

Minutes of VERMILION MUNICIPAL PLANNING COMMISSION
of December 2, 2020
7:00 pm ~ Zoom

PRESENT: Jim Chapple, Joe Williams, Jeff Hammerschmidt, Heidi Strickler. ***Absent:*** Heather Shirley

In ATTENDANCE: Chris Howard, City Engineer; Bill DiFucci, Building Inspector; Barb Brady, Council Representative; Mayor Forthofer

Call to Order:

Joe Williams, Chairman called the Wednesday, December 2, 2020 meeting to order.

Approval of Minutes:

J. Williams MOVED: J. Chapple seconded to approve the minutes of the November 4, 2020 meeting. Roll Call Vote 4 YEAS. **MOTION CARRIED.**

Correspondence:

Matt Hasel of Adaptive Engineering Group was present to discuss a preliminary site plan for the Tradesman Park Project. He said they appeared before the Board of Zoning Appeals meeting on December 1 and submitted the project for a front yard setback variance request and a comparable use for the B -3 zoning. Both variances were approved and before getting into final site plan development and Planning Commission approval, they would like feedback to make sure they are on the same page when fine tuning their phase one design. He explained they are proposing two separate buildings which will be workshops for skilled trades. Each of the buildings are 64' x 96' and each building has four separate units with overhead doors and man doors. They will have a storm water basin all the way on the northern central portion of this project. This project will be phased out and the group of owners would like to start with phase one to see how this project progresses before making plans for the remainder of the land.

Josh Frederick, Owner of the Tradesman Park Project said he was born and raised on the east side of Vermilion and his parents still live here. He said they saw that this property was available, and they have known Cliff German for a long time, and they're very familiar with Defense Soap. He stated his partner Mike Welch was attending the meeting and he too was born and raised in Vermilion and his parents still live in Vermilion. He said they saw an opportunity to develop this property and bring more business to Vermilion, so they acquired this property that goes back to the railroad tracks. He said there are some parcels between them (Grisez and the gas station), and they just raised the blue house

over the summer. He said there already seems to be quite a bit of interest for businesses and tradesman that would like to open their businesses or have store fronts. They will be able to develop the parcels and have it to where they can come out by the gas station. They want to not only have business, but to give the property some tender loving care as they plan to have nice aesthetics with some brick and not just the typical pole barn. They want it to be nice so they can attract businesses. Again, hopefully with the support of Vermilion they would like to improve some of the other parcels that need a facelift. This is a passive investment for him as he runs a large healthcare company and his company is from the east side of the state all the way to the west side of the state and they have many offices, so this is central hub for them as they have many meetings in Amherst currently, so Vermilion would be a nice hub as well. They plan to have conference center/meeting hub to use along with one of their tenants. Therefore, they will build a small-scale conference center for both tenants and maybe other businesses in town that may want to use or rent the space. They have interest for the two buildings they want to put up and they want to get them in the right spot, so they can maximize the use of this space, and then as they begin to excavate and do some ground work. They hope to put up other buildings as well.

B. Brady asked where they will tie into the sanitary on this property because she thought it was on the south side of Liberty. M. Hasel said the sanitary actually runs through this project in an easement, so the sanitary is accessible for this project as it runs due north of this phase one within an easement, so they shouldn't have to tear up any of the pavement on Liberty Avenue as there will be a gravity sewer accessible just north of this phase one project.

Mayor Forthofer said he has been tracking this project since he first heard about it and following it through the building inspector and several other sources, and if something like this didn't exist for Vermilion based on the population and the careers many of the city residents go into, this type of project is ideal and he thinks the ideal of helping developing this on Liberty Avenue and helping clean up a section and putting in a viable enterprise is a wonderful idea.

Heidi Strickler asked what the next step would be. J. Chapple asked what their timeline is on the project. M. Hasel said their next step on the design side is to incorporate any feedback they obtain tonight. He said they received some ideas from the Board of Zoning Appeals on the parking aspect of the project that they will take into account when developing the final site plan for phase one, and the storm water management calculation plan will be submitted to the city engineer for review, and then they will come back to the Planning Commission for the final site plan approval. J. Chapple asked when they would anticipate this would happen. M. Hasel said they haven't talked about a plan moving forward with the owners, but he would guess they are looking to move forward as soon as

possible. Once this meeting concludes, they will touch base with the owners to discuss the plan moving forward.

