

**Minutes of VERMILION MUNICIPAL PLANNING COMMISSION
of July 8, 2026 @ 7:00 pm**

***PRESENT:** Heather Shirley, Mike Cremean, Jeff Hammerschmidt. **Absent:** Ed Leonard, Rob Kruty*

***In ATTENDANCE:** Chris Howard, City Engineer; Tony Valerius, Service Director; Melanie Wood, Clerk of Council.*

Call to Order:

Heather Shirley, Chair called the Wednesday, July 8, 2026, meeting to order.

Approval of Previous Meeting Minutes:

M. Cremean MOVED; J. Hammerschmidt seconded to approve the June 3, 2026, minutes. Roll Call Vote 3 YEAS. **MOTION CARRIED.**

Correspondence/Audience: None.

Old Business:

Applicant: DA Petroleum LLC – Property Location: 1800 Baumhart Road – PPN#: 01-00-027-000-084 – (Final Approval of Landscaping)

Doug Green with Contractors Design & Engineering thanked the Planning Commission for having them back. He stated that he received the comments from Chris Howard yesterday and he did have a question about a couple of things. There was a question about a clarification of what is called the replacement septic area on the plans and that is required by the Ohio EPA which says any time you put in a septic system you have to have an equal replacement area which is an undisturbed place should something happen to this system it can be left in place while a new one is built. What that means to them is that portion of the property is set side and cannot be disturbed, technically they can't even run construction equipment over top of it because it could change the density of the soil. That is why it is marked as such for future planning. There was a note on the letter that the applicant will need to provide trees along the top of the mounds. He doesn't know where that comes from or if it is something he is missing? It talks about fences and mounds and landscaping, but specifically this comment he doesn't know where the trees along the tops of the mounds requirement came from. C. Howard said in order to meet the consent judgement. D. Green said it talks about landscaping in addition to the screening and fencing but nowhere does he see that it says trees. C. Howard said it needs to be landscaping.

H. Shirley asked if they clarified if it was landscaping or fencing or both that was required. C. Howard answered fencing is required along the residential and the landscaping is to meet the opacity requirements which is 60% in one year and 100% in three years. If they are going to do mounding, he thinks they will need to put landscaping with it too. D. Green read from the consent decree where it states if screening consists of landscaping only then such landscaping shall provide a minimum of 60% at the onset to 100% within three years. They are not proposing using landscaping only as the screening. Their screening is an 8 foot which is required by the consent decree opaque fence either wood or vinyl. The question he has is that the consent decree does say that the fence shall include landscaping which in a legal sense typically means must. It also says may include mounding which means it is optional. They are doing mounding anyway because they all know they will have extra soil on site and instead of paying someone and burning fuel to haul it offsite, they are going to mound it up behind the fence to make it look nice and maintain it so that is not a problem. The biggest question he had when he looked at this is in the case of this development; he has a fence that is going to be several hundred feet behind the asphalt of the gas station. Nowhere in the consent decree or in Vermilion's code could he find any kind of requirement for the

amount of landscaping plant materials. Some codes say five trees per acre and ten bushes per mound, but he can't find anything like that. Their thoughts as the designer and the client as the developer were to place the landscaping around the actual parking area and around the building where people are actually going to see it as opposed to 300 feet back on their side of the opaque fence. The only people who would be able to see said landscaping would be them and it will be 300 feet away. If the Planning Commission wants them to do it, they will do it, but they will do the minimum they can do because it is not really helping anybody.

J. Hammerschmidt said he doesn't disagree with what he said, but there will be customers in the back. D. Green said the other thing they looked at and he spoke with his neighbor Mr. Palmer about this over the phone; in the corner of the property that abuts most of his rear yard is a pretty decent size stand of mature trees and as a trade of instead of the fence would he rather they leave the mature trees and he would prefer to have the fence over the trees. They are going to take the trees down and put up a fence and one of the reasons Mr. Palmer wanted this was to protect access from strangers going onto his property.

