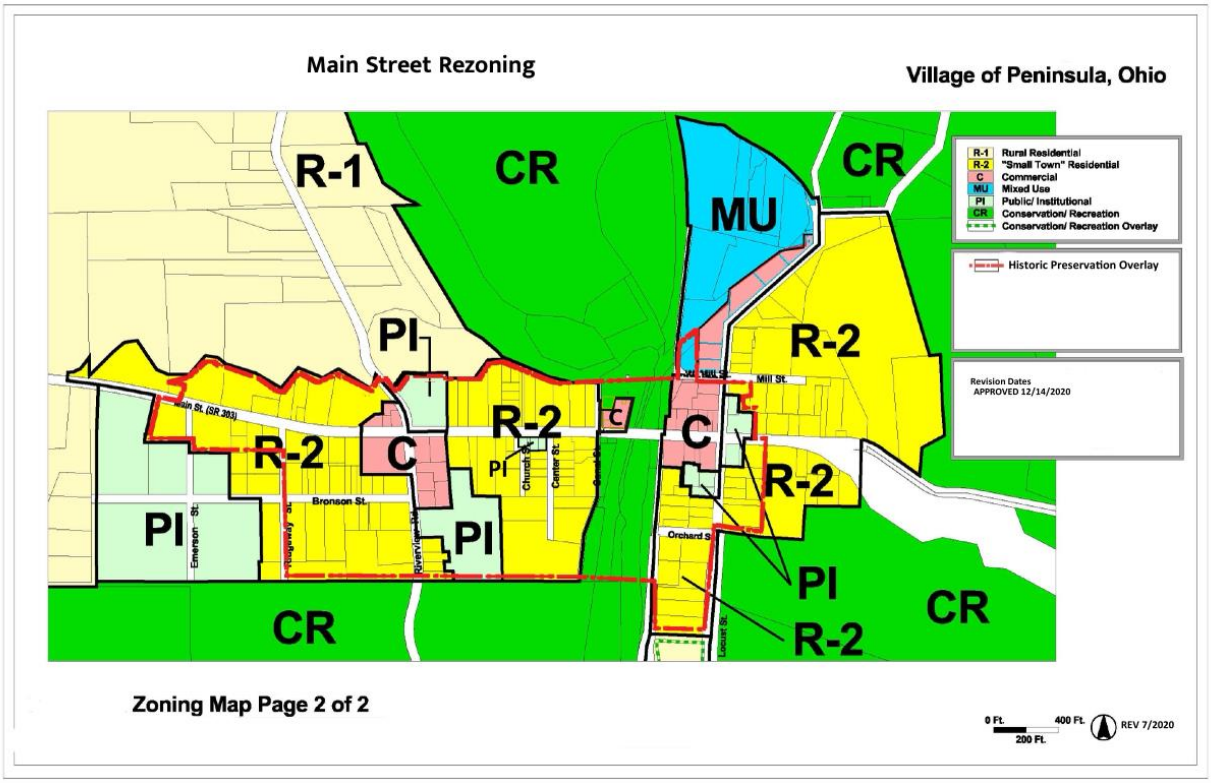
Mr. Canda made a motion to adjourn the meeting that was seconded by Mr. Royer. Roll call vote: Ms. Walters, yes; Mr. Royer, yes; Mr. Steidl, yes; Mayor Schneider, yes; Mr. Canda, yes. The meeting adjourned at 8:44 p.m.

Respectfully submitted:
Karen Walters, Chairperson Date

Main Street Rezoning

The Main Street rezoning involves several parcel on the north side of Main Street, west of the Cuyahoga River and east of N. Canal Street, from the current R-2, Small Town Residential District and CR Conservation Recreation to C, Commercial and CR Conservation Recreation. There are five parcels included in this request. Four of the parcels are currently occupied by commercial uses including the Peninsula Coffee House and the River Light Gallery. These parcels are owned by the Peninsula Foundation. The Peninsula Coffee Shop is zoned CR Conservation Recreation. The three other parcels are zoned R-2 Small Town Residential. The last parcel, located on N. Canal, north of the River Light Gallery, is owned by the National Park. This parcel is proposed to be rezoned from R-2 Small Town Residential to CR, Conservation Recreation.

