

PLANNING COMMISSION MEETING

June 16, 2020

The regular monthly meeting of the Oregon Planning Commission was called to order in the Oregon Municipal Building by Chairman Scott Winckowski. Members present included Mayor Seferian, Yussef Olive, Greg Vriezelaar and Rick Orovitz. Also present were Public Service Director Paul Roman, Commissioner of Building & Zoning James P. Gilmore, Inspector Mark P. Kelly, and Acting Secretary Alex Schultz.

The meeting was called to order at 5:02 p.m.

Mr. Olive moved to approve the May 19, 2020 regular meeting minutes as submitted. Seconded by Chairman Winckowski. There were no objections.

The following items were on the agenda:

Z-809-20 Zoning change from C-2 General Commercial District to R-2 Medium Density Residential District on the property described as 2189 Rogers Lane, Parcel No. 44-65631. The owner/applicant is Thomas Saunders.

Mr. Gilmore stated as you can see on the overhead this is the land that the owner wants to be rezoned. It is currently C-2. The adjacent properties around the rear are all R-2. In his opinion, and in the case of the Administration, they find there would be very little impact to the neighborhood if this were changed. The reason he wants it changed is that it is currently being used as a single family, which makes it a non-conforming use in a C-2 zone and it is difficult to get a loan on property where it is not an approved use on the property – meaning that the bank will not loan on it because they can not rebuild the house on it. It would have to go to C-2 where it would be commercial.

Thomas Saunders stated he is the owner of the property and has lived there for 22 years. He was not aware that the property was zoned that way (C-2) and that if anything happened to it, he would not be able to rebuild. It is his understanding that the house was built in 1958 before the City of Oregon became a city. So, when the zoning happened obviously it was zoned C-2 and has been that way since. With additions that have been made to the property prior to them and their financing conventionally they have not had an issue with that and neither has their insurance. The issue has become because he has sold the property and the buyers are getting a non-conventional FHA loan. Unfortunately, they will not give them that particular loan unless the property is zoned R-2, only because they would not be able to rebuild if anything happened to it.

Chairman Winckowski asked if there were any further questions or comments from the Board or if anyone in the audience wished to speak for or against this matter. There were none.

Mr. Olive moved to accept Z-809-20. Seconded by Mr. Vriezelaar. Mr. Olive, Mr. Vriezelaar, Mayor Seferian, Mr. Orovitz and Chairman Winckowski voted yes. Z-809-20 was recommended for approval by a vote of 5-0.

SUE-167-20 Special Use in an **R-2 Zoned District** for the purpose of a **personal storage building** on the property described as **Parcel Nos. 44-68001 and 44-68004**. The applicant is **Martin Zak**. The locations are **2030 Lakeview Avenue** and **2034 Lakeview Avenue**.

Mayor Seferian stated a lot has taken place since the last meeting where we decided to give this to the Law Director to try and come up with a solution that would possibly permit some type of association that would connect Mr. Zak's current property where the residence is with the non-attached parcel that he wished to build a building on. We tried several different ways and we could not come up with a solution that we thought worked. Our Law Director, Melissa Purpura, tried every option to try and find a practical way to connect it. We have some other issues where we traditionally denied any structure on a R-zoned parcel without a residence, or a house, on it. Then in the year 2000, we even furthered that because people were building a house and an outbuilding and were building the outbuilding first because they could use that in the construction of the house for storing stuff; but, we then found a lot of time those garages or outbuildings got built and the house never did. Then we would fight those people in court and the outbuildings would have to be torn down creating a lot of animosity throughout the process. So, we have traditionally denied almost every application to build an outbuilding on a residential zoned property without a house. As a result, before there was Project Review with no objections; but once we heard the legal ramifications from our Law Director and Prosecutor the recommendation from the Project Review Committee has now changed to denying this application and that would be the recommendation administratively. Therefore, this would have a very small chance of being accepted. If the applicant would choose to withdraw his application at this time, we would refund the \$300.00 application fee.

Mr. Zak chose to withdraw his request.

SUE-168-20 Special Use in an **R-5 Condo-Residential District** for the purpose of **operating a business out of a food truck** on the property described as **Parcel No. 44-19754**. The applicant is **Delana Ball** for owner **Our Lady of Toledo Shrine**. The location is **635 S. Coy Road**.

Mr. Gilmore stated the only thing he could add to this is it is going to be located in the rear on the Coy side of the property close to the entrance.

Mr. Olive asked what the rules are now on food trucks.

