

**Minutes of VERMILION MUNICIPAL PLANNING COMMISSION**  
**of January 6, 2021**  
7:00 pm ~ Zoom

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

**In ATTENDANCE:** *Chris Howard, City Engineer; Bill DiFucci, Building Inspector; Mayor Forthofer.*

**Call to Order:**

Gwen Fisher called the Wednesday, January 6, 2021 meeting to order.

**Election of Chairman/Vice Chairman:**

**J. Chapple MOVED;** H. Shirley seconded to nominate Joe Williams as Chairman for 2021. Roll Call Vote 4 YEAS. **MOTION CARRIED.**

**J. Williams MOVED,** J. Hammerschmidt seconded to nominate J. Chapple as Vice Chairman for 2021. Roll Call Vote 4 YEAS. **MOTION CARRIED.**

**Approval of Minutes:**

**J. Chapple MOVED;** J. Hammerschmidt seconded to approve the minutes of the December 2, 2020 meeting. Roll Call Vote 4 YEAS. **MOTION CARRIED.**

**New Business:**

**Review of Junk Yard Legislation:**

J. Williams noted that all members received a copy of draft legislation pertaining to junk yards from the clerk. Mayor Forthofer explained he has been doing a battle with the junk yard on the east end of Route 6 and was not sure how this junk yard was permitted to begin with, but he wants to make sure there are no other junk yards permitted, so he discussed it with the Building Department, Service Director and the Law Director on the best way to have control over any junk yards that may occur at all. He was advised by the Law Director that the most efficient way to handle this would be to prohibit them by zone throughout the city, so in the future if somebody in an industrial area wants to have a junk yard then they can appeal to the BZA for a permitted use. He doesn't want to go through this in any other area in town. He said it was submitted to Council and the Planning Commission needs to give their opinion. G. Fisher noted the Planning Commission must

make a recommendation to City Council on this legislation and then it would need to go to Public Hearing prior to a third reading by Council.

J. Chapple asked if the current existing junk yard would be grandfathered. Mayor Forthofer said the existing junk yard would not be touched by this legislation.

J. Williams said in the ordinance it refers to the definition somewhere else in the Planning and Zoning code as to what a junk yard is and wondered if the Mayor had the definition. B. DiFucci explained in 1260.06, Section 69 it reads: "Junk buildings, junk shops, junk yards" means any land, property, structure, building or combination of the same on which junk is stored or processed. Prior to this definition, there is a definition of Junk as well in the current zoning code. J. Williams thought the prior junk yard was there because they weren't defined as junk, because one man's junk is somebody's possession of value. He wondered if this definition is strong enough for the future. B. DiFucci said the code which addresses junk speaks of material, which is or may be salvaged for re-use, sale, reduction of similar disposition, which in his opinion would apply to a salvage yard because it is being re-salvaged for resale. J. Chapple said these definitions are not in the proposed junk yard legislation. J. Williams said it is referred to though.

H. Shirley asked if they could put the definition in this legislation to make it concise. J. Chapple thought it was good idea to reference it. G. Fisher said the law department prepared this legislation and it does refer to the definition, so it should be covered appropriately. J. Williams said if they define it in this legislation, then at some point they could get out of alignment. G. Fisher said they are just amending the prohibited uses, so each district should have a definition. She asked the building inspector if this was the case. B. DiFucci said the definition is outlined in the General Definition of the code for the Planning and Zoning section. G. Fisher said it should cover it then and that is why it was not included.

**J. Williams MOVED**; Heather Shirley seconded to recommend the legislation as drafted to the Vermilion City Council. Roll Call Vote 4 YEAS. **MOTION CARRIED**.

### **Review of Modular Shipping Containers – Draft Legislation**

J. Williams noted the members received a copy of this legislation for review and it is pretty similar to the legislation they just recommended as it covers all zoning districts to disallow modular containers throughout the city and you would need to appeal to the BZA for a permitted use. He believes it is for truck containers, but it doesn't outlaw storage buildings that are called stick built. Mayor Forthofer said they want to outlaw the containers that has a use intended for something than storage originally. He said there is a practical use for modular shipping containers, such as if the Dollar Store got a shipment from China and it is eventually taken away, but if it is planted in somebody's back yard for

tools, then this isn't okay, or if it was on Liberty Avenue as once proposed, then it too isn't okay, unless they make an appeal, and it is approved.

J. Williams said if there are places that have modular storage in their back yard, does this mean they have to remove them. G. Fisher said they are considered temporary storage/pods and the city has an existing code for this, so it is enforceable.

