



**Oberlin Planning Commission
Wednesday, September 4, 2013, 4:30 p.m.
City Hall Conference Room #2
85 South Main Street, Oberlin, Ohio**

Members

Present: David Gibson, Tony Scott, Peter Crowley and Matt Adelman.

Members

Absent: Marilyn Fedelchak-Harley (excused).

Others

Present: Gary Boyle; Wendie Fleming, Secretary to the Oberlin Planning Commission; Sharon Soucy, Council Liaison; Steve Varelmann; John Mazze; Brad Burrer; Eliza Weidenbaum; Casey Silverstein; Jeremy Reimnitz; Evan Zierk; Elizabeth Rumics; Tony Mealy and Mark Chesler.

Chair Gibson called the meeting to order at 4:33 p.m.

1. Approval of the August 21, 2013 Meeting Minutes.

Crowley made a motion to approve the August 21, 2013 meeting minutes as submitted. Adelman seconded. Motion carried unanimously.

2. Application for Sign Permit, Proposed Wall Mounted Sign, Dry Cleaner, ODEVCO, LLC, 133 South Main Street.

Boyle advised that this application seeks approval to install a wall-mounted, non-illuminated sign on the building's west elevation facing South Main Street. He stated that the proposed sign would be located in a manner similar to other signs installed on the building's mansard roof. This sign would have overall dimensions of 8.0 feet in length and 2.0 feet in height, and a sign surface area of 16.0 square feet. Boyle indicated that the applicant's submittal indicates that the proposed sign would have a white background and the word "Dry" would be red in color while the word "Cleaner" would be green in color.

Boyle further advised that the Design Review Subcommittee considered this application at its meeting on September 4, 2013 and subsequently moved to table it, and to request that a revised and more detailed sign design be submitted for consideration that: (1) uses a font design similar to other signs on the building; (2) features one color for the lettering; and (3) has a border trim color that helps to visually frame the sign. The Subcommittee also noted that while information was not included with the application illustrating the location of the proposed sign on the

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building, the Subcommittee recommends that it be installed on the same plane as the other wall signs on the building.

The Commission decided to take no action on this application pending a recommendation from the Design Review Subcommittee.

3. Application for Site Plan/Design Review, Proposed Exterior Building Changes, Service Building, Oberlin College, 173 West Lorain Street.

Boyle stated that this application seeks approval to construct two (2) new entry canopies on the building's east and west facades. He indicated that the proposed canopy design features corrugated metal roofing on a metal deck and steel support structure. Boyle advised that the proposed canopy would have overall dimension of 16.0 feet in length and 6.0 feet in width and would not only add architectural detail to this building but would help to identify the public entrances to the building.

Boyle noted that there are no concerns or objections have been identified by City departments, however, the proposed construction will require the issuance of a building permit. He indicated that an application and building plans have been filed with the Building Division for that required permit.

Boyle indicated that the Design Review Subcommittee considered this matter at its meeting on September 4, 2013 and unanimously moved to recommend approval of this application to the Planning Commission as submitted. He further advised that the applicant had indicated to the Subcommittee that the canopies would be painted either a dark maroon or dark bronze color. Boyle stated that the Subcommittee felt that either color would be acceptable.

Scott asked if the gutters on the canopies would drain back toward the building like some of the other buildings on campus are designed. Mazze stated that no, that rain water on these canopies would be directed to corner scuppers on the building. Scott asked whether the size of the doorways at these two main entrances would be changed and noted that there could be some concern over ice accumulations at these entrances. Mazze advised that the size of the doorways would not be changed and that the canopy extends past the doorway so there should not be a problem with ice accumulation.

The Commission reviewed this application and determined that it would comply with the Code's design standards. Adelman then made a motion to accept the recommendation of the Design Review Subcommittee and to approve the application as submitted.

4. Preliminary Presentation – Oberlin College Athletic Facilities Master Plan.

Boyle informed the Commission that Oberlin College has completed a "Master Plan" for its Athletic Facilities and has indicated that it would like to make a preliminary presentation to the

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Commission to outline some future projects that the College is proposing as part of implementing this Master Plan.

