

**Minutes of VERMILION MUNICIPAL PLANNING COMMISSION
of February 3, 2021
7:00 pm ~ Zoom**

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

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

Call to Order:

Chairman, Joe Williams called the Wednesday, February 3, 2021 meeting to order.

Approval of Minutes:

H. Shirley MOVED: H. Strickler seconded to approve the minutes of the January 6, 2021 meeting. Roll Call Vote 3 YEAS. **MOTION CARRIED.**

New Business:

Robert & Michele Skidmore; Property Location: 2475 N. Ridge Road (Lot Split)

Michele Skidmore of 2475 North Ridge Road explained she was before the board in August and received approval on their lot split request. However, the lot split was supposed to be transferred on death, but there was a misunderstanding and their lawyer put it in to be done now, so basically, they need to submit it to be transferred on death.

C. Howard said it was for a Lot Consolidation/Lot Split previously and they are just splitting off the back piece because it was filed at the County, so later it will be transferred on death. He said there are no issues with this application.

J. Williams MOVED, H. Strickler seconded to approve the lot split application as submitted. Roll Call Vote 3 YEAS. **MOTION CARRIED.**

Captain Lou's Frozen Custard – Louis Douzos; Property Location: 3701 Liberty (Mobile Food Unit)

J. Williams said in his opinion the application as submitted is not up to the standard for what they normally ask for on a food truck. B. DiFucci said there are items missing from his application and typically it comes to Planning Commission for the location and the

parking issues. The building department will handle the certifications for the inspection by the health department and the copy of his insurance. He will convey this information to him. J. Williams said it was difficult on trying to figure out how this was going to work as there is no address on the site and he assumed it would be parked at the location full time. B. DiFucci said it is on the parcel that the Nest Restaurant is on – it is one parcel.

H. Strickler said she read through the Mobile Food Unit legislation to refresh the Planning Commission's role and she said the permit would be good through March 15 when it is approved. Therefore, if they approved the application today would it be good through March 15, 2022 or March of 2021. B. DiFucci said because he is making application in 2021, the permit would be good through March 15, 2022.

J. Williams asked if they would be losing existing parking. B. DiFucci said they would need to clarify this with the owner as he was uncertain if there were designated spots at this location. He said all the parking along Liberty is not being shown as spots either. J. Williams asked how many parking spots are required for the Nest Restaurant. B. DiFucci said there is a calculation in the code they use based on fixed seating and non-fixed seating and the square footage would all turn into a calculation for required space.

J. Williams asked Louis Douzos how much parking he would be losing at the restaurant. Louis Douzos said the food trailer will set between the restaurant and NAPA in the parking lot. It will only be opened after hours at the restaurant, so as far as parking is concerned it should not be an issue. It will be opened after 2:30 p.m. and it will be set on the back-parking lot on the concrete. H. Shirley asked what the operating hours will be. L. Douzos implied probably 9:00 p.m. H. Shirley said according to the regulations the food unit cannot operate after 10:00 p.m. She asked if he had any pictures of his food truck. L. Douzos said not yet as he is still working on it, but noted it is your basic concession trailer with three windows that open all the way around; something you would see at a festival. H. Shirley asked what type of food he will be serving and L. Douzos replied – just ice cream. H. Shirley asked if he used this food truck before and he said it is brand new. H. Shirley asked if his food truck will be open during the summer months only. L. Douzos indicated it will be April/May till the weather gets cold. J. Williams asked if the truck will be permanently sitting at this location. L. Douzos said yes as he does not plan to take it anywhere else.

Mayor Forthofer asked if his food truck will be in the proximate location of where the Lions Food Truck was located and L. Douzos replied yes in the same position.

H. Shirley asked if he would be taking up existing parking spaces. L. Douzos said it will be put on two existing spots, and if this is an issue, he can always put it on the back side on the concrete, but he would rather not.

B. Brady asked if he was tying his utilities into the building and he said he would. B. Brady asked about his dark water situation. L. Douzos said the only thing he needs is a hand-washing sink because everything else can be used in the restaurant, so he was thinking about a portable container that he can pump into his sewer system. B. Brady asked if he would have any restroom facilities. L. Douzos asked the building inspector if he needs restrooms as he really does not want to open the restaurant to the public for this. If he needs one, he asked if he could have a porta-potty. B. DiFucci explained there is no requirement for a restroom and the Erie County Health Department will do an inspection of the food truck as far as the grey water, so it will be addressed.

H. Shirley asked him if he had the requirements for the food truck and L. Douzos said no. G. Fisher said she could email him a copy.

J. Williams asked if the food truck would be visible to any residential area and L. Douzos said no.

H. Strickler MOVED, H. Shirley seconded to approve L. Douzos' request to place a Mobile Food Unit at 3701 Liberty Avenue. Roll Call Vote 3 YEAS. **MOTION CARRIED**.

H. Strickler asked if Mobile Food Units come before Planning because they are changing the use of the land. B. DiFucci said it comes to Planning to take into consideration the parking requirements and how it could impact the community and areas of where they want to place the truck. They only need to come to Planning Commission for commercial properties. There are different regulations they would have to follow for residential properties.

H. Shirley asked B. DiFucci if he would make sure the parking spaces are not an issue. B. DiFucci said the applicant made mention that the Food Truck will only operate when the restaurant is closed, so he will have plenty of spaces for the Food Truck, but if he wants to open the Food Truck when the restaurant is open then they would do the parking calculations for the restaurant and would take into consideration the traffic the Food Truck would see. J. Williams said it looks like there is plenty of parking. B. DiFucci said these are things the building department takes into consideration. J. Williams asked who would make the calculation when an applicant comes into the building department to make sure they have adequate parking. B. DiFucci said he would handle this according to Chapter 1276 on the required spots to make the determination that it is sufficient. C. Howard said the bigger issue would be if you had one business operating as a restaurant and another business that had the Food Truck on their property, as they would be competing against each other and they could lose out on parking. B. DiFucci said in this case, it is the same owner using his business for both ventures.

J. Williams said he could see a problem if they had too many food trucks wanting to be too close to one another. Is there anything written about this? B. DiFucci said no and the Mayor said he did not think there was anything that prohibited this. J. Williams said especially if they were getting closer to the historic district. Mayor Forthofer said this is a whole different set of rules. B. DiFucci said the code is different when they are permitted downtown. For example, a food truck is allowed once every 30 days and they cannot set up shop permanently like they can in the B-3 zoning district. J. Williams said they would start looking like the storage containers after a while and people would start complaining. Mayor Forthofer said this would be in the Planning Commission's discretion if they felt they were becoming an overburdened population of food trucks and then they could just say no. H. Strickler and J. Williams agreed. J. Williams said this location should not be a problem.

J. Williams adjourned the meeting upon no further discussion.

Next Meeting:

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

Transcribed by Gwen Fisher, Certified Municipal Clerk.