RECORD OF PROCEEDINGS

Minutes of AUBURN TOWNSHIP ZONING COMMISSION—**REGULAR MEETING** Meeting

GOVERNMENT FORMS & SUPPLIES 844-224-3338 FORM NO. 10148

Auburn Township Administration Building

Held 11010 Washington Street May 9, 2024 20 1

MEMBERS PRESENT: DENNIS BERGANSKY, SCOTT BROCKMAN, GREG LACKEY, JEFF PULSFORD, TED VAN HYNING, CHAD CANFIELD, ANGELA DAUGHERTY

MEMBER ABSENT: NONE

The meeting was called to order on Thursday, May 9, 2024, at 7:00 PM by Chairman Ted Van Hyning.

Roll call was taken with the following members present: Dennis Bergansky, Scott Brockman, Jeff Pulsford, Ted Van Hyning, Greg Lackey, Angela Daugherty, Chad Canfield.

The Pledge of Allegiance was led by Jeff Pulsford.

The minutes from the April 11, 2024, meeting were reviewed by the members. No changes were made.

Motion by Jeff Pulsford to approve the minutes from the April 11, 2024, Zoning Commission meeting. The motion was seconded by Dennis Bergansky. Vote: Bergansky, yes; Brockman, yes; Canfield, yes; Pulsford, yes, and Van Hyning, yes. The motion passed.

Mr. Van Hyning welcomed the guests that were in attendance and introduced himself. He introduced his Vice-Chairman and the rest of the Commission members to the audience. He also acknowledged David Dietrich, Auburn Township's consultant and his many years of experience as Planning Director for Geauga County. Mr. Van Hyning commented on the role of the Zoning Commission, its function and the purpose of Township Zoning overall. He also explained how zoning evolved.

Mr. Van Hyning explained that Township government exists through the Ohio Revised Code. Zoning was established and voted into law by the residents of Auburn Township. He further explained that at the point that zoning was adopted, the Auburn Township Zoning Resolution was created and the Resolution is what is enforced by the Zoning Inspector.

Mr. Van Hyning shared that he has lived in Auburn Township for over eight (8) years and he likes what is happening at the Auburn Corners.

Mr. Van Hyning addressed misinformation that had been circulating through the community about food trucks. Mr. Van Hyning explained that currently food trucks/mobile food units are not permitted, nor have food trucks ever been permitted in Auburn Township, per the zoning resolution.

He explained that this is why the Zoning Commission has been working on an amendment to allow food trucks to operate legally in the Township. Mr. Van Hyning commented that while writing the amendment, the Zoning Commission is trying to implement an equitable balance between the brick-and-mortar businesses and the operation of food trucks within Auburn Township.

Mr. Van Hyning indicated that the Zoning Commission does not want a food truck parked on a vacant lot indefinitely. He also indicated there are health and safety concerns with food trucks and that is why if they are going to be allowed, they will be regulated.

Mr. Van Hyning explained the different zoning districts that have been established in Auburn Township, where they are located and why the districts have been set up.

He also explained the term "spot zoning".

He further commented that the main reason for zoning is to disallow commercial businesses in residential areas. Every township in Geauga County has zoning, except for Middlefield; which is why in Middlefield Township you will see billboards in residential front yards, a cannabis farm, unrestricted detritus everywhere and other undesirable uses.

Mr. Van Hyning explained that the Commission members are appointed by the Township Trustees and members receive a stipend per meeting for serving the community.

It was explained that zoning uses change and as the Commission becomes aware of a new use, the Commission addresses it. Some examples in recent times are Adult Day Care Centers, Car Washes, Commercial Landscapers, AirBNBs/short-term rentals, and food trucks.

Mr. Van Hyning elaborated that currently businesses are hosting food trucks and the food trucks are not permitted in the Township, this is why the Commission is addressing the situation, in the Auburn Township Zoning Resolution, if a use is not a listed use (in the Resolution), it is not permitted use. Mr. Van Hyning indicated that the Commission's starting point was to get some input from Bainbridge Township's regulations that are already in place to see what was working and not working for them.

Mr. Van Hyning moved to the "Public" on the Agenda and noted that as guests express their views they will be given two minutes of time and that guests are asked to keep the discussion civil because the Commission is trying to find a solution, the Commission is working to hear from both sides; in favor of and opposed to food trucks.