Josh Frederick said the first step is feasibility to make sure they can do this and have the city's approval. Once this happens, they will need the cost of construction and excavation. The first phase will have minimal excavation, but once they start to expand the project to the area that slopes down there will be more capital at that point, so they want to get the project off the ground and get the buildings occupied, so they can start into the second and third phases. Until they know it is feasible, then they will get the pricing and will start the project right away. J. Chapple asked for confirmation that they are looking at a three-phase process. J. Frederick said yes, but the unknown is the cost of capital and the excavation part. He said there are abandoned roads they could develop. If it's not too bad, then it could be a two-phase project. The first phase is what is being presented tonight and he would like to put in the conference center building on the parcel next to the gas station where the blue house was because they will have two nice buildings surrounding Grisez's other buildings, and then develop from there.

Brian Holmes, Ward Five Councilman asked if they would be moving any earth, and are they using the existing buildings. M. Hasel said the two buildings shown on their phase one site plan are on a undeveloped portion of the lot currently, so in order to construct this there will be a decent amount of earth work because the buildings furthest south closest to Liberty Avenue is on a flat portion of the lot, but then they will get into the big drop off, so there will be some cut and fills. He said no buildings will need to be torn down or redeveloped in order to construct these two buildings. B. Holmes asked if they would follow all EPA standards with a silt fence and what not. M. Hasel said this is correct. B. Holmes said this a good idea and he looks forward to this going forward.

Chris Howard, City Engineer asked if these will be condos or rentals. J. Frederick said at this point it is going to be rentals. They hadn't internally discussed condos or selling them off as they just planned on keeping them rentals. C. Howard asked about water service and if they will be individually metered – a master meter. J. Frederick said if it is possible, he would like them to be individually metered. C. Howard said if they have condos then they will need a HOA to make sure certain things are not stored in the buildings that could be hazardous for surrounding property owners. J. Frederick said the one reason they would like them as rentals is so they are in charge of this and can manage and maintain them, and pretty up this section of town.

J. Williams asked if they have a plan on the number of tenants who will be in these two buildings. J. Fredrick said it is very tight and they are going to be built as a suite, but he believes with the two buildings going up in the first phase they will have seven with 1,200 – 1,500 square foot per unit. A couple of the tenants are already interested in 3,000 square foot, so they will be an open floor plan with a big rectangle pole barn, but at the same time

they will have a stone exterior which is similar to Defense Soap, and how it is chopped up will be based on the tenants needs. J. Williams asked if each tenant would have their own plumbing. J. Frederick responded yes.

Homer Taft of 3972 Edgewater Drive asked if the property is adequately sewered for the proposed use. He had heard discussion about boring under Liberty, so he wanted to make sure this was provided for. M. Hasel said the sanitary sewer is very accessible and they will not need to bore under Liberty Avenue.

B. Brady advised Chris Howard that the blue house and the properties did have to go under Liberty because there was so much debris going north on those properties, so there is an access point on Liberty where they bore under. She thought this was addressed four or five years ago. G. Fisher thought the area she was talking about was further down. B. Brady asked if this was the Gerstacker property and the little blue house property they are talking about that is to the east of Grisez. She said if they go north does this mean they will be dumping into the VOL sewers. M. Hasel was of uncertain where the sewers go from here, but when preparing the site plan for the Defense Soap project, it had similar grades and they accessed the sewer north that runs parallel to the railroad tracks. The grades didn't allow for them to go back to Liberty Avenue without any type of lift station and the sanitary sewer was accessible north of Defense Soap as well, so they planned a similar type of design for this project. C. Howard said this drains into the VOL sewer – it is part of their sewer district area. He believes years ago the residents on Marlborough had issues with their septic systems and it was looked into by going across Liberty because they had to more or less run it north to this sewer down the paper street of Marlborough. He wasn't aware what transpired as he didn't believe they went under Liberty. B. Brady thought they did, but maybe she may be off east or west a little bit. However, she just wants to make sure they do not overload a system that is already having trouble. She guessed the city engineer would have a handle on this. C. Howard said this was part of Gerstacker years ago when they did improvements. He brought the sewer there.