Proposed revised Map:



Amendments to the Village's Zoning Map are to be justified by findings of fact by the Planning Commission and forwarded to the Village Council for final action. Section 1149.09 (f) sets forth the minimum review considerations that the Planning commission and Council are to follow before taking any action on an amendment. The following is a review of each criteria.

(1) Will the proposed amendment be in accordance with the basic intent and purpose of the Zoning Ordinance?

One of the purposes of the Zoning Code is it is "…essential that commercial uses have an equal degree of protection to promote and preserve Main Street and near by shopping areas…". Protecting the parcels occupied by existing commercial uses of the Coffee Shop and River Light

Gallery are consistent with that purpose. Rezoning them protects the investment in their commercial development. The one parcel on N. Canal is proposed to be rezoned to CR Conservation Recreation. This parcel is owned by the National Park and will continue to support the park's mission of protecting and preserving land for open space.

(2) Will the proposed amendment further the long-range planning goals of the Village?
The one of the primary goals of the long-range plan is to preserve the historic buildings and maintain the "small town" character of the village. Small town character is often defined as preserving historic buildings, maintaining the existing mix of various uses that developed naturally over time, promoting local businesses and maintaining a sense of community. The desire to maintain the mix of various land uses supports the change of the proposed zoning. An additional goal is to provide a framework for Village financial stability. The rezoning indicates a commitment by the Village to support existing and future businesses.

(3) Have conditions changed since the Zoning Ordinance was adopted, or was there a mistake in the Zoning Ordinance, that justify the amendment?
The opening of the Peninsula Coffee Shop is the primary change to the area. This new establishment is thriving and providing a commercial vibe to the area that was not generally experience prior. The rezoning of the area between the Cuyahoga River and N. Canal will support the investment that has been made in the Coffee Shop and adjacent property. It can encourage the property owners now and, in the future, to continue their investment in the community.

Additionally, the Downtown Master Plan has been completed which addressed the future of this portion of Main Street. The Master plan supported and further implemented the goals of the Long-Range Plan. The Master Plan, through community and Steering Committee input, supports the preservation of the historic buildings and the small-town character. The buildings located within the rezoning area are historic and have been preserved. They are also located within the Village's Historic District.

The Master Plan also provided economic impact information on what various types of development would generate for the Village finances. The plan also highlighted that only 10.4 acres of the Village were zoned for commercial use and only 15 acres were zoned for mixed-use. This represents less than 1% of all the land in the Village. The Master Plan also indicated that "… the financial health or stability of Peninsula is dependent upon Municipal Income Tax." (pg 68) The majority of the Village's income tax comes from commercial uses that generate employment. Providing opportunities to create commercial uses promotes the long-term financial stability of the Village. Rezoning this property will add .31 acres of land to the commercial zoning.

(4) Will the amendment correct an inequitable situation created by the Zoning Ordinance, rather than merely grant special privileges?
The current zoning does not permit the existing uses by right. The uses are long standing buildings and operations that have been non-conforming to the zoning for years. The rezoning will provide for the continued use of the various parcels in a manner they have been developed without requiring use variance or other exceptions to the code.

(5) Will the amendment result in unlawful exclusionary zoning?

Exclusionary zoning will not result from this zoning change.

(6) Will the amendment set an inappropriate precedent, resulting in the need to correct future planning mistakes?
By rezoning the property to meet the current use, the Village is indicating that current uses will be given priority over potential long term planned uses.