Mr. Gilmore stated as the rule stands today if you are an organization like a church, a school or a business that has a food truck that is used not specifically for the public but for your patrons you are allowed to have that – a festival, allowed to have that. If you are sitting out on the street and you are there in competition with the brick and mortar stores selling directly to the public, you generally need a conditional use in a C-2 zone. Since this is in an R-5 Condo Residential zone it needs a special use and that is why we are here today.

Mr. Vriezelaar asked if there was a conditional use or a special use for the Hickory Farms trailer that parks on Navarre for the holiday seasons.

Mr. Gilmore replied that back when we did that, we handled that under the architectural review. It is not really a food truck it is a trailer which did not coincide with our architectural standards, so we took it to the architectural review board to get relief on that.

Mayor Seferian stated food trucks have been controversial issue with us in the city for some time. What were the actual rules? What could we prohibit? What could we allow? Most of the time, as Mr. Gilmore stated, there will be food trucks competing with a brick and mortar store that put a large investment in the community with someone who had maybe a tenth of the investment competing right across the street. So, like he said, having it coincide next door or across the street really put some hard feelings out there. When we were trying to find places in the city that would be spots to actually permit this, it appeared to us this was reasonably ideal – off the actual path of being across the street or next door to a brick and mortar store, yet still close enough so it does not have the traffic intrude on a heavy residential area.

Chairman Winckowski asked if we have a specific statute or ordinance regarding the food trucks – whether it be permanency, whether it be use, whether it be anything – is that something that Council is working on.

Mayor Seferian responded that is something we are trying to come up with and it is a very difficult thing to draft legislation that states what you want to actually accomplish, and it is hard to put into words. The answer is we are feeling it out. We have always said we will kind of let it go if we can get by without any complaints. I know that does not sound very professional, but we only chose to do it that way because we could not come up with something better. So, we are trying to feel our way through and possibly come up with language or legislation or something. When we looked around different communities, we did not find something we would consider really good. Sounds like it might be easy to put something down, but it is difficult.

Mr. Gilmore added that it is always hard to find that line that protects our people that put a large investment in the restaurant and yet have the food trucks here, which a lot of people like. So, we are trying to find a place for them.

Delana Ball stated she is the proud owner of Sabaidee Coffee and Crepes in Tiffin, Ohio and has been there since 2014. And it is doing well. It is very well received in my community. They love me. Even through this COVID I am surviving, and it is because I have people that come from Toledo. I have people that come from Columbus. I have people that come from all over the state, just to my restaurant, nothing else, just for my restaurant, because they love the atmosphere. They love the friendliness. They know that they come, and they get more than just a cup of coffee, they are loved up, and they know it and they love my product. I have a really good product. I pay a lot of money for my product; so, it better be good. I have always wanted to come and expand here into Oregon. So, I approached the spiritual center because they have a very, very large property. A very large property for vehicles and it is not being used really, and they want people to know that they are there. So obviously, they are on board. They have voted it in and said yes, we would love for you come. What I have done is I approached the city and had a meeting, a couple of meetings actually, and the Mayor was there and Mike Beazley. I have met him, and Sommer and they are on board, they want me to come. I have gotten a lot of support. But one thing that I want you to know is that I am very community minded. I purchase things in the community. I hire people from the community, and I treat them like family. One

thing this COVID did is it made me work a lot of hours and one thing I did is build an online service. So now you can go online, go to my website Sabaideecoffee.com and you can see a lot of things I offer. I am a quality coffee shop. I do not cut corners, and people know that and that is why they come. I offer coffee and I have loose leaf teas. If you go on my website, you will see a lot of things I offer. Obviously, I might scale back a little, but I offer crepes, omelets, and salads. I offer things that nobody else offers in this city. Nobody has the quality coffee that I have, and nobody has the crepes. In the end, the goal is to find out how well we are received in community and open a storefront, which would be a great asset to the downtown area.

Chairman Winckowski asked if there will be any place inside the food truck/coffee bus where people will be eating.

Ms. Ball answered no.

Chairman Winckowski questioned whether she had the availability to drive it off the property at any time.

Ms. Ball replied yes, but that is not the plan.

Chairman Winckowski asked if the people who would be coming there would either be drive thru or walk up.

Ms. Ball responded that is correct.

Mr. Orovitz asked what is prohibiting her from looking at a sit-down facility in Oregon.

Ms. Ball answered there is nothing preventing her from that, but it is quite a bit of money and since she has the food truck and it is paid for she would like to feel out the environment before sinking another hundred thousand somewhere else.