J. Williams advised the board they didn't need to take action tonight and made mention that he felt the commission would look favorably upon the project depending the details that are submitted in the final site plan. M. Hasel said they are receptive to any other comments and enhancements to the site plan after this meeting, so anybody can feel free to forward them, so they can incorporate comments in their final site plan.

Jeff Hammerschmidt said he wanted to make sure the streetscape is well done as the board has the ability to critique it. He hoped it looked similar, better than, or equal to what Defense Soap has. J. Frederick appreciated the feedback and in reciprocity said they are going to be putting buildings up on both sides of Grisez' and if you drive down the area it is not the best kept, so if they start to develop this and put nice buildings up with stone exteriors, then he hopes they have the city's support of upping everybody else's game in

this market. He said they want to improve the aesthetics on this strip, and he hopes to have support from the city as well. J. Williams said the board looks forward on receiving their final site plans.

Phil Laurien of the Captain Bell House LLC said in order to split the existing property to two lots they would need to do a minor subdivision. There will be no changes to the building exteriors and setbacks. He said the property is zoned B-2 Central Business District and the potential buyer wishes to purchase the cottage and it needs to be a conditional use for residential and the language in the zoning district says the following uses shall be deemed conditional uses upon favorable recommendation by the Planning Commission, so he came before the board for informal guidance to see if they are supportive of the lot split of the cottage to be sitting on its own lot and converting it to a year round residential use. He said it is a single lady that grew up on Perry Street who now wants to move back near her parents. He said he has been trying to sell the Captain Bell House for three years due to health issues and he hasn't found the right buyer who is willing to take over the responsibility to do a Bed & Breakfast even though it is very successful. The building is flawless, and it is rated number one, but it is a lot of work. He has somebody that is interested in purchasing just the Bell House, so they need a minor subdivision. He said he went before the BZA last night, but unfortunately, they did not see the sample plot plan showing where the lot line would be proposed to be. He said the Bell House currently sits on two lots and he provided a proposed plot plan to the board showing them the layout. He said if the board seems supportive then the BZA would have to determine the yard sizes.

J. Williams asked if the current parking is shared. P. Laurien said it will be divided as it is a L-shaped driveway. He also has guest parking (six spaces) along Perry Street.

Jeff Hammerschmidt asked if there are separate utilities. P. Laurien believes they will need to run new water and sewer lines from the cottage directly to Liberty Avenue because currently the lines are shared. The water line is separately metered, but it runs through the Bell House property around the back to the cottage, so they would need to terminate those and runs new lines.

H. Strickler said the board cannot take a straw vote as it must formally be presented to the board, so he would need to submit application to the Planning Commission, so they can make their decision. She said she doesn't have an issue with it, and they could say yes tonight, but then could change their mind, so it would be best to formally submit application. P. Laurien said he intends to do this and mentioned the property was surveyed nine years ago, but to spend the money to draw up a new deed restriction and a new survey, and not know if the Planning Commission or BZA would have issues, he thought they could informally discuss the matter. He said the cottage has been there since 1920 and the Captain Bell House has been there since 1876. He said comments and

thoughts would be appreciated. H. Strickler advised him that he really needs to submit application since he must submit to BZA as well. She said to get the ball rolling he needs to submit application so he can sell it. J. Chapple agreed that the application should be submitted.

B. DiFucci said he has spoke with P. Laurien multiple times on this and this was the right process for him to take – open discussion with Board of Zoning Appeals was last night and open discussion tonight with Planning Commission just so he could get everything he needed in line and then if he so chooses to make formal application to move forward, then this would be the next presentation to both the BZA and Planning. H. Strickler advised him to move along with this process.

New Business:

Nancy Mayer, Trustee/FNA Nancy Gould/Jim Northeim, Trustee, Claus Road, PP #: 01-00-021-000-055 (Lot Split)

Nancy Mayer said this property was inherited from her parents, which was formally a farm property. They have a buyer who is a Vermilion resident that wants to build a single-family residence on the property, so they are requesting a split for about two acres.

C. Howard said they reviewed the proposed lot split and have no issues with the lot split or legal description as submitted, so they recommend approval.