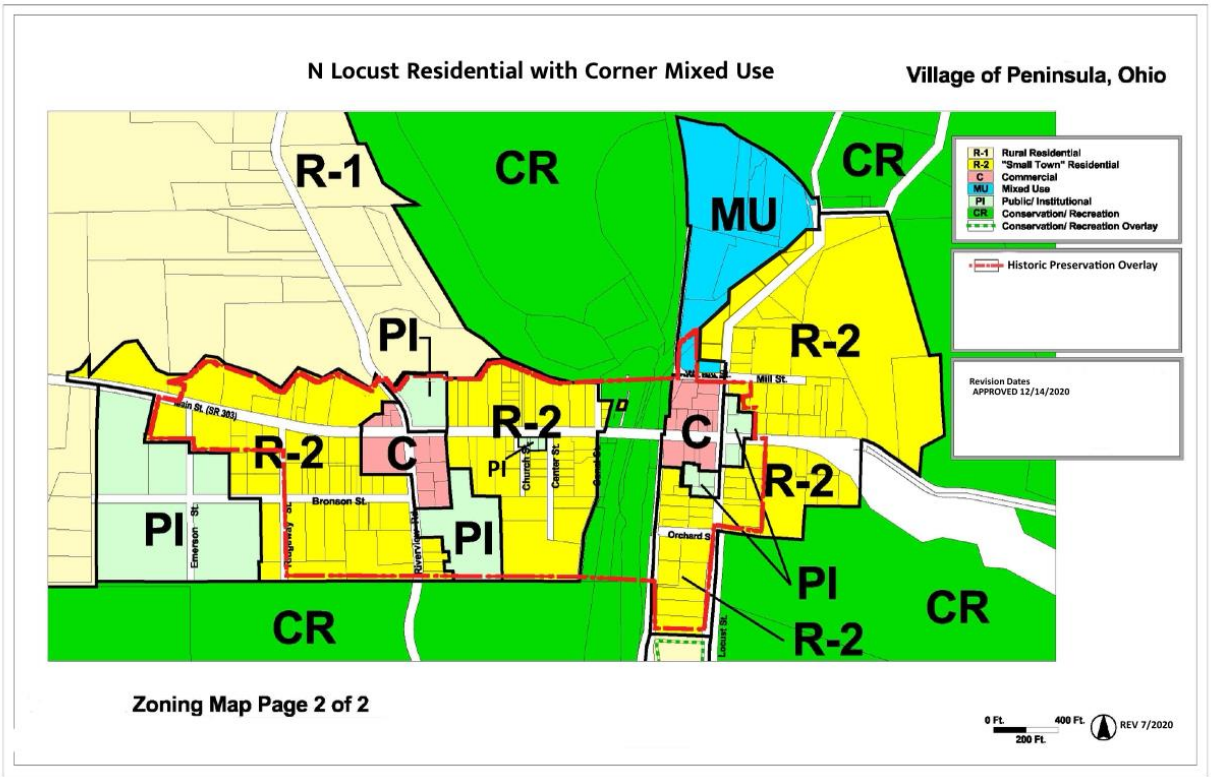
(7) If a rezoning is requested, is the proposed zoning consistent with the zoning classification of surrounding land?
The surrounding land is zoned CR Conservation Recreation to the east, south and north. The property to the west across N. Canal is zoned R-2 Small Town Residential. The rezoning of the one parcel on N. Canal which is owned by the Nation Park to CR is consistent with the use. The rezoning will create a node of commercial west of the Cuyahoga River. There has been a concern about the intrusion of commercial along Main Street. Stopping the Commercial zoning at N. Canal is a natural break point for the zoning. It should not further influence the spread of the zoning to the west.

(8) If a rezoning is requested, could all requirements in the proposed zoning classification be complied with on the subject parcel?
The existing uses are permitted uses in the Commercial District. The Commercial District has no front or side setback requirements and a 20-foot rear setback. Both existing structures would be in compliance. The parking on site for the River Light Gallery will be non-conforming. The Peninsula Coffee Shop obtained a variance which for the number of parking spaces which would continue to apply.

North Locust Street Rezoning Option 1

Option 1 proposes to rezone 7 parcels on the west side of North Locust. The parcel at the corner of W. Mill St and N. Locust is proposed to be rezoned from Commercial to Mixed-Use. Five parcels with frontage on N. Locust are proposed to be rezoned from Commercial to R-2 Small Town Residential. The northern most property owned by Linda Golubski is currently zoned both Commercial and Mixed Use. The Mixed-Use portion of the property would also be rezoned to R-2 Small Town Residential. Except for the corner parcel at W. Mill and N. Locust and the one vacant property all the remining parcels are occupied by residential uses. The property at W. Mill and N. Locust is currently occupied by a commercial use and is under consideration to be redeveloped into a mixed use (residential/commercial) building. The vacant parcel is the largest of the properties included in the proposed rezoning at .85 acre.

The proposed revised map:



Amendments to the Village's Zoning Map are to be justified by findings of fact by the Planning Commission and forwarded to the Village Council for final action. Section 1149.09 (f) sets forth the minimum review considerations that the Planning commission and Council are to follow before taking any action on an amendment. The following is a review of each criteria.