Mayor Forthofer said the modular shipping containers are growing in popularity for all kinds of uses, and this is not what they were intended for and he doesn't believe this is what they want in their city.

H. Shirley asked if current businesses have them are grandfathered. Mayor Forthofer said if they meet the current ordinance then they are okay. B. DiFucci said this legislation is addressing the permanent use of shipping containers as storage. The city has legislation for temporary storage that defines metal shipping containers as permitted for temporary storage. The existing would be permitted because they were in existence prior to. The only area the city may fight them on is if they didn't go through the necessary procedure to obtain a permit. If there is no permit on file, then it is not legally in existence and then they could possibly have them removed.

J. Chapple asked what the definition of temporary storage is. B. DiFucci referred to Section 1272.17 which reads: Temporary Storage Containers means any container, enclosure, structure, portable on-demand storage device (POD), metal shipping container, mobile storage unit, and any other device which is designed to be portable and transportable, commonly used to store furnishings and other personal items on a temporary basis during a time of home repair, construction, renovation, or relocation. Temporary storage containers do not include self-propelled motor vehicles or moving vans. J. Chapple asked if it could be one year or two years. B. DiFucci said there are restrictions that address the duration, and if a permit is open on a property for example, they can be there for the length of the construction project, but they must be removed within seven days after completion. On commercial properties there is no time limit, but they must be screened from public view.

J. Williams asked if they could recommend a timeline in this legislation as anything temporary should be less than a year. G. Fisher explained the existing draft legislation before the members tonight is not for temporary storage, but rather to prohibit modular self-storage facilities in all zoning districts. She said the building inspector was referring to existing legislation on temporary storage containers. D. Werley said there is a timeline in the temporary storage container ordinance which is thirty (30) days within a calendar year.

**J. Williams MOVED;** H. Shirley seconded to recommend to Council the legislation as written on modular self-storage facilities. Roll Call Vote 4 YEAS. **MOTION CARRIED.**

### **Route 6 Corridor:**

Mayor Forthofer said the Lorain County Commissioners granted the City \$35,000 to use on a study for the Route 6 Corridor up to the Lorain County line going west and they met several times with an architectural planning organization. He presented a copy of the plan to the members which is a result of their input. He said it is an idea and he is happy if they get a business in that is acceptable to the community. In the long term, there are some things contained in the plan that would be good for the city to look at. Especially an additional road coming from Sunnyside and going up to Liberty and almost going to the northeast corner of town. This plan is ideal, and it is heavy on the recommendation of medical facilities. Apparently, they did a study of the area and they probably looked at Oak Point Road. He agreed they would not turn any medical facilities or doctor offices away. He said the City is doing better with some stuff that is not in the plan, such as distribution centers and online businesses that have showrooms, like Vintage Lighting. He said the plan has creative ideas and these are things the city should strive for. He said curb cuts are worth noting as well. They have businesses along Route 6 with way too many curb cuts.

J. Williams said he read through the plan and wondered if they were pursuing any of these recommendations for the changing of the roadway and tree containers, and a roadway that would take businesses and bundle them into a roadway which would come out to lights on Route 6. He wondered how the city was attempting to make these things happen or is this just words right now. Mayor Forthofer said for now it is reference. It is some agency's idea on what would be great for Vermilion. Again, there are some things that are practical uses, like curb cuts. Also, the idea of having a boulevard median down the middle with the plantings is an idea he likes a lot. He was not sure this was in the five-year plan. He would like to end up there some day and he isn't sure he will be here to see it, but he thought this should be a document that passes on from one administration to another and it is something they should aim for. J. Chapple asked if there was a final draft of the Corridor Study. Mayor Forthofer said it was presented to Council in 2019. J. Chapple asked what Council said about this. Mayor Forthofer indicated that Council said it was a great idea.

J. Williams said on the northeast side of Liberty it was noted to create a park and bike trail and he thought that could be doable and asked if anything was going on with this. Mayor Forthofer said they are just having a lot of meetings on bike lanes. He said Route 6 will be repaved in 2021 on the Erie County portion and bike lanes are one of the considerations. G. Fisher believed the project was going to begin in June. C. Howard confirmed they are tentatively scheduled for June.

J. Williams adjourned the meeting upon no further discussion.

***Next Meeting:***

*The next meeting has been scheduled for February 3, 2021 at 7:00 p.m. via Zoom.*

*Transcribed by Gwen Fisher, Certified Municipal Clerk*