J. Williams MOVED; J. Chapple seconded to approve the lot split as presented. Roll Call Vote 4 YEAS. **MOTION CARRIED.**

Robert Kilbane, Vacant Land – Claus Road & Sunnyside Road, PP#:'s 01-00-021-000-049 & 01-00-021-000-056 (Lot Split and Consolidation)

Robert Kilbane of 19885 Detroit Road, Rocky River, Ohio explained they have a parcel on Claus Road that will remain the same, which is approximately 2.3 acres. He said they have a larger piece in the center that is approximately 30 acres and they want to split it, but the surveyor suggested they keep the pond on the bigger piece. There is approximately a 19 acre and an 8-acre piece that will be split. On Sunnyside Road the parcel was around 1.2 acres and the frontage will remain the same – just the depth has increased to make it a nicer lot, so it has almost tripled in size to a 3.5 acre parcel. His engineer John DeChant submitted all the paperwork, but according to the city engineer there needed to be corrections on the legal descriptions, which have been corrected and resubmitted to the city engineer.

C. Howard said they looked at the lot split and consolidation and have no issues. They did notice errors on the legal descriptions, but they were revised.

J. Chapple MOVED, J. Hammerschmidt seconded to approve the lot split and consolidation as presented. Roll Call Vote 4 YEAS. **MOTION CARRIED**.

Adaptive Engineering Group (Todd Sommer; Owner) PP#: 0100004116001 – Liberty Avenue (Rezoning R-3 to B-3)

Matt Hasel of Adaptive Engineering said they presented a revision to the requested rezoning that was previously submitted. He said previously they were asking for the full 500' increase. Currently the first 250' of this parcel is zoned B-3 and the remainder is R-3. Previously, they were asking to increase the entire width by 500' going from R-3 to B-3, so it would be a 750' strip of B-3 zoning at the frontage. This was not approved by City Council, so they went back to the drawing board and have modified the request to just do partial width in leaving the eastern most 220' as the R-3 with the intent of donating that to the Metro Parks and the remainder to the south to the Lorain County Metro Parks, and focus their development on the western two-thirds of this property. He said another site plan modification that was made was eliminating any of the shipping containers that were previously proposed the last time they submitted for rezoning.

Todd Sommer of 5443 Park Drive said Matt Hasel has explained everything in terms of the changes. He said they are allowing the people to have 220' of un-interference where the vegetation on the eastern border would remain. He said he likes the idea of the Metro Parks being a part of this and with them getting rid of the shipping containers, he felt these were the two negatives as far as feedback from the residents to the east of the property.

J. Williams thought this was a good plan that has come a long way. H. Strickler confirmed there would be no shipping containers and asked if they were just rezoning a strip of the property, and it won't be to the left as they are keeping the residential with donating that to the Metro Parks. She asked if anyone knew what the Metro Parks' plans were for this property, or were they just keeping it green space like they have with the other donated property. T. Sommer said they met with the Metro Parks and they are very interested, particularly the access from Liberty Avenue. He said right now there is no parking for the Ken Cassell property where the trails are, but he can't say anything because there are no plans, but they do like the property and the Sommer family has agreed to donate this property to the Metro Parks. He said the question really needs to be directed at the Director of the Metro Parks.

Jeff Hammerschmidt said he noticed that the fence is now a typical type fencing, but it looks to be inside of one of the buildings on the west end of the property. M. Hasel

explained the fence will go up to the side of the building and they will use the building as part of the barrier, so there will be no need to take the fence all the way back to the back of the building because there would be wasted space to the north and south, so it's just using that eastern face of the building to create the barrier in that section. J. Hammerschmidt questioned why they were not choosing to do this on the west side. M. Hasel said they would be left with an area north to this building, which is just pavement with no other use, when it can remain a vegetated space. J. Hammerschmidt asked what the buildings will consist of. M. Hasel said there will be storage condominiums on the east and the storage units are traditional with individual overhead doors that you see in other places in Vermilion.

B. Holmes asked about the distance between R-3 and B-3 as it is his understanding that it is 30' instead of 25' on the west side, but in the drawing they have 25', but according to the administration it is 30', so he wanted to make sure this was clear before they move forward. M. Hasel said they will certainly confirm it is 30' and they will make the adjustment. B. Holmes said Mr. Cammarata's property is residential not commercial and it was zoned wrong on the city map, so he wanted to make sure it was cleared up.