Steve Varelmann of Oberlin College Facilities Planning and Construction Office gave a presentation on this matter. Varelmann indicated that the reason for this preliminary presentation is to solicit feedback from the Commission on these possible future renovations to the College's athletic facilities. He stated that there are five (5) components that they are considering. One component would include a multi-purpose field at Savage Stadium with lighting that the high school may be able to use, upgrades to the football stadium grandstands, a new press box, the addition of alumni club seating to the stadium, and new locker room facilities. Varelmann noted that the existing stands were built in 1920 and are becoming very deteriorated. He indicated that the current press box is inadequate as are the locker rooms. Varelmann advised that the renovation work that would be done to the football stadium would entail reducing the seating capacity from 3,000 to 1,500 and adding an alumni club seating area that could also be used as meeting/conference facilities and would have an area for serving refreshments. He indicated that the College has received a donation from a foundation and the funds are to be used for this alumni club seating. Varelmann stated that the alumni club would share kitchen space with the stadium concession stand. There would also be ADA access to the grandstands via an elevator in this area. Varelmann stated that the much needed locker rooms would be clad in brick and metal siding. He advised that they have not developed a landscape plan for this project at this time.

Scott asked if other sports teams could use the field besides the football team. Varelmann stated that they would be able to do so.

Varelmann advised that another part of the overall Plan would include renovation of the pool at Phillips Gym. He stated that the pool would either be increased in size or just renovated. With this project, the pool would be enlarged, but it would still be within the same wall space. Varelmann indicated that they also propose to construct an addition to Phillips Gymnasium that would be used as a new "health and wellness center." He noted that there would be a connector between Phillips Gym and the new health and wellness center along with a court yard area. Varelmann stated that they propose to have a "juice bar" in the health and wellness center as well which would be located near the court yard.. He indicated that this facility could also be used by the community, not just College employees or students. The main entrance to the health and wellness center would be to the south so it would be easier for the public to use. Varelmann advised that the "health and wellness center" would also have a teaching kitchen to provide instruction on how to create health meals.

Crowley asked if the "health and wellness center" would have any academic space within it? Varelmann stated that there is not a classroom in that facility that would be designated as such.

Varelmann indicated that a ground level "bridge" or connection is being proposed to connect Phillips with the health and wellness center.

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Adelman asked if the high school could use the football stadium for its games. Varelmann indicated that he is not positive but discussions are underway. Because the College plays on Saturdays and the high school games are on Fridays it might work.

Adelman asked if the "health and wellness center" would be a public facility? Varelmann stated that one would have to have a membership to use the facilities but would not need to be a student or College employee.

Mealy stated that this seems to be a great plan, but he expressed concerns over the lack of parking for this "Plan." Varelmann advised that they would look at the Code concerning parking and also look at what is practical and hopefully come up with a plan that will appease everyone. He noted that some groups want plenty of parking and other groups do not because they want to encourage alternative forms of transportation. Varelmann reiterated that they would be looking at all options.

The Commission thanked the College for providing it with preliminary information regarding this project. The Commission also indicated that it generally liked the concepts presented for this project, but indicated that additional details including a review of parking would be needed to determine if parking would be adequate to accommodate the additions to the existing facilities.

5. Discussion on Food Vendor Trucks.

Boyle indicated that that the City received a preliminary application for a food vendor trailer and this application raised a number of policy issues from various City departments. He advised that City departments are still reviewing this issue, specifically where these types of vendor trucks could be located, policies on utility hook-ups, waste disposal, licensing, etc. Boyle stated that City department heads have been working to develop a policy and regulations that will address these issues.

Boyle stated that it would like direction from the Planning Commission as to whether it wants staff to further pursue the development of regulations. He advised that staff feels that it is worthwhile to further review this matter and it will be obtaining information, such as permitted locations, hours of operation and licensing from other cities. Boyle indicated that food vendor trucks located on private property could now be accommodated through the Conditional Use Permit process, however, they are currently not permitted on public street rights-of-way. An exception to this is that food vendors are permitted for special City events such as Vintage Days festival, Outdoor Basketball Tournament, etc.

Boyle noted that research has shown that other communities that have adopted food vendor truck regulations have had complaints from area restaurants regarding the competition that these food vendors give them. According some restaurant owners' complaints, permitting food vendor trucks to operate is seen as unfair competition because they have much higher overhead costs

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with their “brick and mortar” businesses, such as building rent, utilities, property taxes, etc. and that food vendor trucks have very little overhead cost in comparison.

Boyle advised that Cleveland and Columbus have adopted regulations for food vendor trucks. Akron is looking at regulations. He noted that some solutions that communities have used to settle food vendor truck owners’ disputes regarding desirable locations is to create a “lottery system” so that one particular vendor does not always get the most desirable locations. Boyle also indicated that there are Health Department regulations that are separate from any regulations that the City may adopt that must be followed. He advised that the Lorain County Health Department was contacted to see if there were any food vendor trucks licensed through the Health Department from Oberlin. Boyle indicated that staff was advised that there are no licenses/permits currently issued, but that a preliminary application had been recently filed with the Health Department and that application is under review.

