

MINUTES OF VERMILION MUNICIPAL PLANNING COMMISSION on April 10, 2019
7:00 pm - Municipal Complex, 687 Decatur Street, Vermilion

PRESENT: Commission Members – Heather Shirley, Jim Chapple, Jim Pajk. Absent: Heidi Strickler, Joe Williams

In ATTENDANCE: Bill DiFucci, Building Inspector; Chris Howard, City Engineer; Council Representative, John Gabriel

H. Shirley called the Wednesday, April 10, 2019 meeting to order.

Approval of Minutes:

J. Chapple MOVED; J. Pajk seconded to approve the minutes of the February 6, 2019 meeting. Roll Call Vote 3 YEAS. MOTION CARRIED.

New Business:

Medical Marijuana - Zoning

H. Shirley conveyed the board first discussed this matter on February 6, 2019 and since then, the commission members have received much information from G. Fisher. In addition, she shared an article that was sent to her by a community member, which was a very good article. Therefore, she read the correspondence dated March 21, 2019 from John C. Coho as follows:

Dear Mrs. Shirley,

After having read the latest article on the front page of the Vermilion Photojournal regarding marijuana and growing it for medical purposes in our area and having read the enclosed article, I am very concerned regarding the consideration and outcome of approving the growing of marijuana in our area.

Please take the time to read the article enclosed from Hillsdale College and share it with others involved in the study and decision regarding the matter.

When a decision is ultimately made, will that decision be made by the Commission, the Council or be brought to the people for a vote?

I believe a public discussion should be held regarding this serious matter.

Thank you.

Sincerely, John C. Coho

J. Chapple said he just received this letter and article today, so he would like an opportunity to read the article.

H. Shirley said as a commission the goal regarding this topic is primarily related to zoning and the commission needs to decide if they are going to recommend zoning to City Council or if they are going to prohibit it altogether. If they move to prohibit, then City Council will need to make it a part of the prohibited use ordinances.

J. Gabriel said they have received a lot of anti-literature on medical marijuana and in this regard, it would be easier to make a commerce decision because there is money to be made obviously, and it would help the City -

there's no question. However, this comes with other consequences with the science behind it too, so they need to take a lot of this into consideration. He brought a couple articles that address the other side of the coin because the anti-stuff talks about legalizing marijuana in general for everyday use and they are being specific in what they're asking the commission to look at which is medical marijuana, which would have to be prescribed by a trained physician who has been in medical school. This is somebody that has the science that they're referring to, so he thinks they need to make those distinctions when they look at these decisions for the community. He brought two articles from the Journal of the American Medical Association and really all they say is that every state that has legalized marijuana even for recreational use; opiate deaths in those states dropped dramatically. Again, they are talking about the medical marijuana aspect of this for the city's purpose and it's not up to them whether marijuana comes legal in Ohio for every day use. The other article is strictly a study on medical marijuana in states that have allowed it and they have seen opiate use amongst Medicare patients which is easy to track because they're the people that pay the bills, and it dropped dramatically. So as a pain killer, it's a substitute, and without the addictive properties of the amphetamines. He wants to be sure that while the commission reads one side of the coin, they read both sides of the coin. It's up to the Planning Commission whether they feel it's a fit for Vermilion or not. They're not talking dispensaries or that kind of thing. Right now, they are really referring to cultivation, which is agricultural land use. Will somebody that owns farmland be able to grow medical marijuana on that land, so this is one aspect of it and then the dispensary would be the second use; more of the B-3 and B-4 zoning. He said the commission can address one or both, or they can do nothing. This is merely geared towards medical marijuana because recreational marijuana use is not legal in Ohio.

H. Shirley said she researched this issue specifically related to looking at the State Board Pharmacy and some of the Medicare.gov, and some various websites that speak directly to medical use of marijuana. The one thing that surprised her is that there is an extensive list of medical diagnoses that can allow you to get a prescription for 90 days renewable up to 365 days. Some of the specific diagnoses on that list were surprising to her. She said she would send this link to the commission to review. It also speaks to the different levels as far as dispensaries and cultivation, and the requirements and fees for this, which is high.

G. Fisher recommended the Planning Commission review and make final determination on whether they're going to create zoning or prohibit this, when all members are present. H. Shirley recommended to have the commission take another month to do some additional research and they can further discuss it at the May meeting for a possible recommendation of zoning.