B. DiFucci said the buffering area is a 30' area that has to be denoted between a residential – a Class 1 which is the R-3 zoning district versus a Class 4, which is the B-3 zoning district, so the 30' buffering strip has to be left. He understands they are only before the Planning Commission for the rezoning, but they will need to come back for a site plan approval. He said another minor hurdle will be to make application to the Board of Zoning Appeals for a like use as storage facilities are not listed as a permitted use currently in the B-3 zoning district. They do exist, so they still will have to go through the process of having an approval from BZA for having a like use.

Mayor Forthofer said he is anxious to have different businesses on Liberty Avenue and he would love for this property to host a business such as Defense Soap or another Coley's, or even another business incubator, such as the Tradesman Park Project, but this is Mr. Sommer's property and he thinks the revised proposal that is absent of the metal storage containers and that creates buffers could be a decent contribution to Liberty Avenue's redevelopment. He said he did introduce Mr. Sommer to Guy Sako of Defense Soap, and he got the name and address of his landscaper. He believes he has been in contact with him. He said if this property mirrors the frontage of Defense Soap in some degree, then he thinks this would be an acceptable revision to his intent, and he would be in support of it.

Homer Taft of 3972 Edgewater Drive said he is a real estate attorney and has commercial property under management. He said he has been in the real estate industry for 50 years. He is opposed to this for the same reason he was opposed before as this is not an appropriate rezoning under city code and charter. He clarified there is still a request to rezone 500' back – it's just over a slightly narrower area. On both sides of this property

there is residential zoning. On the west side it is actually about 180' back of Liberty as to where it is 250' on the east side, so all the property to the west is also residential. The highest and best use of this land is plainly residential and something that could benefit Vermilion. He doesn't believe this comes anywhere close to that with having storage units there. He said storage units are not going to generate the same kind of economic support or be in addition to an area that is erratically changing. It really constitutes spot zoning for one person. The storage units themselves would be a problem because they will have 24-hour light and a lot of paving. They will have a lot of storm water problems in areas where they already have storm water problems, so there are a lot of challenges to it. He said they are not an appropriate use on Liberty Avenue and the area is changing and they need to acknowledge this. He said there may have been some in the past, but it doesn't mean they should ask for them. He would submit that the code as to conditional uses requires it to be like things that are in a motorist service district and intended for motorist service – this isn't. Storage is called out specifically – over and over again repeatedly in an industrial zoning. It's not a like use and storage is defined as industrial in the code.

Furthermore, he would trust that all members of the Planning Commission are aware that Mr. Sommer's prior proposal was unanimously rejected by Council and there was a great deal of opposition and testimony from residents, and it was not limited to storage containers. It was the entire idea of the storage units on this parcel, so while he would love to see the parcel developed and be a high-end use that is beneficial to the city, he doesn't think this is it and he would hope the Planning Commission would reject this as there is a moral obligation, if nothing else, that this would go to the disapproval of Council, and Council by two-thirds vote would have to overrule if they choose to – not a lesser vote. He said they already objected it once and he thinks the Planning Commission has some obligation to respect what the Council's decision was.

B. Holmes said what Homer Taft said is correct. He indicated that he has received many phone calls and people have asked that the city not allow this. Unfortunately, you can put up all you want as far as landscape, but in the end, you still see what you have behind. His concern and his constituent's concerns are what will be left behind the landscape, and unfortunately what they don't want to see in their back yards, so he hopes this doesn't go forward at this point.

Meg Coon of 596 Hazelwood agreed with B. Holmes and H. Taft that they are the ones that will be staring at this and will be suffering with home value loss. Nobody wants to live next to a storage unit as it is not attractive, and her house value will go down. It's not fair to them. She has lived there for 20 years and she has always known that it was zoned residential behind her house, and now they want to change it and put in storage units, which will hurt the property owners. She hoped that storage units are not approved. She asked if an environmental study was ever done and asked what the plan was on water as there are a lot of ponds that would affect her property.

Ellen Roztas of MSR Capital Management said she owns the Liberty Building to the west said she wants to know how much area is going to be left alone on the west side. Currently, there is a nice pond that is there which won't go away because it is a wetlands and it will cause a lot of problems, and it will overpower any sewers or whatever is going on. She cannot see using it for this purpose. Additionally, she isn't sure how close it will be to her property line. She said they already pulled out a living property fence along that edge and she is sure most of it was on her property line. She said they have a lot of snow drifts now because the trees were torn down and there was no break in the wind. She said there was a lot of damage done with pulling out everything. She said Vermilion is known to be a small, nice town and to have storage units on a main street where people drive into Vermilion is not aesthetically appealing.