(1) Will the proposed amendment be in accordance with the basic intent and purpose of the Zoning Ordinance?

One of the primary tenets of the zoning code expressed in the purpose statement is that residences be suitably located in relation to commercial and industrial and that they be protected. Specifically, Section 1101.02 Purpose includes the following: "With regard to the interests of public health,

safety, convenience, prosperity, and general welfare, it is essential that residential areas be suitably located in relationship to industry and commerce, and that they be protected against the intrusions which will interfere with decent living conditions". The existing developed properties located on the west side of N. Locust Street, except for the corner of W. Mill and N. Locust are residential uses. One parcel is vacant. All the homes are over 60 years old and several exceed 100 years old. The current commercial zoning does permit single family homes but also permits a number of uses that could be construed to be incompatible with single family dwellings and therefore interfere with decent living conditions. Rezoning the parcels to R-2 Small Town residential would be consistent with their current land use. The corner parcel is currently used commercially and has been proposed to be developed as a mixed-use development. Rezoning the corner to Mixed-Use would be consistent with the proposed land use and is adjacent to existing Mixed-Use zoning.

(2) Will the proposed amendment further the long-range planning goals of the Village?
The one of the primary goals of the long-range plan is to preserve the historic buildings and maintain the "small town" character of the village. Small town character is often defined as preserving historic buildings, maintaining the existing mix of various uses that developed naturally over time, promoting local businesses and maintaining a sense of community. The desire to maintain the mix of various land uses supports the change of the proposed zoning. The existing residential uses are immediately adjacent to commercial and industrial uses. They are within walking distance of the commercial corridor on Main Street. They support the character and identity of a small town.

(3) Have conditions changed since the Zoning Ordinance was adopted, or was there a mistake in the Zoning Ordinance, that justify the amendment?
Following the approval of the Long-Range Plan the Village's Zoning Code was modified to support the policies of the Plan. The area of N. Locust Street was rezoned from Mixed Use to Commercial. The discussion at that time was to more easily support the creation of business opportunities in the corridor. It was discussed that by zoning the property commercial there would be fewer impediments to creating a mixed use on the properties since the detailed review and approach required by the Mixed-Use zoning would not apply. The Commercial zoning also permits various residential uses including single family.

Since the adoption of the zoning ordinance and the long-range plan two events have occurred in the Village. First, General Die Casters, an industrial use located adjacent to the proposed rezoning, closed. The closure opens the property to the potential for redevelopment and the development of a mixed-use project. Secondly, the Village recently completed a Downtown Master Plan. The Master Plan looked directly at this portion of the Village and its longer-term development. The Master Plan sought to reinforce and further clarify the goals of the Long-Range plan for the commercial area of the Village. The community input portion of the Master Plan identified five key findings which included the preservation of the historic charm and small-town character and a desire to prevent over development or significant changes that could alter the unique identity of the community. Preserving the existing buildings and their uses would be supported by this rezoning.

The Master Plan also provided economic impact information on what various types of development would generate for the Village finances. Throughout the Master Plan development

process, community and Steering Committee input reiterated the Long-Range plans policy of maintaining and supporting the small-town character of the Village. The plan also highlighted that only 10.4 acres of the Village were zoned for commercial use and only 15 acres were zoned for mixed-use. This represents less than 1% of all the land in the Village. The rezoning will reduce the number of acres zoned commercial to 7.45 acres. The Mixed-Use category would increase to 15.28 acres. The Master Plan also indicated that "… the financial health or stability of Peninsula is dependent upon Municipal Income Tax." (pg 68) The majority of the Village's income tax comes from commercial uses that generate employment. Providing opportunities to create commercial uses promotes the long-term financial stability of the Village. The rezoning of the various parcels on N. Locust would prevent commercial development from occurring on the west side of the street, thus reducing the potential for increased income tax to the Village. However, the area to the rear of the rezoned parcels will continue to be zoned Mixed Use and would permit a mixture of commercial, residential and industrial uses. The Planning Commission must evaluate the balance between shielding the residential uses and considering the long-term fiscal impact to the Village.

