

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

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

In ATTENDANCE: Bill DiFucci, Building Inspector; Mayor Forthofer; Council Representative John Gabriel

G. Fisher called the Wednesday, February 6, 2019 meeting to order. She entertained a motion to appoint a Chairman and Vice Chairman for 2019.

H. Strickler suggested allowing each member to serve a term as Chairman and Vice Chair since they are on five-year terms. J. Chapple said he would prefer not to commit to Chair or Vice pursuant to his unknown work schedule. The rest of the board agreed to rotating these duties yearly.

H. Strickler MOVED; J. Chapple seconded to appoint Heather Shirley as Chairman for 2019. Roll Call Vote 5 YEAS. MOTION CARRIED.

J. Chapple MOVED; H. Strickler seconded to appoint Joe Williams as Vice Chair for 2019. Roll Call Vote 5 YEAS. MOTION CARRIED.

Approval of Minutes:

J. Chapple MOVED; J. Pajk seconded to approve the minutes of the December 5, 2018 meeting. Roll Call Vote 5 YEAS. MOTION CARRIED.

New Business:

Medical Marijuana - Zoning (Council Representative John Gabriel)

J. Gabriel explained the Vermilion City Council is operating under a six-month moratorium on medical marijuana. He said the Planning Commission should start thinking about this issue because if medical marijuana becomes completely legal and open in Ohio; then this board will have a big decision and input as to whether it will be allowed in Vermilion and where it would be allowed through zoning. He asked the members if they would want to create its own zoning or would they want to add it to an agricultural zoning, industrial zoning, or business district zoning. His opinion is that he wouldn't necessarily want the growth aspect of it in any of the b-zoning. He could see it in the agricultural zoning if this body thought the community could benefit from medical marijuana; not only the cultivation but possibly the sale of it. If it can generate tax dollars and become a medical relief for people in pain and it has positive aspects for medical purposes, then this is the conversation they would like the Planning Commission to have. He said they would need to figure out if they want to add it to current zoning or create a separate zoning, or if the Planning Commission doesn't feel this is the proper place for the marijuana industry this will also weigh heavy in council's decision, and it could be prohibited in basically all the city's zoning districts.

J. Chapple said the Planning Commission would need to look at the zoning to grow medical marijuana and the zoning to sell it. J. Gabriel said City Council would like to get the Planning Commission to start thinking about this issue. He said they have six months until the moratorium expires, so it would be nice to get the members to start discussing this issue and whether they want to start action. However, Council could choose to extend the moratorium again.

H. Strickler said she would like the clerk to research how other communities in the surrounding areas legislate medical marijuana. G. Fisher said she will gather information and forward it to the members and will put on the next agenda for discussion.

Mayor Forthofer asked the members to give the administration consideration of any resulting proposed legislation before decisions are made because they would need to know if they would be able to enforce this matter.

Food Truck Conditional Use Guidelines (Ordinance 2018-63) – (Council Representative John Gabriel)

J. Gabriel provided the members with guidelines for conditional use per Ordinance 2018-63 “Mobile Food Units”. He explained council had multiple meetings to discuss the food truck legislation. He said per the ordinance property owners will need to come before the Planning Commission for conditional use approval. Chapter 872.02 of the ordinance states that no person or entity shall operate of Mobile Food Unit within the City of Vermilion without a permit issued by the City. Prior to acquiring a Mobile Food Unit permit, owners of properties zoned B1, B3 or B4 must have *conditional use approval* from the Vermilion Planning Commission. Therefore, the Planning Commission will look at different aspects of the property; parking, ingress/egress for traffic flow and safety vehicles; does property have an existing building/business for many reasons – the foremost is restroom facilities and the proper disposal of grey water waste. Empty lots or properties that do not have water, sewer, or garbage handling abilities should not be considered an adequate location. Also, would this be an extension of the properties existing business use. Properties who already sell food/beverage/alcohol and/or provide entertainment/tourism services should be given positive consideration. More heavy commercial uses should be thoroughly reviewed. Does the property meet minimum ADA requirements? Properties with a least one Handicap parking space is preferable. Also, would the use of the property create an undue disturbance to nearby residential or neighboring businesses? Some properties are in and near residential areas, impact on neighboring properties should be considered.