Bill McCourt of Edison Estates echoed H. Taft's comments, and noted that he too is against this project. He indicated that he spoke at the Council meeting and gave his reasons why, as well as doing further research in the codified ordinances that request that before an approval by Planning be made, a consideration should be made whether the city needs this type of project. Secondly, he thinks this should be dismissed because of the requirement of notification of residents within 300'. This additional buffer is nice, but all the letters that were submitted against this project should be a part of this whole project consideration, as the residents already rejected this concept, so why are they going through it again. They essentially just redefined a few aspects, but it is simply just the same project, so he would recommend that Planning postpone any decision in sending this to Council until a clear understanding of what is allowed in B-3. He suggested they dismiss this out of hand because the city really doesn't need another storage facility.

Ingemar Svala of Park Drive agreed 100 percent with B. Holmes in that even though how much you camouflage the front it is what it is. He also agreed with Ms. Coon that it is residential so they should keep it residential. He agreed too with H. Taft's comments which are right on. He hoped they would maintain this area as a residential.

Robert Green of 4097 Ford Lane said he spoke in front of council on October 26 on his concerns on the design of the property. He did see a brief version of what the new look will be, but his concern is about security. As a former executive in the storage industry, one of the things that is paramount is lighting, fencing all the way around, and security cameras. All of these are either limited or missing. If they are attempting to put this project near residential residences, this is not a good plan at all. Although, he respects and agrees with the Mayor's position on businesses in Vermilion, he doesn't believe storage is the answer for the city. In particular, it is very low employment, if in fact, any at all. The newest technology doesn't require any employees at all as it can be done remotely. Lastly, he shared industry information that within a 15 mile or 15-minute drive depending on how you want to look at it, there are a total of 26 self-storage locations from

Vermilion. Do we really need to put another one in Vermilion? He told Mr. Sommer's he is sorry as he knows he has owned this property for some time, but he is thinking he can find another use for it as storage isn't the answer.

Edward Moore of 590 Hazelwood said he agrees with the people that have been talking and he feels for Mr. Sommer's as this is his property, but it has always been zoned residential. He prefers it to stay this way and noted that somebody had mentioned possibly putting upscale homes back there. He doesn't think there will be much profit from self-made storage. He said his neighbors will be flooding more with the wetlands and it's not the best use for the frontage on Liberty Avenue. It would be nice to see something nicer there.

B. Brady said her biggest hesitation is the spot zoning issue, whether you call it spot zoning or not. She said the city has a plan laid out and if the city wants to relook at that plan and make changes, then they shouldn't do it one little piece of property at one time. They should look at the whole picture instead of taking one parcel and rezoning it from the original plan the city had. If the city wants to look at Liberty Avenue differently, then they should do this, but they shouldn't do it one lot at a time.

H. Strickler said they did talk about the master plan a couple months ago in Planning, which was open to the public. They talked about what they wanted to do with this part of town. She feels for T. Sommer's as well because it is his property. If he doesn't rezone the back, the front part is B-3, and he could put other uses there. This isn't an easy situation, and she would like to see more planned development and she would like to see it extended to the borders as well. She said T. Sommer's tried to sell this property for 30 years and he put it up for auction, so what should he do. This is a no-win situation for everybody all the way around.

B. Holmes asked the Planning Commission to listen to everybody who has spoken tonight and to make their decision based on that. He said he is for growth on the east side, but it must be the right growth. He said previously residents submitted emails and letters.

H. Strickler MOVED, J. Chapple seconded to recommend the rezoning as presented to City Council. Roll Call Vote 3 YEAS (Chapple, Strickler, Williams); 1 NAY (Hammerschmidt). **MOTION CARRIED**.

J. Williams thanked everyone for their input as this has been a tough decision. He said Council will hold another public hearing.

J. Williams MOVED, H. Strickler seconded to adjourn the meeting.

Next Meeting:

The next meeting has been scheduled for January 6, 2021, 2021 at 7:00 p.m. via Zoom.

Transcribed by Gwen Fisher, Certified Municipal Clerk

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