(4) Will the amendment correct an inequitable situation created by the Zoning Ordinance, rather than merely grant special privileges?
The current zoning of the various parcels permits the uses that are currently on the property or anticipated to be constructed by right. The proposed zoning also permits those uses. The proposed rezoning will support and maintain the residential character of the area. It will be compatible with the zoning of the property on the east side of N. Locust.

(5) Will the amendment result in unlawful exclusionary zoning?
Exclusionary zoning will not result from this zoning change.

(6) Will the amendment set an inappropriate precedent, resulting in the need to correct future planning mistakes?
By rezoning the property to meet the current use, the Village is indicating that current uses will be given priority over potential long term planned uses.

(7) If a rezoning is requested, is the proposed zoning consistent with the zoning classification of surrounding land?
The zoning on the east side of N. Locust Street is R-2 Small Town Residential which is the category proposed for most of the property on the west side of the street. The zoning to the rear of the proposed rezoning properties is MU Mixed Use and was the zoning designation for the properties under consideration before the change in 2021. Mixed Use permits a variety of residential uses and many commercial uses. The property to the rear is currently occupied by Terry Lumber which is classified as a commercial/industrial use. The property at the corner of W. Mill and N. Locust is proposed to rezoned to Mixed Use which is consistent with the adjacent property fronting on W. Mill. The proposed change will not create any isolated parcels. All parcels will be connected to similar adjacent zoning.

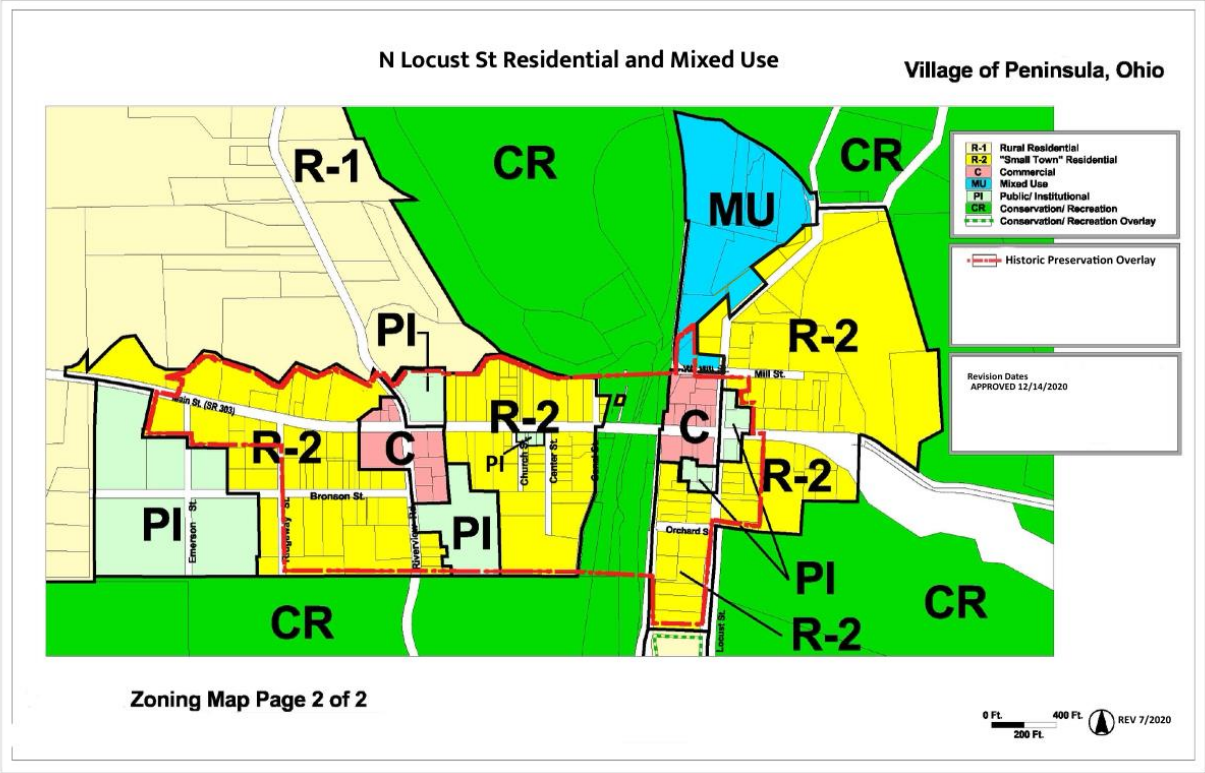
(8) If a rezoning is requested, could all requirements in the proposed zoning classification be complied with on the subject parcel?
The parcel to be rezoned R-2 residential will meet or exceed the minimum lot area requirement and lot width of that district. It appears that a couple of parcels will not meet the setback

requirements and will be non-conforming. While the nonconformity does not affect the current structure it could have an impact should future additions or alterations occur.