H. Shirley asked if he had reviewed this plan with Mr. Palmer. D. Green answered yes, and he is here today. He wants to be a good neighbor and so does the client. Other than that, there are going to be some landscape islands around the site, and they would prefer to have river rock on the islands because this is a site where cars are coming in and out and it is the least maintenance possible. They will have some low plantings and a couple decorative trees on the island. As far as gas stations and convenience developments go in his opinion, it is pretty nice in comparison to the norm. He did some really quick calculations as far as volume of excess fill. The excess fill is based off of soil grinds which is a shot in the dark because they are taken from everywhere. If they end up with additional fill, his plan is to do additional islands which would most likely go on the west side of the property between theirs and the natural parks property. The only concern and limiting factor is trying to keep these things to about four feet high so they can be mowed and maintained over time. Everything else left in the middle is a natural meadow now and it will be a natural meadow moving forward with the only difference being that it will be mowed several times a year as opposed to now. There will be mounds for the septic area, but they are going to be relatively shallow mounds. From a code perspective his biggest question is whether they need landscaping or not along the fence and his position is that the only people who will see the bushes behind the fence is the owners, he would rather they be up front where people will see them.

T. Valerius said he thinks they need to put the high solid fence to comply with the opacity requirements. D. Green said that was specifically written into the deed restriction. M. Cremean said that is something that was not completely clear to him either. Is it an and or an or? To him, it seemed like the requirement was as long as the eight-foot fence satisfied the opacity requirement then the landscaping requirements seemed to him a little bit redundant. D. Green said Mr. Palmer mentioned to him before the meeting that the drawings do not say opaque on the fence and just to be clear for the record that is what they intend to do. When he gets back to the office, he will make the change to the plans.

H. Shirley said to clarify, the Planning Commission is ok with his suggestion about where the landscaping is located.

D. Green said, according to the current city zoning map that was signed in 2026, it says that the corner parcel on Cooper Foster and Baumhart Road is a B-3. The intent of the deed restriction is that eight-foot fence be put in between any residentially zoned property and this property. They didn't extend it, so when you look at the plan the fence stops where he stops touching Mr. Palmer's property and then the line to Baumhart Road. He doesn't have a fence there because it is currently a B-3. There may be some confusion within the city whether that truly was intended to be a B-3 or not but that is what the zoning map shows. As a developer and property buyer the only way he can tell what the property is zoned is by the city's zoning map. That is the published document they are going off of, and should that change in the future or what happens with that might be a whole other question. C. Howard said they are still trying to clarify but he believes that is R-1. D. Green said his biggest question would be if something like that would happen in the future, do they really want to take an eight-foot-high opaque fence

all the way up to the right of way on Baumhart Road. For the safety and access control aspect, he would want to look to the right heading out of this development and see a wall rather than cars coming or turning left off Cooper Foster and seeing an eight-foot wall. H. Shirley said if it is zoned R-1 he will have to extend it. C. Howard said yes, and it doesn't have to go all the way to the right of way, it can be moved back a little bit. D. Green said currently it is zoned B-3. C. Howard said there have been times when the map is not correct and if it is R-1 he is going to have to extend the fence. M. Cremean asked if there was a timeframe on the resolution of that. C. Howard said he has to get with Melanie and look at the Ordinances over the years on that parcel to see why it is showing that way.

J. Hammerschmidt asked if they are going to do mounding, and are they calling for drainage, so they are not running water onto other people's property. D. Green said yes, that is why there are gaps in between them. J. Hammerschmidt asked if there was a distance they have to be. C. Howard answered they will have to provide swales so that it doesn't drain onto anyone else's property. D. Green said they did a full topographic survey of the property and he has agreed upon elevations and gaps between the mounds and they will make sure they back up the opposite side of the mound so they will not shed water. H. Shirley asked if that was noted somewhere already. C. Howard answered yes, it is. D. Green said from a general engineering standpoint, he can't change the natural flow of water from one parcel to another anyway, even if he wanted to.

J. Hammerschmidt said he thinks the landscaping quantity of plants could have more and he would like to see more of them. D. Green said to keep in mind the pond is intended to be dry 99% of the time. There is always a wrestling match between low maintenance for this kind of development for the landscaping which is the intent. The only argument he will throw out there is if you look at any other gas station, this is much more. H. Shirley said she thinks less can be fine, but it needs to be maintained, which is important. D. Green said the general positioning of their site, which has the entrance way to the side to get away from the overpass, they will have a huge front lawn area which will be a maintained grass lawn so there will be a ton of green space. J. Hammerschmidt said it would be nice to have a little bit of life there. H. Shirley said maybe a couple of different trees. J. Hammerschmidt said he is fine with it; those were his only two things.

