

MINUTES OF VERMILION MUNICIPAL PLANNING COMMISSION on November 6, 2019
7:00 pm - Municipal Complex, 687 Decatur Street, Vermilion

PRESENT: *Jim Chapple, Heather Shirley, Joe Williams, Jim Pajk*

ABSENT: *Heidi Strickler*

In ATTENDANCE: *Chris Howard, City Engineer; Mayor Forthofer*

Chairman Heather Shirley called the Wednesday, November 6, 2019 meeting to order.

Approval of Minutes:

J. Chapple MOVED: J. Pajk seconded to approve the minutes of the October 2, 2019 meeting. Roll Call Vote 4 YEAS. **MOTION CARRIED.**

NEW BUSINESS:

Matt Thompson – 455 Nicholson Avenue (Zoning Certificate/Site Plan)

Matt Thompson of 33107 Northwood Circle, Avon Lake, Ohio was present to seek zoning certificate approval for an agricultural building that is currently in the process of construction. He was led to believe by Morton Building that he did not need a permit or zoning approval because it was an agricultural building, but after discussions with the city he found this not to be true.

H. Shirley said it was the board's understanding that the owner had already built this building. M. Thompson said this was correct. H. Shirley asked M. Thompson if prior to the build did he have any conversation with anyone from the city to obtain a permit. M. Thompson said he did not as he relied on the instructions of his building representative from Morton Building as he was very explicit that because this was an agriculture building to be used for agricultural purposes, then it was outside the covenants of the county, township, or city zoning restrictions. H. Shirley asked him what the building will be used for. M. Thompson responded that it will be used to store and service lawn and agricultural heavy equipment, which is used for his forestry applications. J. Chapple asked him what the name of his company was, and M. Thompson said he is not incorporated. J. Chapple asked if he does this privately and M. Thompson said he does 1,200 acres.

H. Shirley asked M. Thompson if he received a copy of the city engineer's correspondence and M. Thompson said he had. H. Shirley said they have several issues with this request. She said the board also received a copy of a letter from the city's Building Official Robert Kurtz which is attached hereto and incorporated into the official record.

Chris Howard said the property is currently zoned I-2 – Heavy Industrial and at the time the city didn't know what the proposed stated use for the building was, so they will need to make sure it's verified and permitted in this use. He asked M. Thompson if the building is intended just for storage and nobody is living there. M. Thompson said nobody is living there. C. Howard said the city has received no preliminary or final site development and building plans. M. Thompson said he reached out to the

original surveyor and he's in the process of trying to extract his database. The last time this property was surveyed was in the early 2000s and he is trying to extract the data in order to prepare an official plat map.

J. Williams asked the engineer if this building will require new zoning. C. Howard said the city didn't know what the use was for, so they need to make sure it's permitted in the I-2 zoning. J. Williams asked for what reason did the applicant come in for originally. C. Howard said the city asked him to make application because the building was already up, and the city had received nothing. He said the building inspector was in the area and noticed the building which raised a red flag.

Matt Thompson said he had asked for an address assignment so he could get utilities and service, and he got the power and the gas, but when he went to ask for municipal water service, this is when the certificate issue came up. C. Howard asked him if he had an onsite treatment system and M. Thompson said he did as he applied through the Erie County Health & Safety Department and a review was conducted with design plans, that were submitted for approval and accepted. He said the system is in and completed. J. Williams asked if sought EPA approval on the sewer system. M. Thompson said it was all done through Erie County and it's all official. C. Howard said it was done through the Erie County Health District because if his flow was less than 1,000 gallons per day, then you can have an onsite mound system.

C. Howard asked M. Thompson how he plans to access his property; will you have an easement from the next-door neighbor? M. Thompson said he has direct access that touches in front right to Nicholson. C. Howard said he does, but he uses the next-door neighbor's actual drive. M. Thompson said this is temporary. C. Howard asked if he is planning on getting a permanent access and M. Thompson replied, "Absolutely!"

J. Pajk believed the applicant would need to start from scratch and submit everything to the building department like he should have done in the first place before the Planning Commission can vote on something like this.