Mr. Van Hyning explained that from the last Zoning Commission meeting, there were concerns expressed with the seasonal business of food trucks and that the brick-and-mortar businesses had concerns with food trucks operating in Auburn Township, how long they could be at a location, how frequently they could be there and how many times in a month they could be there.

Mr. Van Hyning commented that we do not want a food truck to be a permanent fixture, and as a Township, we do not want transient trucks; therefore the question is how many times in a year or in a month do we allow the trucks. He explained that there is no grandfathering of food trucks that were previously in the Township, since they have never been permitted.

Mr. Van Hyning pointed out that potentially requiring permits is not a revenue source for the Township.

He advised that public comments can be informal and that the comments that are received will be considered but not necessarily included in the food truck amendment. Mr. Van Hyning also commented that eventually there will be public hearings held on this proposed amendment. The public hearings are part of the whole process and the process also includes being reviewed by the Prosecutor's Office in Chardon.

Mr. Brockman commented that the Commission wants to keep the meeting civil and neighborly.

First to speak was Tina Boyd, who commented that the doors to the Administration Building were not unlocked for the meeting until 6:45 PM. She further commented that they were made to stand out in the rain for four (4) minutes and that she felt that was rude and not reflective of the Auburn Township that she knows.

Jim Boyd was the next person to comment. Mr. Boyd stated that he lives at 11720 Washington which is in the middle of the businesses that host the food trucks. Mr. Boyd indicated that he likes the food trucks, that they are a pleasure and benefit for him and makes it easy for him to eat out. Mr. Boyd commented that he is 76 years old, is a terminal cancer patient and the trucks benefit for him. He also commented that the door to the building being locked was rude to his wife and she should be apologized to.

The Boyd's abruptly left the meeting.

Jason Wein commented that he has eight (8) properties in Auburn Township and he is an advocate for supporting local businesses and buying local. Mr. Wein explained that in his Hoff's business, he has to sell a lot of food to help support this business. He further explained that he has a liquor license at his business and he does not feel that what the Commission is currently proposing by regulating food trucks, especially limiting them to 26 times in a calendar year, is a good number to use. He felt it would be a hardship for his business and stressed that the food trucks should not be regulated. Mr. Wein also commented that it is difficult to thrive in Auburn Township, as a small business, especially with the additional obstacles, that regulating food trucks would impose.

Mr. Wein also indicated that he had been on the Zoning Commission and was asked to leave the Zoning Commission, so he left on January 1, 2024.

Mr. Brockman corrected Mr. Wein's statement about leaving the Zoning Commission and how it really happened was that Mr. Wein himself asked to be replaced on the Zoning Commission.

Mr. Brockman also commented on the letter that Jason Wein sent out, the fact that the letter was not accurate and above all that Mr. Wein knew it was inaccurate.

Mr. Wein indicated that he never wrote or signed a letter because he is dyslexic and does not know how to write letters.

Mrs. Daugherty asked if Mr. Wein's business was only open when there is a hot food truck there. She also questioned when food was served, if it had to be hot food to have a liquor permit.

A discussion took place.

Craig Sirna commented that he is not against food trucks. He stated that it is good to have other choices beside his business for food, and he does not feel that food trucks should be parked down at the old bait store.

Mr. Sirna also commented that there is not a large group of people in Auburn to draw from for business nor is there a long time for good weather in Northeast Ohio. Mr. Sirna feels that the trucks are not a permanent fixture in the Township community like the permanent businesses and they should not have the cream of the crop business during the busy season where there is good weather. He commented that the trucks do not give back to the community. Mr. Sirna also commented that he wants everyone to succeed in their business.

Dave Matz introduced himself to the Board. He indicated that he supports local businesses— he visits the Patio and the Auburn Inn and he frequently patronizes all of the food trucks because you get a nice variety from the trucks. He indicated that there should not be animosity over this and there should not be regulations on food trucks that are too difficult for the owners to deal with. He also indicated that we do not want it to be a crazy free for all, maybe require a permit once a year and require 2-week notice in advance.

Shawn Olgesby questioned if food trucks are not currently allowed, is there a way for the food trucks to operate until it is resolved.