North Locust Street Rezoning Option 2

Option 2 is similar to Option 1. It proposes to rezone 7 parcels on the west side of North Locust. The primary difference is that the parcel at the corner of W. Mill St. and N. Locust and the .85-acre vacant parcel owned by the Fisher Boys Properties LLC are proposed to be rezoned from Commercial to Mixed-Use. The remaining four parcels with frontage on N. Locust are proposed to be rezoned from Commercial to R-2 Small Town Residential. The northern most property owned by Linda Golubski is currently zoned both Commercial and Mixed Use. The Mixed-Use portion of the property would also be rezoned to R-2 Small Town Residential. All the parcels proposed to be rezoned to R-2 Small Town residential are currently developed with residential uses. The property at W. Mill and N. Locust is currently occupied by a commercial use and is under consideration to be redeveloped into a mixed use (residential/commercial) building. The .85-acre parcel is vacant.

The proposed revised map:



Amendments to the Village's Zoning Map are to be justified by findings of fact by the Planning Commission and forwarded to the Village Council for final action. Section 1149.09 (f) sets forth the minimum review considerations that the Planning commission and Council are to follow before taking any action on an amendment. The following is a review of each criteria.

(1) Will the proposed amendment be in accordance with the basic intent and purpose of the Zoning Ordinance?

One of the primary tenets of the zoning code expressed in the purpose statement is that residences be suitably located in relation to commercial and industrial and that they be protected. Specifically, Section 1101.02 Purpose includes the following: "With regard to the interests of public health, safety, convenience, prosperity, and general welfare, it is essential that residential areas be suitably located in relationship to industry and commerce, and that they be protected against the intrusions which will interfere with decent living conditions". The existing developed properties located on the west side of N. Locust Street, except for the corner of W. Mill and N. Locust are residential uses. One parcel is vacant. All the homes are over 60 years old and several exceed 100 years old. The current commercial zoning does permit single family homes but also permits a number of uses that could be construed to be incompatible with single family dwellings and therefore interfere with decent living conditions. Rezoning the parcels to R-2 Small Town residential would be consistent with their current land use. The corner parcel is currently used commercial and has been proposed to be developed as a mixed-use development. Rezoning the corner to Mixed-Use would be consistent with the proposed land use. Rezoning the .85-acre parcel, which is the largest parcel on the west side of N. Locust, would allow additional development of a variety of uses that are permitted in the Mixed-Use zoning. The property would be required to maintain 20-foot buffers to the adjacent residential zoning.

(2) Will the proposed amendment further the long-range planning goals of the Village?
The one of the primary goals of the long-range plan is to preserve the historic buildings and maintain the "small town" character of the village. Small town character is often defined as preserving historic buildings, maintaining the existing mix of various uses that developed naturally over time, promoting local businesses and maintaining a sense of community. The desire to maintain the mix of various land uses supports the change of the proposed zoning. The existing residential uses are immediately adjacent to commercial and industrial uses. They are within walking distance of the commercial corridor on Main Street. They support the character and identity of a small town.

Rezoning the corner property and the vacant land to Mixed Use would support the Long-Range Plan's goal of supporting the economy and creating fiscal stability of the Village. This goal was also supported by the Downtown Master Plan recommendation to encourage mixed-use development.

(3) Have conditions changed since the Zoning Ordinance was adopted, or was there a mistake in the Zoning Ordinance, that justify the amendment?
Following the approval of the Long-Range Plan the Village's Zoning code was modified to support the policies of the Plan. The area of N. Locust Street was rezoned from Mixed Use to Commercial. The discussion at that time was to more easily support the creation of business opportunities in the corridor. It was discussed that by zoning the property commercial there would be fewer impediments to creating a mixed use on the properties since the detailed review and approach required by the Mixed-Use zoning would not apply. It would allow the residential uses to continue as permitted uses.

