



**Oberlin Planning Commission
Wednesday, May 28, 2014, 4:30 p.m.
City Hall Conference Room #2
85 South Main Street, Oberlin, Ohio**

Members

Present: Peter Crowley, Tony Scott, Bryan Stubbs, Matt Adelman and Ellen Mavrich.

Members

Absent:

Others

Present: Gary Boyle; Wendie Fleming, Secretary to the Planning Commission; Sharon Soucy, Council Liaison; Scott Broadwell, Council President; Elizabeth Rumics; Fr. Robert Cole; Fran Baumann; Cindi Manning; Bill County; Gerry Findlan; Lori Taylor; Helmut Jungschaffer; Barbara Hammond; Valerie Urbanik and Mark Chesler.

The meeting was called to order at 4:30 p.m.

1. Approval of the May 7, 2014 Meeting Minutes.

Stubbs made a motion to approve the May 7, 2014 meeting minutes as submitted. Mavrich seconded. Motion carried unanimously.

2. Application to Amend the Zoning Map, "R-1B" District to "R-2" District, Sacred Heart Church, Diocese of Cleveland, 440 West Lorain Street.

Boyle advised that this application seeks approval of an amendment to the Zoning Map for the above-noted property. He indicated that the applicant seeks a change in zoning from the "R-1B"/Single-Family Dwelling District to the "R-2" Dwelling District. Boyle stated that the requested change in zoning will provide for the future use of the rectory for offices and support services by Family Promise of Lorain County, Inc., which organization attempts to meet the needs of homeless families for shelter, food and support services in Lorain County.

Boyle indicated that the Commission may recall that a lot split was approved for this property last year. He advised that there were a few conditions of that approval and noted that the applicant is working on addressing those conditions.

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Boyle advised that it is his understanding that Family Promise is a charitable organization and that "R-2" District zoning would be needed in order for them to use this site as their offices. He also noted that if this rezoning request is approved, site plan approval would still be needed as well as the requisite building permits.

Boyle stated that City Council, at its meeting on May 5, 2014, moved to refer this petition to amend the Zoning Map to the Planning Commission for a report and recommendation.

Boyle noted that the City's Comprehensive Plan identifies the subject property and surrounding properties for future "Medium/High Density Residential" use, and the proposed use would be consistent with the Plan.

Boyle indicated that Father Robert Cole of Sacred Heart Church was present to represent this application. Father Cole advised that the church is planning to construct a new rectory that will connect to the church and therefore, will no longer need the current rectory so they have decided to sell it. He stated that selling the rectory to Family Promise is considered to be ideal for the church as Family Promise's mission, helping homeless families, is similar to the work that the church does.

Boyle stated Cindi Manning and Barbara Hammond of Family Promise were also present to answer any questions that the Commission may have.

Scott asked if Family Promise would only be helping families at this location or would they also be assisting single persons? Manning stated that they help families with children which could include single moms or single dads with children or grandparents caring for children. She advised that their program requirements are very strict and they do not take single people, only people with children. Adelman noted that it seems that Family Promises' mission is very similar to that of the church. Manning agreed and stated that many of the congregations in Oberlin host homeless families over-night and having an office in Oberlin would continue that assistance during the day. Cole advised that Family Promises' mission is similar to the mission of Sacred Heart Church and they are pleased that the rectory building would continue to be used in such a manner.

Mavrich asked if there would be offices there. Manning indicated that there would be. Stubbs asked if jobs would be moved to Oberlin if Family Promises' office located here? Manning stated that they would. Stubbs asked what the maximum number of people that would be helped at this facility? Manning advised that it would be up to fourteen (14), including children. In addition, three (3) full-time staff persons, two (2) part-time staff persons and two (2) drivers who would be there during the day.

Scott asked what is the difference in permitted uses between "R-1B" District zoning and "R-2" District zoning? Boyle explained that the "R-1B" is a single-family dwelling district and it allows churches, schools, single-family residences and bed and breakfast inns are permitted if a conditional use permit is approved. He indicated that in order for a charitable organization to

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operate an office in this building, "R-2" District zoning is needed. Boyle stated that the "R-2" District allows a range of office uses, charitable organizations, college uses, etc. and is a broader as far as uses than the "R1-B" District. Scott asked if many properties are zoned "R-2" District? Boyle advised that there are and noted that most of the College's campus is zoned "R-2" District and that there is property zoned "R-2" District throughout the City, some of which house professional offices. Crowley asked if a Conditional Use Permit would be required for the proposed use in the "R-1B District? Boyle advised that an office use is not a permitted or conditionally permitted use in the "R1-B" District. He indicated that the only way this type of use could be accommodated would be to rezone the property to "R-2" District or to a business district. Staff would not recommend business zoning for this property. Boyle noted that there would be ample room for parking and this along with other issues will be reviewed when a site plan application is submitted.