H. Shirley proceeded to read Bob Kurtz's letter into the record (attached hereto). She said everything the applicant needs to do must go through the city and he will need to work with the building department to get this corrected. She said there were never any inspections, so all of this will need to be completed as well.

J. Pajk said unfortunately he was given bad advice from Morton Building. M. Thompson said he has worked with them in multiple counties in the past and has never run into these issues before, so this is a new experience for him. J. Pajk advised him that the building department in Vermilion was good and very friendly and will be willing to work with him to get him on the right path.

H. Shirley asked the city engineer if he will have to resubmit another application to the Planning Commission once these items are worked out with the city, or should they table this application. C. Howard said if he submits all the necessary documentation then he feels there is no need to come back to Planning Commission, because if it's a permitted use then there is no sense in coming back to a meeting.

H. Shirley advised the applicant that Planning Commission cannot give him approval this evening until he works everything out with the building department.

Harry Giltz, III; Shoreline Village Apartments, Phase II, Liberty Avenue/Pebble Shores Dr. (Lot Split)

Harry Giltz, III of 4835 Musson Street, Canton Ohio, explained he is requesting to have a lot split approved for the project in front of the Vermilion Shores apartments for financing purposes. They have a current lender who lent on the first phase of the project, and the bank is not lending on the second phase, so they have another lender who will lend on the second phase, but in order to do this they need a separate lot split. He said the plans were made the same, but this is mainly for financing purposes.

H. Shirley asked if they plan to consolidate the property later. H. Giltz said when it's all said and done yes. He noted he received the city engineer's letter dated November 4 about the timeframe for this and they estimate a 24-month period as there are three more apartment buildings that need to be constructed. He said it was all part of the original plan as submitted and they always intended to build two different phases.

C. Howard said the city doesn't have a problem with splitting the property, but he thinks the Planning Commission needs to put a clause in their motion that the property needs to be recombined at some date that works for them, so it doesn't linger on and you end up having two property owners.

J. Williams said if something would happen and this becomes the bank property, can the Planning Commission make this contingent that they must come back and make changes so it's two separate properties. H. Giltz said the cross easements and accesses are like the condos. There are a lot of shared driveways and common areas, so he doesn't think it's difficult if they must separate it in the future. He said they can create two separate associations and share common area expenses associated with them. J. Williams asked the engineer if this was acceptable. C. Howard said they would be fine with this, but it might be easier to consolidate it into one.

H. Shirley asked if a 24-month timeframe was appropriate. H. Giltz said he should probably request 36 months, so it ultimately gives them enough time.

J. Chapple MOVED; J. Williams seconded to approve the lot split contingent upon the owner needing a 36-month timeframe, and if anything should happen with change of ownership in the future then the owner should come back to the Planning Commission. Roll Call Vote 4 YEAS. MOTION CARRIED.

Lumberlands LTD/Don Parsons; 1080 Douglas Street (Zoning Certificate/Site Plan)

Clifford Parsons of 636 Sandusky Street referred to his property on 1080 Douglas Street where they intend to build a new storage facility.

H. Shirley referred to the city engineer's letter dated November 4 addressing several comments. C. Howard explained this is a preliminary plan submittal and the property is currently zoned I-1 Light Industrial. The parcels to the north and south are also zoned I-1 and the parcels to the west are zoned R-4 Urban Residence District. The minimum setback requirements along with the setbacks shown are as follows: Front Yard Setback – 75' required, 55' shown; Rear Yard Setback – 100' required (when

abutting residential), 21.6' shown; and, Side Yard Setback – 25' required, 18.7' shown. Additionally, there is a buffering requirement per Chapter 1284 that will need to be provided with the Final Development Plans, and Off-Street Parking Requirements per Chapter 1276 will need to be provided with the Final Development Plans. He asked C. Parsons if they intended to go before the Zoning Board of Appeals on the setbacks and C. Parsons said yes as they will be asking for some variances. If need be, they can adjust the building size to make it a little wider and less deep, but he would prefer not to. The main thing for the front setback is that he needs room to maneuver boats on trailers. It will be a heated building, so he's trying to eliminate as many doors as possible by having one main door. The houses in the rear are through a wooded area and they have fences behind them, so it's not a big deal. He said with regards to onsite parking – it's a storage facility. They put boats in there and people show up occasionally. They might have 30 boats and one car stored. C. Howard said the code requires a hard surface for the parking. C. Parsons said it's already a gravel area. C. Howard said the code says it must be hard surfaced and gravel is not hard surface, so he needs asphalt or concrete. C. Parsons asked how many parking spaces they would need. C. Howard said they will have to look at the code to see what is required; how many employees may dictate that. C. Parsons said there may be five employees, so there should be room.