Thomas Palmer of 1680 Cooper Foster Park Road said he doesn't have a problem with the solid fence replacing the opacity of plantings. He thinks that is reasonable. In the same consent judgement, it says that this lot will be maintained as R-1; 1.7 acres. That is when the whole thing changed to B-3, that is why the Gamblin's sued the city to get the B-3 zoning, and he intervened in that lawsuit, so these were the restrictions they had in there. He is concerned about maintenance over a period of time, but they will be good neighbors, and he will come bug them. D. Green said depending on cost, they may go with more of a synthetic material which is lower maintenance in the future. That is another thing that worried him with plantings on the other side of the fence, when it is 300 feet off the parking lot, is someone really going to be out there taking care of it every day when it is out in the middle of nowhere. H. Shirley asked T. Palmer if he liked the plan and agreed with it otherwise. T. Palmer answered yes, he likes the plan he thinks it keeps it as far away from him as it can be. He is concerned about 10 truck parking spaces because how do you keep track of 10 trucks sitting there and idling all night. D. Green said they also tried to push those as far north as they could to get them as far away from any current residential property or future. H. Shirley said they also mentioned there would be signage which states there will be no overnight parking, which was discussed at the last meeting because that was their concern as well.

J. Hammerschmidt MOVED; M. Cremean seconded to approve the landscaping plan contingent upon all the areas in the letter from the City Engineer dated July 6, 2026, being addressed. Roll Call Vote 3 YEAS. **MOTION CARRIED.**

New Business:

Applicant: Ice Empire LLC – Property Location: 4811 Liberty Avenue – PPN#: 18-00035.000 – (Zoning Certificate)

Stephanie and Eric Molnar of 108 Ashland Avenue, Elyria Ohio introduced themselves and said they would like to install a fully automated self-contained ice vending machine on the property located at 4811 Liberty Avenue. The owner, Bill Via, has signed a lease with them contingent upon approval from the Planning Commission and utility install. Basically, it is an ice vending machine, and the customer comes to the front of the kiosk, purchases ice using coins or credit card and then an ice bag is dispensed. It also dispenses fresh water which is good for refilling gallon containers. They would need to install utilities and an electric line and would have their own meter. They already talked to Ohio Edison about what the plan would be for that. They don't have a plan moving forward, they just have an idea. They would need to get an easement with Bowl Thyme which is located next door and access their electric transformer and then they would install the line underground to the machine and then they would have their own transformer and own line. They will also be accessing public water so they would have a ¾ inch waterline they would be requesting, and they still need to coordinate with the city with that. Right now, they are in the initial phase to see if they can get it approved and move forward with their project.

H. Shirley asked the reason they wanted to do this and how they picked Vermilion and the specific location. S. Molnar said this is their first venture. She grew up in Vermilion and when she was younger, she moved to Amherst and now she lives in Elyria. They vacation through Key West every year and as they take the long drive from Miami to Key West along A1A you see these ice machines every one to two miles and she did some research and found out they don't have any in Ohio besides one in Toledo and one in Lima, Ohio so this would be the only one in our area. They live in the area and thought this would be a cool venture for them. E. Molnar said they chose Vermilion because of the marinas, campgrounds, and the Lake. Looking at local communities, he feels the need for ice is more significant here than in Elyria or somewhere else.

H. Shirley said she wondered about the location because it is such a high traffic area there and you can cut from that parking lot into the parking lot of the Mexican restaurant, so she was wondering how they chose that specific location. She worries about the traffic flow and how people cut through that parking lot. S. Molnar said they did speak to the owner and they were open to pretty much anywhere on the property he would allow them to build, and he specifically suggested that location because it is his property there and he doesn't love when people are cutting through at high speeds through the Mexican restaurant and going through there. Their machine would have concrete bollards around all the angles so it is safeguarded from any vehicle issues and basically they wanted a 15 foot setback off the edge of the property and if they put it in the location they are proposing there is still a lane for traffic to go on the edge of the machine and they wouldn't have to make any modifications to the existing parking lot.

J. Hammerschmidt asked about the parking lot lights and how it would be lit. S. Molnar said when they have their electric line installed, they will have their own system built in and they will have lights surrounding the machine and a camera that is 24 hours, so it is a self-contained, self-lit machine. H. Shirley asked if the cameras were to help provide security for the machine. S. Molnar answered yes.