Scott advised that he supports Family Promises' work and asked if they were having trouble finding a location because of their work with the homeless? Manning stated that they mostly have problems obtaining enough resources to help these homeless families, and because they only assist families, they have to turn away many homeless individuals. Mavrigh agreed that Family Promises work will be an opportunity to further services that the church provides to Oberlin. Cole stated that Sacred Heart Church, along with many churches in Oberlin help homeless individuals and families. Scott noted that it seems like some communities do not always welcome organizations that assist the homeless. Manning indicated that they are normally welcomed by communities because they help families with children and also because their program has strict requirements and is a "hand up" program, not a "hand out." She advised that the participating adults are drug tested and must work in order to get in housing. Manning stated that the program provides training and schooling for the adults to obtain sustainable work so that they can get back on their feet and stay on their feet. She noted that they do more than just provide shelter and food for homeless families.

Mavrigh asked what had been done to notify the adjacent property owners regarding this request for rezoning? Boyle stated that if the Planning Commission recommends the rezoning to City Council, a public hearing will be scheduled by City Council and it will be published in the newspaper and property owners within 200 feet will be notified. He further advised that an article was in the Oberlin News Tribune last week. Adelman stated that according to the Code, notification of property owners would be done after the Commission reviews the request and that since City Council has the approval authority, it falls to them to set a public hearing and notify property owners within 200 feet. Father Cole indicated that currently, there is a group home to the east of the church's properties, to the south ODOT's county garage is located, and there are very few houses located nearby so there would not likely be any real change in the character of the neighborhood and likely there would not be any opposition from abutting property owners on this rezoning request. Adelman noted that the rezoning procedure requires City Council to notify the property owners within 200 feet prior to the public hearing and the Code does not charge the Planning Commission with notifying abutting property owners since it is only a recommending body in this instance. Boyle advised that Planning Commissions were created to operate as independent bodies so that its decisions are not made for political reasons. He agreed with

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Adelman that City Council is the approval authority for rezonings, not the Commission. Boyle indicated that the request to rezone the subject property to "R-2" District is a much better fit than rezoning it to a commercial district like the applicant originally contemplated. He stated that the "R-2" District will maintain the residential zoning in the area as the Comprehensive Plan outlines but because of the range of uses in the "R-2" District, an office for use by a charitable organization can be accommodated as well.

Crowley indicated that if no Conditional Use Permit is required, the Commission's consideration of the rezoning of this property should be to determine if the new zoning would be correct for this area. He advised that Family Promise does some "day care" in Elyria and some will be conducted here as well, so it would not be all office use. Hammond stated that there will be some case management conducted at this location, and in Elyria. Manning noted that most of the children would be at school or Head Start during the day, but there may be some families there during the day studying or working on homework or preparing for job interviews. She further advised that at night, the families would go to one of the congregations in Oberlin to stay.

Stubbs asked what the average time was for jobs training? Hammond indicated that HUD allows a maximum of forty (40) days, but most are done in thirty (30) days.

Stubbs asked what the average age is for the children assisted by Family Promises program? Hammond stated five (5) years old is the average age. Stubbs asked whether these children would be transferring into the Oberlin School District? Hammond indicated that the children stay in the school district that they are currently attending, and transportation to school is provided.

Boyle advised the Commission that if City Council were to approve this rezoning request, site plan approval as well as a building permit would still be required. Scott asked if the rezoning was approved, the applicant is not guaranteed that they will be able to do what they propose? Boyle reiterated that site plan approval by the Commission would still be needed to ensure parking areas are appropriate, adequate utilities are in place, a sidewalk is constructed along the front of the property, etc., and he further noted that a building permit would need to be obtained, and the Building and Fire Departments would need to review that permit for Code compliance.