C. Howard said if the applicant goes through BZA and gets approved then they will need to submit final plans, which will come before the Planning Commission.

J. Chapple MOVED; J. Pajk seconded to approve the preliminary plans contingent upon the city engineer's comments addressed in his correspondence dated November 4, 2019. Roll Call Vote 4 YEAS. MOTION CARRIED.

Rich Pontius/Thomas & Marker Construction Co.; Southeast Corner of Devon/Douglas; PP#: 18-64029.000 (Zoning Certificate/Site Plan)

Rich Pontius with Thomas & Marker Construction Co. explained he is the design builder for Vermilion's new fire station at the corner of Devon and Douglas. They are before Planning to ask for approval for a zoning certificate and site plan. He showed the Planning Commission several plans showing a 16,000 square foot fire station, which will include apparatus rooms, driveway entrances on Douglas that the trucks can return on Devon and drive thru, or they can orient their fire trucks out the rear onto Devon Drive. There is staff parking in the back. It's a volunteer station, but the building is designed to be a future full-time station. There is an administrative office area, living/dormitories, and a maintenance area/server room as well. There is staff parking for visitors in the front. There's a brick base around the parameter of the building with metal siding up above, and a metal roof. The driveways are concrete in the front and rear and the parking areas in the front/rear are asphalt. There is site lining, a flag pole and landscaping. They have done their best to meet all the city's requirements.

J. Pajk asked why they are mixing asphalt and concrete for the driveways and parking areas. R. Pontius said it's due to costs. They are bidding an alternate to do all of this in concrete. J. Williams asked if they had an allowance for the landscaping. R. Pontius said generally fire departments don't like a lot of landscaping because of the maintenance, so they had some trees outside of the building. Mayor Forthofer said when they get down to the end of the plans, they started pinching pennies and trimming, so some of those trees might go. The city can always add landscaping at another time.

F. Loucka asked if there was an option on the asphalt portion to go impervious pavement. R. Pontius said it's expensive. C. Howard said they have a budget of \$4 million for everything, so things start getting knocked down based on costs. Mayor Forthofer said in the original plan there was a rescue practice tower that was 2-3 stories tall, but for the sake of the budget, this was one of the first things that had to be removed because it was a standalone item. This can be addressed another way.

C. Howard had no objection to recommending approval contingent upon the applicant addressing any comments from the city.

J. Chapple MOVED; J. Williams seconded to approve the zoning certificate and site plan contingent upon addressing any comments from the city. Roll Call Vote 4 YEAS. MOTION CARRIED.

Kari Halko; 2801 Cooper Foster Park Road – PP#: 01-00-037-102-009/01-00-037-102-010 (Lot Combination)

C. Howard said they consolidated property on Sunnyside Road, and they got approved by the Tax Map Department, so Lorain County already filed the consolidation. In talking with the county, usually the city has to sign off on a legal description and a plat before it's filed, but they took the stance that a consolidation doesn't need city approval, but he told them it does because if there are two different parcels that have two different zonings, they don't know the zoning of the city and consolidating them will create a problem for the city. So, they reminded them that in the future they want all consolidations to have city approval before they are approved by the Auditor's office. Therefore, this is an after the fact as it was already approved. However, there are no issues with this, and they are building a home on it.

J. Chapple MOVED; J. Pajk seconded to approve the lot consolidation as presented. Roll Call Vote 4 YEAS. MOTION CARRIED.

Adjournment:

J. Chapple MOVED; J. Pajk seconded to adjourn the meeting after no further discussion came before the commission. Vote 4 YEAS. MOTION CARRIED.

Next Meeting:

The next meeting has been scheduled for Wednesday, December 4, 2019 at 7:00 p.m.

Gwen Fisher, Certified Municipal Clerk