Boyle stated that regulations for food vendor trucks can likely be accomplished in a manner similar to the development of regulations for the sidewalk cafes. He noted that the sidewalk café regulations took a good amount of time to develop and were considered by this Commission, City Council and the community. Boyle advised that the issue of vendor trucks will need to be addressed by the Planning Commission and a recommendation should be made to City Council.

Scott asked if there are any regulations currently regarding food trucks? Boyle stated that currently they are not permitted and City Council would need to adopt regulations regarding their operation, licensing, etc. He advised that a restaurant could have food truck on private property but a Conditional Use Permit would be required. Scott asked if ice cream trucks would also fall into this category. Boyle advised that they would be. He further noted that to his knowledge, there have been no requests made to the Police Department regarding ice cream trucks in Oberlin in the recent past. Scott asked if all mobile vendors would have to follow the same regulations? Boyle stated that they would be. Soucy advised that there are a couple of vendors that regularly attend Family Fun Fair and the Basketball Tournament and asked if they were allowed? Boyle indicated that City Council has extended special exemptions for downtown events so food vendors have been permitted provided they have the proper Health Department permits and insurance.

Tony Mealy stated that he does not have any objections to mobile food vendors and indicated that they often go to factories, sporting events and events with large crowds, but are not stationary. Boyle agreed that this is one of the types of uses that staff is looking at. These vendor trucks are transient, unless they are on private property.

Adelman asked if a hot dog truck would be permitted at the College’s football games? Boyle stated that currently, they would not be permitted. Mealy suggested that the City, if it does decide to allow food vendor trucks, should charge a fee for operating permits. Boyle advised that this is another issue that staff is considering. He noted that the food vendors that have been allowed to operate at special City events have not been required to pay a fee in the past. Boyle further indicated that the City did allow the Baseball/Softball Federation to operate a concession

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trailer at the Recreation Complex before the City built its concession stand. This arrangement required the Baseball/Softball Federation to share profits with the City, however, no money was ever received by the City because they never made a profit from their concession stand.

Gibson stated that many of the restaurants in the City have concerns over food vendor trucks being allowed to park on the street as they would likely take up valuable parking spaces in the Downtown Area. Boyle indicated that in the past, the Oberlin Main Street organization (now Oberlin Business Partnership) did not support the idea of allowing food vendor trucks to operate in Oberlin. He advised that he would like to get input from the current Oberlin Business Partnership Board on the issue of food vendor trucks. Boyle further noted that issues such as a fee for tying into utilities in order to operate food vendor trucks, waste disposal and waste water disposal also need to be considered. He stated that the Health Department also has its own regulations such as the requirement that food operations have a three (3) compartment sink to avoid contamination.

Casey Silverstein, a co-owner of Northcoast Toast, a food vendor trailer, advised that they were visited by the Health Department recently concerning their application for a permit. They are close to having a permit from the Health Department. He indicated that he has some information concerning development of regulations for food vendor trucks that he will share with the Commission and staff. This information is written by an advocate of food trailers. Silverstein stated that he understands that the City will likely charge a fee for licensing food trucks and that there could be some push back from "bricks and mortar" food businesses with respect to food vendor trucks.

Boyle advised the Commission that staff had contacted the Lorain County Health Department on today's date and was advised by that office that no permits for food vendor trucks had been issued to any vendors from Oberlin.

Eliza Wiedenbaum stated that bake sales, lemonade stands and the sale of Girl Scout cookies could also be subject to regulation if food vendor trucks must comply. That seemed unreasonable. Boyle stated that the three (3) instances mentioned are informal by nature and not a "for profit" business. He further indicated that Girl Scout cookies are prepackaged and already subject to additional regulations by government, not the City. Wiedenbaum advised that in her opinion, mobile food vendors will likely become more and more popular. Adelman stated that in his opinion, a lemonade stand for fundraising is not the same as a food vendor truck. Wiedenbaum stated that she is suggesting that these types of operations are within the same spectrum as food vendor trucks. Boyle stated that the Health Department has guidelines for handling food safely and that is why regulations are needed.

Mark Chesler read an e-mail that he received from Dorothy Kloos of the Lorain County Health Department regarding Northcoast Toast. He indicated that Ms. Kloos advised that the Northcoast Toast food trailer was under review but no approvals had been given to date. Chesler advised that Ms. Kloos had indicated in her e-mail that the food truck owners would need to address the issue of removal of waste water, food storage, etc. and were not approved to operate.