J. Gabriel said there is no hurry on this as Council most-likely would do one more six-month moratorium. He said Planning can decide to do the cultivation part only or with the dispensaries, but they can choose not to do dispensaries, or prohibit it all completely from the City of Vermilion.

H. Shirley thanked G. Fisher for providing the commission with legislation from other local communities in the State of Ohio that either have an ordinance or have prohibited it.

NEW BUSINESS:

Tim Pence, 4523 Liberty Avenue (Mobile Food Unit; COV 872.02 – Conditional Use Approval)

Jeremy Crawford and Joe Jesko co-owners of the "The Pavilion Food Truck" were present to represent Tim Pence who applied for a conditional use on a Mobile Food Unit.

H. Shirley understands this Mobile Food Unit will be located on a property on an existing business. She said there is a checklist of items they are required to meet to receive conditional use approval. She asked what the food truck is manufactured of. J. Crawford said the structure is made of steel. H. Shirley asked if restroom use is inside the existing business and it was confirmed by the co-owners. She asked if there were any concerns from either of the neighboring businesses when they operated before. J. Crawford said not they were aware of and

they worked with Tim Pence in alleviating some of his food business as he has been focusing and investing a lot on the bowling end of things (computer systems and new lanes) and they were able to help him out with the additional food production, and a lot of his customers have utilized them. He said T. Pence still has a bar menu within his liquor license. He said they run some specials together. He said they are happy to work next to Jim's Pizza Box and they have talked with the owner. They are keeping a good relationship. J. Jesko said parking is not an issue as it's a big lot, and this isn't an issue with neighboring businesses. J. Crawford said there is enough parking for their business and the bowling alley.

J. Chapple asked what percentage of their business goes into the bowling alley. J. Jesko said around 20% to 30%. J. Crawford said their customers can take their food into the bowling alley, but they're not going in the bowling alley with a server or anything like that. J. Jesko said they also encourage their customers to go into the bowling alley as well. J. Pajk asked if they would be serving alcohol and J. Crawford said no.

H. Shirley asked where the handicap parking spaces were in relation to where they will locate the food truck. J. Crawford said it is on the side of the parking lot; next to the main entrance which is at least 10 feet away.

J. Crawford said when they submitted their application they were waiting on the fire inspection and they did get it done last night and it was approved. The only issue they had pertained to signage of "No Smoking" signs which needed to be located on the trailer and outside of the trailer in the proximity of 10 ft. from the propane tanks. Since then, both signs have been hung. H. Shirley asked if they received their inspection from the Erie County Health Department and J. Crawford said it was done as well. J. Chapple asked when they plan to start their business and J. Crawford said they plan on starting tomorrow contingent upon conditional use approval.

J. Chapple MOVED; J. Pajk seconded to grant conditional use approval of "The Pavilion Food Truck" to Tim Pence as requested. Roll Call Vote 3 YEAS. MOTION CARRIED.

John & Sandra Williamson, 644 Woodside Avenue (Lot Consolidation)

John and Sandra Williamson of 644 Woodside Avenue were present to request a lot consolidation. J. Williamson explained they are having an addition put on and the contractor who drew up the drawings told them they were fortunate that the addition was only on one property that straddled them both because this would have caused them an issue. They are also considering putting a deck on and the deck will straddle two lots, so therefore they need the lot consolidation.

H. Shirley noted the commission received correspondence from the city engineer who has reviewed the Lot Consolidation as prepared by Vector Surveying Services, LLC and he recommended approval.

J. Pajk MOVED; J. Chapple seconded to approve the Lot Consolidation as submitted by John and Sandra Williamson at 644 Woodside Avenue. Roll Call Vote 3 YEAS. MOTION CARRIED.

Ken Cassell, NUCO Construction Co., Sunnyside Road at Liberty Avenue; PP#: 0100004120062 (Lot Split)

Ken Cassell of 5425 Liberty Avenue explained the lot split is requested for the remaining acreage on Sunnyside Road near the Farm Market. They purchased it in their strip of land and it's vacant on Sunnyside. This is a six-acre parcel which will be split. One parcel will have 4.29 acres in which the owners would like to build a log cabin home.

H. Shirley noted the City Engineer reviewed the plans as submitted and had minor recommendations. C. Howard explained the issues are minor as they need to name the property owner on the legal, but other than that he is fine with everything else.

