



MINUTES OF THE REGULAR MEETING
BOARD OF ZONING APPEALS

June 1, 2017

A. Call to Order – 7:00 p.m.

1. Roll Call - the following members were present: M. Coulter, B. Seitz, D. Falcoski, and C. Crane. Also present were D. Phillips, Chief Building Inspector, and L. Brown, Director of Planning and Zoning.
2. Pledge of Allegiance
3. Approval of minutes of the May 4, 2017. Mr. Seitz moved to approve the minutes, seconded by Mr. Coulter. All members voted “aye” and the minutes were approved.
4. Affirmation/swearing in of witnesses.

B. Items of Public Hearing

1. Temporary Use Permit – Food Truck – 885 High St. (Healthy Choices) BZA 07-17

Mr. Phillips reviewed the staff memo:

Findings of fact:

1. This property is in the C-3 district where restaurants are neither a permitted or conditional use. Temporary signs are not permitted in this district.
2. A restaurant is defined as: “a place located in a permanent building wherein food and beverages are sold to the general public to be primarily consumed within the building and is the principal business of the place; this meaning excludes drugstores, confectionery stores, lunch stands and gasoline service stations.”
3. Fast food restaurants are further defined as “those establishments which dispense food from counter-type operations to be consumed on or off the premises away from the counter and are recognized as fast food operations because of high turnover of customers.”
4. A Food Truck would not be a permitted or conditional use in any zoning district within the City of Worthington.
5. Temporary Use Permits were previously granted by staff to this vendor at 12 East Stafford Avenue on Thursday, April 20, 2017 and Thursday, April 27, 2017, from 4:00 p.m. to 8:00 p.m. with no temporary signage permitted.

6. The applicant is proposing operating a Food Truck on this property in the parking lot, on Thursdays, from 3:30 p.m. to 7:30 p.m. including setup and teardown time. No proposed start or end dates for this use were proposed.
7. The Board of Zoning Appeals is not authorized to grant use variances but is authorized to grant a Temporary Use Permit for up to 6 months, from June 8 to December 7. The applicant must apply for a renewal to operate from December 14, 2017 to June 14, 2018.

The following conclusions are presented:

1. Staff is concerned about food, grease, trash, and general litter in the parking lot, grass areas, the public sidewalk, and the neighboring properties not being cleaned daily. Staff received no complaints about such food, grease, trash, or general litter at the previous location. It would be reasonable a trash container be provided and be removed at the end of the shift.
2. Food trucks for a special event would seem appropriate but food trucks in general seem out of place in most parts of the City on a continuing basis.
3. Temporary Use Permits are revocable.

Discussion:

Mr. Coulter said the last time a food truck was near Stafford Avenue he drove by and noticed there were tables and chairs available, but he did not think they were granted permission to do that and asked if anyone followed up with the issue. Mr. Brown asked if the question was regarding the Schmidt's food truck and Mr. Coulter replied no, he was referring to this current vendor. Mr. Brown replied he was aware there was a telephone call made to City Staff regarding tables and chairs but the call referred to Schmidt's, not Healthy Choices. He stopped by last Tuesday, and there were no tables or chairs.

Ms. Crane said she had a question regarding food trucks in general seeming out of place in most parts of the city on a continuing basis. What parts of the city the memo was referring to or if that has not been defined yet. Mr. Phillips replied the locations have not been defined yet. Staff has considered what would be an appropriate place for food trucks and food deserts, such as the Proprietors Road , Huntley Road, and Lakeview Plaza corridors. There are no food choices for those businesses and if there was a recurring food truck at a property in those locations it would seem more appropriate.

Mr. Brown said the city had a similar request from the Old Worthington Partnership (OWP) who originally had discussed having a weekly food truck at the corner of New England Avenue and High Street in the corner parking lot by House Wine, but was his understanding the OWP went out and talked with the other restaurants and the restaurants

objected. The restaurants were okay with special events but did not want something permanent like weekly food trucks.

Ms. Crane asked what is close to 885 High Street and Mr. Brown replied the Dairy Queen, Pizza Primo, Subway, and possibly a restaurant south of the CVS building. He said when Schmidt's originally came into town, the Dairy Queen restaurant had reservations about the food truck coming in but the second year the owners spoke positively about the Schmidt's food truck and said it complimented their business.

Michelle Gatchell, 7917 West Orange Avenue, Delaware, said she is the business owner of Eat Now. She said her goal is to provide a community building atmosphere with food trucks on Thursday nights. They tried it for two weeks and people seemed to like what was being offered. Their goal is for people to pre-order. They had thirty-five customers the first week and thirty pre-orders the second week. The first week they had eight walk up customers and six customers the second week, but the weather was rainy. They are moving across the street, and have already spoken with the owner of the building and the tenants are okay with the business coming to the new location. The goal is to keep the truck in the back and guide people to park in the back in order to eliminate any egress issues off High Street. Part of the money raised will go to the Worthington Food Pantry.

Ms. Crane said she reviewed the application and asked if the types of food would be rotated. Ms. Gatchell replied they work with the Food Truck Association and hope to get a variety of food trucks. They promote their business on Facebook. They will post events of what trucks will be available at the location, and people will be able to click and order from the Facebook page. There will be fifteen minute intervals in which people can sign up to pick up food. Every food truck will have their own menu. The food trucks will also accept walk up orders, and can accommodate up to ten pre-orders every fifteen minutes.

Mr. Coulter said he had some concerns because the location is within the historical boundaries of the city. He said he was okay with the special events because those were limited in occurrence. Food truck areas should be outside of the Architectural Review Board district.

Mr. Seitz said he is a fan of food trucks, but has not visited them regularly. He wanted to go on record saying he did not have any involvement with the OWP decision about bringing food trucks near House Wine. He understands Mr. Coulter's concerns about the food truck locations but he also understands the OWP area is very pedestrian friendly, so he has no concerns for the location being asked for.

Mr. Brown said staff will typically issue one Temporary Use Permit, but this situation was a little different because of the timing trying to get the application on the Agenda and staff recommends the Board disapprove the downtown location.

Ms. Crane said she would not like to see food trucks encroaching the downtown area which is already serviced by restaurants, but special events would be great because food trucks bring a festival atmosphere.

Ms. Crane asked if there was anyone present to speak for or against this application.

Bruce Hash, 67 Spring Creek Drive, Westerville, said he is the property owner of 891 High Street, and he has no opposition to the concept but does have a concern about ingress and egress because of the shared parking lot in the back. He does not want to see a drive-thru line.

Amelia Chaffey, 881 High Street, has been at her location for twenty-four years. She witnessed something the night before which was odd. In the back of the 885 High Street building someone came dashing out and almost ran over her. She was startled because she was walking alongside the building and the motion detector suddenly went on. She has been noticing unusual behavior in the area for a while, and was not sure if the person who almost ran her over was leaving from a job, or just happened to be parked in the lot. She was also concerned about the noise of the generators used by the food trucks. Ms. Crane said the applicant was applying for a permit to use the area between 3:30 p.m. and 7:30 p.m., so the parking lot would not be dark yet. Ms. Chaffey said the food truck in the lot would bring undesirable people to the area and more traffic congestion.

Ms. Crane said the applicant can request to table the application or the board can take a vote.

Mr. Seitz moved to table the application, seconded by Mr. Coulter. All Board members voted "aye" and the item was tabled.

C. Other

No other business.

D. Adjournment

Mr. Seitz moved to adjourn, seconded by Mr. Falcoski. The meeting adjourned at 7:51 p.m.