J. Hammerschmidt asked about drainage since it was dispensing water. S. Molnar said there are two options for drainage, and she was going to propose both to the city when they move forward with the project. There is a French drain already installed under the existing pavement and then there is also access to the city drainage which is a little further south of that location. They are not experts in this, so they do not know which is the best and so they will get clarification moving forward with the city. M. Cremean asked if there was a continuous discharge in the process of the ice making or what other byproducts there would be. S. Molnar answered there is occasional discharge, but it is mostly just condensation from the machine and excess water because it circulates so it is not continuous, but it will occasionally have flow. M. Cremean asked what the noise level is from the outside. S. Molnar answered there is no noise besides the dispensing of the ice and a slight hum. H. Shirley asked if they park their cars, get out and pay for the ice – it is not a drive up. S. Molnar answered yes, and it has a three-foot overhang in case it is raining.

J. Hammerschmidt asked with the dispensing of water if they needed to do anything with the existing site. C. Howard answered no, he was just concerned where the nearest catch basin was to drain into. It is all private property, it is not city property, and he can't imagine it will generate a lot of condensation. As long as it is draining to the catch basin, it is fine.

H. Shirley asked if they had spoken with Bowl Thyme yet. S. Molnar answered yes, they were actually planning on going with the Linwood Company originally for their site plan and then this truck park took off so they got busy with that, and they started looking for other options. They are friendly with them and Bill Via and the Linwood Company and Jeremy from Bowl Thyme are all friendly with each other. She emailed them today because they just met with Ohio Edison today. When they left the terms of the original design, Jeremy said they can come back with questions or if they have trouble getting started and he was very open to it, so she doesn't see a problem with them wanting to help.

J. Hammerschmidt asked if they would be cutting into the existing parking lot for the foundation. S. Molnar answered not for the foundation, it is a machine that sits on the pavement itself. The only thing they would need to possibly cut in would be for the electric line and then they plan to restore the blacktop to the original.

M. Cremean said, going back to the traffic question going through there, especially now with Linwood Landing and the parking happening back there, he would envision more traffic, and it is right in the middle of that drive so was the intent for it to become a barrier? S. Molnar answered not from Bowl Thyme. With the access that was just created, there is still room to drive by their machine from what they proposed, it is mainly cutting through the Mexican restaurant to the storage unit. H. Shirley asked if they had spoke to the Mexican restaurant about this. S. Molnar answered no, but they are 15 feet off the property. E. Molnar said there would still be the ability to pass through the Mexican restaurant parking lot but at a more considerable speed.

T. Valerius said they mentioned they would be 15 feet from the property there, and the plan showed 10 feet. Either one would still need a variance for a setback in order to put it where it is shown in the plan. M. Cremean asked what the required setback would be. T. Valerius said they would have to look into it more because it is not a front yard but the way it jogs around it might be considered a side yard. A side yard setback is 25 feet so they would need a 15-foot variance from the Board of Zoning Appeals.

J. Hammerschmidt asked if they were going to winterize the machine in the winter or would they keep it open. S. Molnar said the machine itself is standardized to withhold winter temperatures. They got an arctic package to make sure it is covered in the weather, and it does have a heat strip. E. Molnar said their expectations are that it would be more successful in the summertime but would still be functional in the winter.

H. Shirley asked if there was any other location in that parking lot that they had discussed with the owner or that they would consider. S. Molnar said they hadn't discussed anything. She was on board with the location because of the display it gives to Liberty Avenue, which is the closest they can get to Liberty Avenue and have the full logo out there. Being able to see it from the road was a big part of their business and what would make them successful and so they have not discussed another location.

H. Shirley asked if they received a copy of the City Engineer's letter. S. Molnar said yes, she tried to answer as many of the questions as she could. H. Shirley asked C. Howard if he wanted to address anything from the letter. C. Howard said the only thing would be the waterline service – they may have to ask for an easement from the property owner because the city's lines are on Liberty Avenue and Vermilion Road so in order to get the service for a meter, they would have to go through someone else's property. E. Molnar said they have to do the same thing for the electric, so they are prepared.

T. Valerius said they are going to have to coordinate with the Building Department for the electrical portion and the Utility Department is also right there to coordinate with the waterline. The application for the Board of Zoning appeals can be found online or can be supplied in the office.

M. Cremean MOVED; J. Hammerschmidt seconded to approve the Zoning Certificate contingent upon everything being addressed from the City Engineer's letter dated July 6, 2026, and approval from the Board of Zoning Appeals and coordination with the City. Roll Call Vote 3 YEAS. MOTION CARRIED.

Adjournment:

H. Shirley adjourned the meeting upon no further business.

Next meeting – August 5, 2026, at 7:00 p.m. - Vermilion Municipal Complex, 687 Decatur Street

Transcribed by Melanie Wood, Clerk of Council (7/15/2026)