J. Chapple MOVED; J. Pajk seconded to approve the Lot Split as requested by NUCO Construction Co., contingent upon the minor changes as referenced by City Engineer Chris Howard pursuant to his correspondence dated April 5, 2019. Roll Call Vote 3 YEAS. MOTION CARRIED.

Giltz Associates, Shoreline Village (Site Plan Modification)

Jim Coggins, 3365 Cooper Foster Park Road was present to represent Giltz Associates in their request of a site plan modification at Shoreline Village. He said plans were already approved and they would like to add a Maintenance Garage on the end of one of the buildings, so they have a place for materials that are needed on the job. J. Pajk asked if this would be a permanent facility and J. Coggins said yes.

H. Shirley said the City Engineer reviewed this modification and offered several comments. C. Howard conveyed the Maintenance Garage is proposed on the western end of Building G per the sketch provided. He said the proposed Maintenance Garage Floor Plan Sketch shows a bathroom and a sink. Therefore, will a new water and sanitary sewer lateral be extended for this addition? J. Coggins asked if they could tie into the G building and C. Howard said they need to think about having their own service, as the billing for the water is paid by the unit, so the end unit would pay for any usage. J. Coggins said they would have their own line with a meter on it. C. Howard asked if a drive will be installed off Hull Lane for the Maintenance Garage? The proposed grading and storm water drainage in this area needs to be checked. He asked if they ever considered making this a separate free-standing building as opposed to attaching it to Building G. J. Coggins said it would be cheaper to tie it into the existing building by using the same roof line and foundation, and they thought they could run their plumbing off it too, using a separate tap. He said they can do either or but tying it into the existing building would be less expensive. C. Howard said when they hire their architect to do the plans, he wanted to point out they are probably going to be storing gas in the Maintenance Garage, so their exterior wall (fire wall) may be an issue. J. Coggins said there will be a fire wall. Ultimately, it's the board's decision on whether they can tie this into the existing building or if they want to see it separate, but they will need to have the architect draw up the plans accordingly for city approval. He didn't think there would be anything more than a mower and a gas can as they contract out their lawn care. C. Howard said the city will need to approve the final plans.

J. Chapple MOVED; J. Pajk seconded to approve the site plan modification contingent upon the city engineer's comments being addressed and noting the final plans for the Maintenance Garage will need to be reviewed and approved by the building department. Roll Call Vote 3 YEAS. MOTION CARRIED.

Engineer's Comments (Chris Howard)

C. Howard distributed a map to the commission on an issue that may come up in the near future. He explained the city has a lot of paper streets. A paper street is a subdivision where a plat was filed on property, but the improvements were never completed and obviously this is from years ago and it's not allowed anymore. But the problem is there are property owners that own on a paper street that's supposed to be dedicated and there are different instances throughout the city where they have residential homes on these paper streets. There are drives going down these paper streets and it should be a dedicated street built to city standards, but you have different property owners, so what happens when one property owner wants to build, and you say you can't have another private drive going down a paper street. They should construct the road to city standard. If you have one property it's fine, but what happens say you have somebody that wants to build their lot on the northern end of Hazelwood; there are homes there now and it's not maintained – it's a private drive. He said there could be a situation forthcoming where somebody wants to build a home on a paper street and where do they have to pave to; what city improvements will they have to do and how far. Usually, you would say the whole frontage but if you're the last house on one of these streets, you're not going to improve the whole street to build on one lot and everyone else benefits. He said this could create a problem. The city has no way of enforcing somebody to pay half of the improvements. He wanted the commission to be aware of this because there are a lot of situations in

the city. J. Chapple asked what the solution would be. C. Howard said the city is not going to install the street and it should be the property owner, but if you're going to develop one house then why do you want to build a city street for one house.

J. Gabriel asked the engineer if it would behoove the city to start abandoning these properties. C. Howard said you can vacate the street if the property owner's request it and then half the property goes to one side and the other half goes to the other. This might work in this situation in two separate drives, but what do you do if you have a 1,000 ft. paper street and you have 25 different property owners; now you created landlocked pieces of land, which you can't do.

Adjournment:

Chairwoman Heather Shirley adjourned the meeting after no further discussion came before the commission.

Next Meeting:

The next meeting has been scheduled for Wednesday, May 1, 2019 at 7:00 p.m.

Gwen Fisher, Certified Municipal Clerk