Since the adoption of the zoning ordinance and the long-range plan two events have occurred in the Village. First, General Die Casters, an industrial use located adjacent to the proposed rezoning, closed. The closure opens the property to the potential for redevelopment and the development of

a mixed-use project. Secondly, the Village recently completed a Downtown Master Plan. The Master Plan looked directly at this portion of the Village and its longer-term development. The Master Plan sought to reinforce and further clarify the goals of the Long-Range plan for the commercial area of the Village. The community input portion of the Master Plan identified five key findings which included the preservation of the historic charm and small-town character and a desire to prevent over development or significant changes that could alter the unique identity of the community. Preserving the existing buildings and their uses would be supported by this rezoning. Since one of the characteristics of a small-town is a mixture of uses, allowing the inclusion of the Mixed-Use zoning on N. Locust would support preserving that character. Rezoning the existing residential properties to R-2 Small Town Residential would preserve the neighborhood atmosphere that currently exists in the area.

The Master Plan also provided economic impact information on what various types of development would generate for the Village finances. Throughout the Master Plan development process community and Steering Committee input reiterated the Long-Range plans policy of maintaining and supporting the small-town character of the Village. The plan also highlighted that only 10.4 acres of the Village were zoned for commercial use and only 15 acres were zoned for mixed-use. This represents less than 1% of all the land in the Village. The rezoning will reduce the number of acres zoned Commercial to 8.3 acres. The Mixed-Use will increase to 16.13 acres. The Master Plan also indicated that "… the financial health or stability of Peninsula is dependent upon Municipal Income Tax." (pg 68) The majority of the Village's income tax comes from commercial uses that generate employment. Providing opportunities to create commercial uses promotes the long-term financial stability of the Village. The proposed rezoning lays out a pattern that would protect the existing residential uses but allow additional carefully planned commercial through the Mixed-Use designation. The proposed Mixed-Use zoning is also consistent with the adjacent zoning to the west. The Planning Commission must evaluate the balance between shielding the residential uses and considering the long-term fiscal impact to the Village.

(4) Will the amendment correct an inequitable situation created by the Zoning Ordinance, rather than merely grant special privileges?

The current zoning of the various parcels permits the uses that are currently on the property or anticipated to be constructed. The zoning of the large vacant property back to the Mixed-Use category that it had previously been zoned preserves the property rights of the owner. It also provides the Village with additional development controls over future development. The rezoning of the existing residential uses to a residential category preserves their rights as well and will be compatible with the zoning on the east side of N. Locust.

(5) Will the amendment result in unlawful exclusionary zoning?

Exclusionary zoning will not result from this zoning change.

(6) Will the amendment set an inappropriate precedent, resulting in the need to correct future planning mistakes?

By rezoning the property to meet the current use, the Village is indicating that current uses will be given priority over potential long term planned uses.

(7) If a rezoning is requested, is the proposed zoning consistent with the zoning classification of surrounding land?

The zoning on the east side of N. Locust Street is R-2 Small Town Residential which is the category proposed for most of the property on the west side of the street. The zoning to the rear of the proposed rezoning properties is MU Mixed Use. Mixed Use permits a variety of residential uses and many commercial uses. The property to the rear is currently occupied by Terry Lumber which is classified as a commercial/industrial use. The property at the corner of W. Mill and N. Locust is proposed to rezoned to Mixed Use which is consistent with the adjacent property fronting on W. Mill. The large vacant parcel is also proposed to be Mixed Use and will be adjacent to existing Mixed-Use zoning.

(8) If a rezoning is requested, could all requirements in the proposed zoning classification be complied with on the subject parcel?

The parcel to be rezoned R-2 residential will meet or exceed the minimum lot area requirement and lot width of that district. It appears that a couple of parcels will not meet the setback requirements and will be non-conforming. While the nonconformity does not affect the current structure it could have an impact should future additions or alterations occur.

The rezoning of the corner of W. Mill and N. Locust and the vacant .85-acre parcel to Mixed-Use will permit development and redevelopment through a planned process that requires extensive Village oversight. The Mixed Use criteria are more flexible and should result in the protection of the adjacent properties.