He said right now food trucks in the Harbourtown district are permitted on public spaces, which is limited to a degree because they want to make sure they don’t harm the existing restaurants that depend on the tourism business as well. He said in the commercial areas he thinks they have adequate places that have a lot of big parking lots and space, not only for their existing customer base, but they could put in another small business as a food truck is and accommodate that parking as well. He said this is some things the Planning Commission could look for when granting conditional approval. He would like to report back to council on a set of guidelines the members are comfortable with. He said the Planning Commission can vote on a set of guidelines and then council and the administration will know where they are coming from. He said City Council will be the appeals process for anybody that comes before Planning Commission and gets turned away.

J. Williams asked if the B3 zoning is the only district eliminated. J. Gabriel said the only district eliminated is B2 because it’s Harbourtown and they don’t have parking lots. He said it states under Chapter 872.08 Regulations. (a) Except as provided in Section (i) below, a Mobile Food Unit may only be located and operated on municipal property, property zoned B1, B3 or B4, or in the public right-of-way. (b) No Mobile Food Unit shall operate prior to 10am or after 10pm.

J. Williams asked how they determined the use of a food truck when the food truck is preparing the food somewhere else and dropping it off – is that catering? J. Gabriel replied yes, and it’s defined in the legislation. He said they allow food trucks on residential properties, but they limit the timeframes that they can be there. If somebody has a graduation party or something like that they can have them for a day, but there are no outside sales to the public.

H. Strickler asked if the Planning Commission’s purpose is to only grant conditional use. J. Gabriel said the property owner will come to the Planning Commission to get a conditional use – this is a one-time deal. All this

is saying is that the property is equipped to have food trucks. The food truck itself separately must register and then they get a license, and they're required to have safety inspections, etc. as defined per the ordinance. H. Strickler said when it comes to the appeals and the hearing; they can appeal when the building department says no, but she didn't see the appeals process when the Planning Commission says no. J. Gabriel said the appeals process is already built into the Planning Commission rules per ordinance and anyone can appeal anything the Planning Commission denies to City Council. The Planning Commission will just be dealing with the property owner. H. Strickler said the legislation states the mayor has the power to waive fees and G. Fisher explained the intent of this is mainly for festivals and various non-profits.

H. Shirley confirmed that when somebody applies for a permit it's the actual food truck owner that is applying. Also, she addressed background checks and J. Gabriel said that was stricken from the ordinance. H. Shirley asked if the VFD would be perform the safety inspections and the mayor said they will make sure the food trucks have all their health and safety inspections. H. Shirley asked if the city had any idea how many food trucks will be coming forward. Mayor Forthofer said if they grandfather in the festivals, then there should be no more than a dozen under the normal circumstances.

J. Gabriel said his fear has been that food trucks will hurt brick and mortar places, so they walked a thin line on trying to make food trucks go through a process much like the businesses must go through.

J. Williams said when the ordinance passed it eliminated the 'Old Town Hall' from allowing a food truck. Mayor Forthofer explained the food truck was going to be on public property for the Ice-a-Fair and it would have had to go before the Parks Department for approval and that board didn't meet until a month after the event. J. Gabriel explained on public land you're only allowed approval once a month. H. Shirley asked if there was a time specified for the mobile unit if you're within the proper zoning and meet all the requirements. J. Gabriel said no mobile food unit shall operate prior to 10:00 a.m. or after 10:00 p.m. H. Shirley asked if the mobile food unit is required to get a new permit if they change their location. J. Gabriel wasn't sure about a new permit, but the location they are going to needs conditional use approval.

J. Pajk MOVED; H. Strickler seconded to approve the "Conditional Use" guidelines for Mobile Food Units as submitted, and as attached hereto and referenced herein. Roll Call Vote 5 YEAS. MOTION CARRIED.

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, March 6, 2019 at 7:00 p.m.

Gwen Fisher, Certified Municipal Clerk