Mr. Orovitz asked if this moves forward what is her plan for hours of operation.

Ms. Ball replied that she plans on being open 5-6 days a week from 6:30 a.m. until 2:30 p.m. year-round.

Mr. Orovitz asked Mr. Gilmore if this application was to have food trucks on this property.

Mr. Gilmore responded that it is for this one food truck on this parcel and it is not for the bus to move anywhere it wants, but it is for this particular property and that particular bus on this property.

Mr. Orovitz asked if the bathroom shown on the site plan was a "port-o-potty" and is there going to be something around it.

Ms. Ball answered she could put something around it if necessary.

Mr. Orovitz asked if the bathroom is required by code.

Mr. Gilmore replied that it is not required by the building code; but he would have to check with the health department to see if they have something requiring it.

Mr. Olive asked if she plans on leaving the food truck permanently sit there.

Ms. Ball responded yes.

Mr. Olive asked how many employees there will be.

Ms. Ball answered it will be herself and whomever is hired but starting out it will probably be two.

Mr. Olive asked if there are any other SUE's for food trucks in Oregon at this time.

Mr. Gilmore replied he does not believe there is.

Chairman Winckowski asked if there was anyone else to speak in support of this matter.

Sheila Thatcher stated Delana is a Christian woman and strongly recommends she be given the opportunity to open this up for the community.

Mark Riggs stated he has known Delana for close to 15 years and she is somebody good to work with. This would give her a chance to come in and establish herself and works towards opening a brick and mortar store down the road.

Chris Rocher stated he is on the Board of Trustees for the Toledo Shrine and after much discussion with Delana, as well as sending members down to Tiffin to try out the product and getting a favorable response, they decided to allow her to put the coffee bus on their property. He added that the Toledo Shrine is a place that has been there for over 25 years and attracts people from all over the county. This coffee bus will provide hospitality to visitors and offer them a place to eat and drink.

Carolyn Ackerman stated she has known Delana a long time and though she would never want to dismiss the concerns of the neighbors, she believes they will be happy with the relationship that she brings. She thinks that her being there and eventually opening a storefront in Oregon is definitely a benefit because there is not anything in Oregon like Sabaidee, nothing with the personal touch or the quality of ingredients that Delana would bring.

Chairman Winckowski asked if there was anyone who wished to speak in opposition.

Stacey Bohland stated she lives directly to the north of the parking lot and has for 28 years. She said Coy Road is pretty busy now and she is concerned about the increase in traffic this might bring. There is also a school bus stop right in the Shrine parking lot, and she does not think it will be safe for the kids who are waiting there early in the morning. Additionally, she is concerned about the bathroom and people who are walking in the area just stopping by to use it, the parking lot not getting plowed all the time in the winter, and more overhead wires where there are already too many.

Richard Stanley stated he lives in Bayberry Creek Condominiums and his front porch faces the parking lot. He is concerned about additional trash collecting in a nearby ditch and increased traffic.

Kathy Martin who also lives in Bayberry Creek Condominiums came forward to voice her concerns.

Chuck Bonsack stated he has lived in Oregon for close to 25 years and he is against it.

Marilyn Popkin came forward to voice her concerns.

Mr. Roman stated a lot of Coy's problem in this block is really congestion from Navarre. Coy and Navarre is a dangerous intersection and the City has received a safety grant from ODOT to improve it and that is their plan. It will be dedicated right turns and there will be a median – 500 feet east and west on Navarre. It will be a major upgrade and will massively improve Coy.

Susan Jagelka came forward and voiced her comments.

Discussion was had about how long the applicant will need to successfully test the market.

Chairman Winckowski suggested the time frame for this to be reviewed again should be one year.

Ms. Ball stated that by the time this is approved, and she is up and running it would be close to September and asked that the start date begin then.

Discussion was had regarding the concerns raised by members of the audience and the Board.

Chairman Winckowski stated the floor was now open for a motion.

Mr. Vriezelaar moved to accept SUE-168-20 for a term of one year to be re-reviewed on September 1, 2021. Seconded by Mr. Orovitz. Mr. Vriezelaar, Mr. Orovitz, Mayor Seferian and Chairman Winckowski voted yes. Mr. Olive voted no. SUE-168-20 was recommended for approval by a vote of 4-1.

***** With no other business, the meeting adjourned at 7:30 p.m.

Alex Schultz,
Acting Secretary