Silverstein stated that if the City did create regulations, it could charge a licensing fee. Boyle agreed. He further noted that this issue will need to be addressed in a matter similar to the development of rules for sidewalk cafés in public street rights-of-way. Mealy suggested that the issue of food trailers be handled much like adult entertainment businesses and that the City should be prepared since these types of operations seem to be gaining in popularity.

Adelman asked if Police could ticket food trailers if they were parked on the street or in Off-Street parking? Boyle stated that likely they would be given a warning initially if on the street. Gibson indicated that the zoning would need to be commercial in order for a food truck to operation.

Scott asked about situations where the College would have a food concession stand. Boyle stated that if is being used ancillary to an educational use, they would be allowed. Scott asked if the College allowed someone to operate a food trailer on its property, would that be allowed? Gibson indicated that that situation would be different and would be considered a business use, so therefore, would not be permitted. Boyle agreed.

The Commission directed staff to continue researching regulations regarding food vendor trucks and to submit a report and draft guidelines for consideration at an upcoming meeting.

6. Application for Conditional Use Permit, Proposed Two-Family Dwelling, Timothy and Robin Diedrick, 17 North Pleasant Street.

Boyle advised that an application for a “Conditional Use Permit” to provide for the conversion of a single-family dwelling to a two-family dwelling has been submitted by Timothy and Robin Diedrick for property at the above-noted location. He indicated that this application proposes that the existing single-family dwelling be converted to two-family use. Boyle stated that the subject property is located along the east side of North Pleasant Street, a short distance to the north of East College Street.

Boyle indicated that the subject property is zoned “R-1”/Single-Family Dwelling District by the Oberlin Zoning Code and Zoning Map. Section 1335.02(a)(1) provides that a “two-family dwelling” is a conditionally permitted use if approved by the Planning Commission (Section 1355.06(d)). The proposed two-family dwelling use could, therefore, only be established if such a permit is granted by the Commission.

Boyle noted that Section 1355.06(a) of the Zoning Code requires that “the Planning Commission shall hold a “public hearing” on each application for a “conditional use permit” and Section 1355.06(b) further provides that “written notice of the hearing shall be mailed. . . to all property owners within 200 feet of the property on which the conditional use is proposed,” and that the notice must be mailed not less than fifteen (15) calendar days prior to the date of the hearing. The Code also provides that “notices shall also be published in a newspaper of general circulation in the City of Oberlin not less than ten (10) days prior to that hearing.”

Boyle informed the Commission that staff has initiated the notice requirements of the Code for a “public hearing” to be held on September 18, 2013. The Commission received this for its information

7. Application for Conditional Use Permit, Proposed Bank Drive Through, Proposed Gateway Hotel Complex, Oberlin College, 7 North Main Street.

Boyle indicated that an application for a “Conditional Use Permit” to provide for the operation of a bank drive through feature associated with the proposed Gateway Hotel Project has been submitted by Oberlin College. He noted that applicant had given a preliminary presentation to the Planning Commission regarding this proposed project at its meeting on July 17, 2013.

Boyle advised that the subject property is zoned “C-1”/Central Business District by the Oberlin Zoning Map and Zoning Code and that zoning district classification requires that a “drive through facility” is a conditionally permitted use if approved by the Planning Commission as provided for under Section 1341.03(b) of the Zoning Code. He stated that the proposed bank drive through feature would, therefore, only be able to proceed if such a permit is granted by the Commission.

Boyle stated that Section 1355.06(a) of the Zoning Code requires that “the Planning Commission shall hold a “public hearing” on each application for a “conditional use permit.” Section 1355.06(b) further provides that “written notice of the hearing shall be mailed. . . to all property owners within 200 feet of the property on which the conditional use is proposed,” and that the notice must be mailed not less than fifteen (15) calendar days prior to the date of the hearing. The Code also provides that “notices shall also be published in a newspaper of general circulation in the City of Oberlin not less than ten (10) days prior to that hearing.”

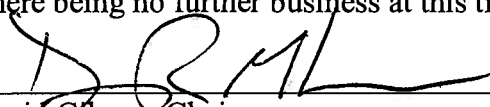
Boyle also informed the Commission that staff has initiated the notice requirements of the Code for a “public hearing” to be held on September 18, 2013. The Commission also received this for its information.

8. Other Business.

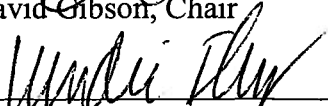
Boyle indicated that the Commission’s next meeting is scheduled for September 18, 2013.

9. Adjournment.

There being no further business at this time, the meeting was adjourned at 5:45 p.m.



David Gibson, Chair



Wendie Fleming, Secretary, Oberlin Planning Commission