Mr. Bergansky indicated that the proposed amendment is trying to be reasonable for the food trucks, but ultimately food trucks currently are not permitted; it is just that, they are not permitted. Mr. Bergansky indicated that we need regulations for them because they are currently not a permitted use and there needs to be some guidelines for the regulations, so Auburn does not end up with the food trucks located at Route 44 and 82 every day or being parked in the road-right-away on Route 44 which is a fatality waiting to happen.

Mr. Brockman indicated that food trucks, if they are going to be permitted, need to be regulated so that the truck is parked in a safe location and not at the edge of a main road.

He further explained that the reason to regulate food trucks is for food safety, truck safety, patron safety, not staying an indefinite amount of time, over a long weekend, special events, how many times they can come. Mr. Brockman indicated that we are looking for a balance between everyone and trying to make everyone happy.

Mr. Bergansky commented that Auburn currently does not have a dense enough population to support everything here.

A discussion took place regarding how to fill in the numbers regarding food trucks.

A guest inquiry was made regarding data about food trucks and if restaurant sales were hindered by the trucks. A discussion took place.

Another discussion also took place regarding how the permanent food truck owners will be regulated and will they be regulated differently from the transient food truck owners.

Matt Body, from 8th Day Brewery, commented that he was just made aware of what was going on with food trucks. Mr. Body felt that since they (the breweries) were the ones most effected by the food truck regulations, they should have been approached. Mr. Body also commented that he felt offended that he was not contacted about this situation.

Mr. Body indicated that he has booked food trucks in at his business for the next seven (7) months every Friday night. He commented that he is not sure what he needs to do now.

It was noted that the Zoning Commission has been working on the regulations, for several months, and will continue to do so.

A Chagrin Falls resident indicated that the regulations needed to be fair and reasonable.

Morris Wein commented that he lives on Washington Street and first and foremost wants to see each all the businesses thrive. He also commented that he does not want a food truck park but that their business is dependent on food trucks.

A discussion took place regarding how meeting minutes are recorded. It was noted that minutes are recorded on actions of the Commission and casual conversation are not necessarily kept.

Bruno Frate had a question regarding food trucks on the timeline. He also noted that food trucks themselves have a following, i.e. Brios at Hoffs.

Discussion took place regarding spot zoning in a particular area. In this discussion, it was noted that in 1948 the Patio [business] existed which was before zoning was established, so this business is grandfathered.

Mr. Dietrich was asked to comment on how property is used residentially and commercially.

Mr. Dietrich commented that the Health Department controls the health-related concerns and the Township controls the use of the property. This is done through the Ohio Revised Code and case law.

Suggestions were made and discussed multiple times regarding food trucks being permitted; especially if a business has a liquor license, they should be allowed a food truck automatically.

A discussion took place regarding fairness for all businesses. The Commission indicated that this is their goal; an even playing field and being fair to everyone.

Angela Daugherty commented that the reason regulations are needed is to keep food trucks from setting up on a property line i.e. a coffee truck setting up on the property line of the new coffee shop on Ravenna Road and how unfair that would be for the coffee shop owner. The coffee shop owner did not respond.

Mr. Sirna commented that he invested ¾ of a million dollars in his business, which includes a commercial kitchen.

Mr. Wein asked again why Auburn Township is regulating food trucks.

Joanne Myachenberg from South Russell commented on small businesses, food trucks being inspected all the time and going to Cleveland Art building. She likes how kids are coming out this way.

Scott Brockman commented about how businesses should be investing in a kitchen especially those businesses that are required to serve food.

Carey Maske from Stella Lane commented that food trucks are a positive thing but that all the comments that have been made make sense.

Mr. Van Hyning commented on the timeframe for getting an amendment in place. A discussion took place.

He also commented that the Commission has been looking for input on the frequency of allowing food trucks.

Ben Moidel mentioned his small business in the Industrial District and that we need to do everything we can to bring in food trucks.

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Mr. Van Hyning had a discussion with a community group that meets on Mondays, once a month, about how the group would be willing to suggest some ideas for the food truck amendment.

The next meeting will be June 13, 2024.

Motion by Scott Brockman to adjourn the meeting. The motion was seconded by Dennis Bergansky. Vote: Bergansky, yes; Brockman, yes; Canfield, yes; Pulsford, yes, and Van Hyning, yes. The motion passed.

The meeting was adjourned.

Minutes recorded by: J. Hardy
Minutes submitted by:

Minutes Approved on:

June 27, 2024

Sarah C. Mulleman, Secretary

Ted Van Hyning, Chairman