Adelman indicated that, in his opinion, this rezoning request is appropriate for this property given the nature of the intended use and given the uses of surrounding properties.

Crowley noted that a draft ordinance that was provided with the report and it needs to be recommended for approval to City Council, should the Commission decide to recommend the requested rezoning.

Mavrich made a motion to recommend to City Council that the property be rezoned as requested to the "R-2" District, and that the "draft" ordinance to make that zoning change be approved by Council. Adelman seconded. Motion carried unanimously.

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Boyle stated that City Council will be scheduling a public hearing for this rezoning at its next meeting. Father Cole asked if the public hearing is so that neighboring property owners can ask questions or offer comments or concerns? Boyle advised that that is correct and further noted that notification of the public hearing would be provided to him once it is available.

3. Petition to Amend the Zoning Map, “R-1” District to “PD” District, Proposed Three-Family Dwelling, Charles Startup, 221 West College Street.

Boyle noted that the Planning Commission will recall that the above-referenced petition to amend the Zoning Map was considered at the Commission’s meeting on April 2, 2014. He advised that this application seeks the approval of an amendment to the Zoning Map to accommodate the proposed change of use of the dwelling on this property from two-family residential use to three-family residential use, and was recommended for approval by the Commission at that time.

Boyle further advised that City Council conducted a “Public Hearing” on this petition to amend the Zoning Map on May 19, 2014. Council then moved to transmit a draft ordinance to amend the zoning of this property to the Planning Commission as provided for under Section 1327.01 of the Zoning Code. He stated that a draft has been prepared for the Commission to review in accordance with the Code and that the Commission needs to review and recommend approval of this ordinance. Boyle noted that the Spencers’ rezoning request will have a draft ordinance that will also need to be reviewed and approved by the Commission and forwarded to City Council. He indicated that staff is looking at possible future amendments to this portion of the rezoning procedure so that it is not a two (2) step process, like the Sacred Heart application that was considered earlier. Mavrich asked if this would be the procedure for future applications? Boyle stated that it would be.

Boyle noted that it is his understanding that City Council has scheduled a continuation of the Startup rezoning request for July 7th. He further advised that staff is of the opinion that a review of the rezoning process should be undertaken in the future to adjust the process. Boyle stated that it is unusual that there have been three (3) rezoning requests submitted this year already when usually there may not be more than one (1), if any submitted for the whole year.

Scott stated that he feels that applicants should pay for the notifications. Boyle indicated that the application fee does cover most of the cost of notification, but does not cover staff time. He advised that the Commission had recommended a fee adjustment a couple of years ago and the fees now come closer to covering the cost of notification, however, it depends on how many notices are sent.

Scott asked why the Planning Commission does not conduct a public hearing on these type of requests. Boyle explained that the Code provides that City Council conducts a public hearing on rezoning as they are the approval authority according to how the Code is written. Mavrich stated that the Planning Commission must make a decision to recommend a rezoning to City Council without public input. Scott asked why public input was allowed for Oberlin College’s new

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stadium project last year? Boyle stated that what Scott is referring to was an application for site plan approval for the College's new stadium project and that the former Planning Commission Chair and Commission asked staff to notify neighbors advising them that this site plan would be considered at the Commission's meeting. He further advised that after discussing the issue of notification to property owners when it is not required by the Code with the Law Director, it was the Law Director's opinion that the Commission should not send these types of notifications, and should review a request based on its planning merits.

Crowley stated that this ordinance was forwarded by City Council to the Planning Commission for review as it would formalize the Commission's recommendation regarding the rezoning of the subject property to "PD"/Planned Development District. He noted that the Commission can approve the ordinance or deny it. Crowley indicated that while this appears to be a good project, he is of the opinion that this area of the City is trending towards higher density residential and that likely there will be other property owners that will want to rezone their properties in the future so the Commission should look at rezoning this whole area to a higher density residential district. He advised that, in his opinion, the "PD" District procedure is too cumbersome and if the Commission rezones the subject property, it will set a precedent. Crowley stated that the Commission should consider amending the Zoning Map for this area to allow up to three (3) residential units via the Conditional Use Permit process so that applications for this type of use would be subject to a public hearing. He indicated that it is his opinion that this would be a much more efficient process. Scott stated that he does not agree and noted that if a property owner wanted to convert his house to three (3) family but did not have enough room for parking we would not support it. Crowley indicated that site plan review by the Commission would still be required. Boyle noted that the "PD" District zoning has the same requirement. Crowley indicated that although that may be the case, the "PD" District procedures require a rezoning which needs to be reviewed by the Commission, approved by City Council and the Commission has to conduct a site plan review which further lengthens the process. Boyle advised that the rezoning of the subject property in this instance also includes the site plan review. He noted that in the case of a more significant project, there may be additional changes to a site plan that would require additional review. Boyle stated that the matter being considered at this time is a draft ordinance reflecting the recommendation that the Planning Commission has already provided to City Council on this rezoning. Crowley indicated that the draft ordinance may be a formality, however, he is of the opinion that this was the wrong way to have handled this project. Boyle advised that it was not the wrong way to have handled this application, it was the handled the way that the Code prescribes. He further indicated that in order to consider any type of amendment to the Code to include multi-family housing, the Commission would need to receive a referral from City Council. The Commission does not have the authority to initiate that process under the Code at this time.

Soucy stated that it would not be proper to inconvenience the applicant and make him wait to complete his project until a new zoning district is developed when the Commission has already recommended that this rezoning be approved by City Council. Broadwell agreed and advised that the Commission should only be considering the draft ordinance at this time.

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Scott asked if there were any concerns expressed by neighboring property owners at City Council's public hearing? Broadwell stated that Council referred the ordinance to the Commission for approval and it would not have done so if Council had concerns regarding the approval of the rezoning. Soucy agreed that the Commission would not have been given the draft ordinance for consideration if there were issues with the approval.

Mavrigh stated that she was not in attendance at the Planning Commission meeting when this matter was last discussed and she is not sure that she would have voted for the recommendation to City Council had she been at that meeting. She noted that she would be very concerned if she was a property owner that had purchased property that was zoned a certain way and then the zoning of the surrounding properties was changed. Mavrigh further advised that she also does not feel that it is right to delay an applicant that has complied with all of the requirements of the Code. She indicated that she would like to have staff investigate the possibility of creating a multi-family zoning district.

Boyle advised that staff can look at the possibility of a wholesale rezoning of areas of the Zoning Map or amendments to the Code if that is what City Council wants. He stated that if the Commission wants to consider allowing multi-family residential using a Conditional Use Permit, it needs to be aware that under such a system, an application would have to comply with a set of regulations and if so, a permit would need to be granted. Great care will need to be taken when crafting those regulations. Boyle stated that the Commission would also need to consider whether a multi-family use would be appropriate in a particular location, does it fit in with the Comprehensive Plan, what traffic impacts there may be, are utilities in place that can accommodate this use, etc. He noted that creation of these types of regulations will take a considerable amount of work and staff would want to make sure that City Council wants to pursue these changes.

Crowley indicated that conversions of single-family houses to multi-family use could become a NIMBY issue and that serious consideration should be given to storm water management, etc. which would happen if there is a multi-family district created. Boyle stated storm water management is already addressed in the "PD" District process since site plan review is included in the rezoning process. Crowley advised that the "PD" District allows for some latitude and that may not always be a good idea. Boyle indicated that the Code does not allow for latitude on storm water management issues for the "PD" District or any other zoning district.

Mavrigh advised that when considering a "PD" District, the Commission is not looking at the whole picture. Crowley agreed that the Commission needs to view each project to see how it will fit in with the whole area. Boyle advised that this is already being done for every application that the Commission considers. He stated that there are standards that have to be met for all projects, including storm water. Boyle indicated that allowing multi-family uses via a Conditional Use Permit may shorten the process, but he reiterated that all projects, not just "PD" District projects are looked at individually at the time of application and all projects are reviewed to see how they would fit in with the surrounding uses, etc. Crowley stated that if a whole area was rezoned, all of the issues like storm water management could be addressed in advance.

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Boyle again mentioned that district or not, storm water will be reviewed on an application by application basis.

Scott asked if existing houses would be included in the rezoning? Crowley stated that they would be. Scott advised that because not all of the properties in the area would be the same size or configuration, each of them would still have to be considered separately to make sure that there was sufficient room for parking, etc.

Stubbs indicated that at this time, the Commission is being asked to recommend the draft ordinance that was provided to City Council and suggested that the Commission can ask City Council to charge the Commission with researching the possibility of creating a multi-family zoning district in the future, and the Commission should deal with Mr. Startup's project now so that it does not get held up while the Commission is investigating this matter further.

Crowley stated that the way the Code is written now, the Commission is just reacting to each application instead being proactive. He asked if the site plan for the subject application is the final one. Boyle advised that it is and noted that appropriate parking and screening have been including in the site plan, and the Commission has approved it already.

Adelman advised that this applicant has done everything that he needed to do in order to comply with the Code and he feels that the Commission needs to move forward with the approval of this draft ordinance so that the applicant can proceed. He noted that suggesting that the applicant be made to wait until new regulations are created after he has done everything that is required by the current Code is very unfair and could have legal ramifications. Adelman stated that the Commission should proceed with approval of the ordinance and then it can consider creating new regulations in the future if that is what City Council directs the Commission to do. Stubbs agreed that the issue of creating new regulations should take place in the future as a separate discussion. Mavrach advised that this was seen as another opportunity to discuss ideas that are important and should be considered by the Commission, if not now, then in the future.

Crowley reiterated that he understands that the area where Mr. Startup's property is located is in transition from single-family residential to two and multi-family residential and he feels that there is a better way to handle a request like this. He stated that the Commission should continue to look ahead and revisit this issue in the future. He again noted that Mr. Startup's project on its own is acceptable.

Stubbs made a motion to recommend approval of the draft ordinance to Council. Scott seconded. Motion carried 4 to 1 (Crowley dissenting.)

Mavrach reiterated that the Commission should ask City Council to make a referral back to the Commission asking that it investigate multi-family zoning. Crowley agreed and suggested that Council recommend updating the area of the City where Mr. Startup's property is located to a medium-high density residential. Boyle noted that the issue of multi-family zoning has been discussed by the Commission in the past and neither the Commission nor City Council have

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supported the matter. He also asked if the Commission wanted to consider multi-family zoning in general or whether there were particular areas that the Commission thought should be rezoned. Crowley stated that he would like to see specific guidelines developed and areas in the City where multi-family zoning would be appropriate identified. Adelman asked if Crowley thought there should be multi-family zoning in other neighborhoods in the City, not just the area where Mr. Startup's property is located? Crowley and Mavrich stated that they are of the opinion that other areas should be considered too. Boyle suggested that if Council wants to do this, the Commission can consider where this type of zoning may be appropriate and then regulations can be created for future review.

Mavrich made a motion to recommend to City Council that staff research zoning issues and to make a referral back to the Commission asking that the Commission investigate the possibility of creating a multi-family residential district and regulations and that consideration also be given to using the Conditional Use Permit process as an alternative. Stubbs seconded. Motion carried unanimously.

4. Petition to Amend the Zoning Map, "C-2" District to "R-2" District, Proposed Single-Family Use, Donald and Kathryn Spencer, 461 West Lorain Street.

Boyle advised that the Planning Commission considered the above-referenced petition to amend the Zoning Map at the Commission's meeting on April 2, 2014. He stated that this application seeks the approval of an amendment to the Zoning Map to accommodate the future use of the subject property for single-family residential use. Such use is not permitted under the property's current "C-2"/General Business District zoning.

Boyle indicated that after reviewing this request to amend the Zoning Map, the Planning Commission moved to recommend to City Council that the zoning of this property be changed to the "R-2" Dwelling District classification in order to provide for the future use of this property for single-family residential purposes which would comply with the Comprehensive Plan.

Boyle noted that City Council conducted a "Public Hearing" on this petition to amend the Zoning Map on May 19, 2014. Council then moved to transmit a draft ordinance to amend the zoning of this property to the Planning Commission as provided for under Section 1327.01 of the Zoning Code.

Boyle stated that during the development Comprehensive Plan Update, the Steering Committee considered where commercial districts should be located. He indicated that the Steering Committee discussed the need for walkable business nodes where residents could go to retail uses like IGA or Dollar General to shop without needing to drive. Boyle advised that the Steering Committee and the Planning Commission overwhelmingly agreed that there should not be large commercial areas located throughout the City that would compete with the downtown businesses. He noted that in the past, Council had asked the Commission to review some of the areas where commercial zoning existed outside of the downtown and SR 58/US 20 Corridor, such as the area where the Spencers' property is located to see if that zoning should be changed

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to conform with the Comprehensive Plan. Boyle stated that there are several small areas throughout the City that are also zoned commercial and do not conform with the Plan.

Boyle stated that this matter is similar to the Startup draft ordinance that was just considered by the Commission.

Mavrich asked if the rezoning of the Spencers' property would be considered spot zoning? Boyle stated that staff had recommended and the Commission agreed that the properties immediately adjacent to the Spencers' property to the east and west also be rezoned, however, it is his understanding that a resident, who may not even have any standing with respect to this matter, objected to the rezoning of the property to the west of the Spencers' property.

Mavrich noted that the Spencers have two (2) business uses on their property currently. Boyle stated that the reason for the Spencers wanting to rezone their property is that residential use is not permitted in the "C-2" District which their property is currently zoned. He advised that this has made it difficult for the owners to refinance their property and it is his understanding that they would like to sell their lot to the east for residential use. Boyle stated that by rezoning the property to "R-2" District, residential use is permitted in that district and Dr. Spencer's practice would be permitted as well and the workshop on the property would be able to continue on as a non-conforming use. He also advised that the rezoning of the properties to the east and west of the Spencers' property should be revisited in the future as he feels that the Commission's past decision that recommend residential zoning is more appropriate than "C-2" District for those properties.

Crowley stated that there is a lot of multi-family development in this area and having the commercial zoning where the Dollar General store is located makes it convenient for nearby residents to walk to this store to shop rather than drive. He advised that this will also encourage additional development in this area. Boyle stated that there is no market for additional commercial development in this area and that despite the fact that the properties in this area are zoned commercial, there have never been any inquiries regarding the possibility of new commercial development in this area since he has worked for the City. Mavrich noted that this really is not a true residential area either. Boyle indicated that most uses are residential in nature ranging from single-family development to multi-family units. He further advised that this is the reason why "R-2" District zoning is the most appropriate zoning for this area as it allows residential but it also allows for a large range of office uses and would be a good buffer between the commercial use that is the Dollar General Store and the residential uses that are located farther to the east. Mavrich asked if retail uses would be allowed in the "R-2" District. Boyle stated that it is not permitted, and the Comprehensive Plan Update discouraged development of more commercial uses in this area.

Crowley noted that the Spencers' property is unique and that the rezoning would only include their property. Adelman indicated that he finds the draft ordinance to be acceptable as the Commission did recommend that the Spencers' property be zoned "R-2" District.

Adelman made a motion to recommend approval of the draft ordinance to Council. Stubbs seconded. Motion carried 4 -1 (Mavrich dissenting).

5. Discussion – Mobile Vending Operations

Boyle indicated that the issue of mobile food vending has been discussed by the Commission a number of times in the past. Staff provided the Commission with a copy of draft regulations for such mobile vending operations for its consideration at a future meeting.

Per the Commission's previous direction, the draft regulations only permit mobile food operations in commercial districts and not mobile businesses.

The Commission briefly discussed this matter and indicated that it would consider these draft regulations at an upcoming meeting. Stubbs thanked staff for providing the draft regulations.

6. Other Business.

Boyle advised that Planning staff just received additional plans, etc. for the Gateway Hotel project a few minutes ago and noted that the Commission's next meeting is scheduled for June 4, 2014. Staff indicated that it was hoped that there would be adequate time for departmental review of these plans so that a recommendation could be forwarded to the Commission at its meeting on June 4th.

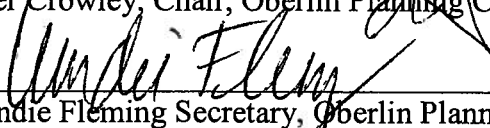
The Commission indicated that it would not meet on June 4th, and that it would consider this application at its meeting on June 18, 2014 in order to give City departments and the Commission adequate time to review and comment on the revised plans. Stubbs made a motion to postpone consideration of the Gateway Hotel project until that meeting. Adelman seconded. Motion carried unanimously.

7. Adjournment.

There being no further business at this time, Mavrich made a motion to adjourn the meeting and Stubbs seconded. The meeting was adjourned at 6:00 p.m.



Peter Crowley, Chair, Oberlin Planning Commission



Wendie Fleming Secretary, Oberlin Planning Commission

