

TOLEDO PLANNING COMMISSION MINUTES

A regular meeting of the Toledo Planning Commission was called to order at 7:00 pm by Vice President Anne Learned-Ellis. Commissioners present: Mary (Young) Wilson, re-appointed Commissioner Jerry Seth, and newly appointed Commissioners Jeffrey Quigley, Geoffrey Wilkie, and Joshua Smith. Absent was Paul Johnson.

Staff present: City Manager (CM) Jay Baughman, City Planner (CP) Jay Sennewald and Secretary Arlene Inukai.

Vice President Learned-Ellis welcomed each of the new Planning Commissioners and was pleased that Commissioner Seth decided to come back.

ELECTION OF OFFICER:

It was moved and seconded (Learned-Ellis/Wilson) to nominate Jerry Seth as Planning Commission President. The **motion passed** unanimously, noting the absence of Johnson.

At this time Vice President Learned-Ellis turned the meeting over to President Seth.

VISITORS: Bud Shoemake, Steve Kuepker, and Michael Ellison

APPROVAL OF THE SEPTEMBER 10, 2014, AND NOVEMBER 13, 2014, MINUTES:

It was moved and seconded (Learned-Ellis/Seth) to approve the September 10, 2014, and November 13th, 2014 minutes as circulated and reviewed by the Planning Commission. The **motion passed** unanimously, noting the absence of Johnson.

PUBLIC HEARING: MODIFICATION OF A CONDITIONAL USE PERMIT FOR PROPERTY LOCATED AT 496 NE HIGHWAY 20, REQUESTED BY THE PORT OF TOLEDO (FILE #CU-1-14REV):

President Seth opened the public hearing by stating the nature and purpose. After calling for declarations of ex parte contact, bias, or conflict of interest, Commissioner Young announced she made two site visits to the property. The statements of rights and relevances and rights to appeal were then read.

Staff Report: CP Sennewald reviewed the staff report as on file at City Hall. He reported that Fishpeople Seafood and the Port of Toledo came before the Planning Commission last year, requesting a conditional use for food production in the Commercial Zone. Approval was granted and operations began in August, 2014. Since then, Fishpeople found a need to relocate the refrigeration containers and to add a dry storage unit. The new location is at the north side of the property, away from the originally approved site. They are also requesting an addition to the number of employees, asking for a limit of 14 employees working on any shift. Based on one of the conditions of approval, expansion or modification of the use requires Planning Commission review. Since the operation began, no complaints have been received. The Planning Commission will need to focus on the three changes to the plan and determine if they meet criteria in the

Municipal Code for suitability and compatibility with surrounding lands.

CP Sennewald noted that a correct site plan shows 7 of the front parking spaces are actually located in the Highway 20 public right-of-way. According to the Toledo Municipal Code parking section, on-street parking spaces can be used in the parking formula. Commissioner Wilson voiced concerns about parking. She stated that she made two site visits, one during business hours and one after hours. Parking during operation hours was very congested. She expressed concerns when there is a Port meeting at the same time the plant is running. Also, she pointed out that the containers were not in the original location. The containers are exposed from the street and she learned that the neighbor to the south also has a storage container. She asked that the storage containers have a matching exterior finish.

CP Sennewald stated the Commission has the authority to require parking conditions if necessary. He explained that the containers were moved away from the retaining wall because of the concerns for the load near the wall. The new location is in a safer area and they are currently stacked two containers tall. The proposal is to keep the containers in this north area, but to unstack the units, which provides a lower visual profile from the street and it will be safer for employees to access. As part of the conditional use process, the Public Works Director and Fire Chief reviewed the request and comments were included in the staff report. Commissioner Wilson noted that fire access to the back of the property is worrisome during business hours.

Commissioner Wilkie pointed out that the containers are larger than the parking space and could go beyond the pavement area. CP Sennewald reported the storage containers are exempt from building code requirements because they are not permanent structures.

Applicant Testimony:

Port Manager Bud Shoemake and Fishpeople Seafood General Manager Steve Kuepker provided information on the request. Mr. Shoemake reported good improvements have been made to the site. The storage units were relocated from the original approved area because of the proximity to the retaining wall. The new location is a safer, better location. Mr. Kuepker added that his main concern with the location has to do with safety. He added that he prefers they are not double-stacked, as each maneuver to access the containers poses a risk. Mr. Kuepker announced they just passed an audit for food safety, which opens up major markets for Fishpeople. A lot of planning and training went into the BRC audit, which is a global food safety initiative. It often takes most companies 12-18 months to prepare for the audit, but it only took Fishpeople 5 months. Mr. Shoemake announced that this is a major accomplishment and allows Fishpeople to sell to large retailers, such as, Walmart, Target, and Costco.

In answer to Commissioner questions, Mr. Shoemake clarified that the original plan showed the container location to have a footprint of two storage containers, but it was always the intent to have four units, double-stacked. The proposals is to relocate the four containers, unstack the units, and add one dry storage container. CP Sennewald added that the north location makes the unit more visible from the street, but the applicant has offered to paint the containers so they all match. President Seth stated positive comments about the facility have been made and he was unaware of any complaints with the operation. Mr. Shoemake added that a neighbor submitted a letter to the Port that he does not have problems with this request. He also spoke with another neighbor who is happy with the operation.

Commissioner Wilson suggested the parking spaces identified on the plan as 23-29 be designated for Fishpeople employee parking. Mr. Shoemake reported that parking spaces 7-14 are typically used for the Port office and this area includes the handicap parking spaces. Port of Toledo meetings are typically held in the evenings and they have not experienced parking conflicts. Mr. Kuepker stated his willingness to establish employee parking. Commissioner Wilson reiterated that there is a lot going on and she wants to make sure adequate parking is available for all. A condition of approval can be drafted for designated parking areas.

Commissioner Smith questioned the number of shifts expected for the operation. Mr. Kuepker clarified they expect two shifts and at this time, 12 employees per shift. Growth is expected, which is why they asked for 14 employees for each shift. They may eventually run a night shift, but they will not have any shipping after 4 pm. At this time, the two shifts run approximately 6 am–2:30 pm and 2:30 pm–11 pm.

Mr. Shoemake added that most people usually cannot detect noise from the operation. Mr. Kuepker clarified they have not experienced problems with deliveries at the site. He also confirmed that the proposed location of the containers would not require any tree removal. When the containers were stacked, some lower limbs were removed, but the trees will remain.

Proponent Testimony: None.

Opponent Testimony: None.

Other Interested Parties: Michael Ellison of 408 Hilltop Lane, Toledo, reported he likes what he heard from Fishpeople that they want to be good neighbors and are willing to address the parking concerns. However, he expressed concern with the amount of stormwater from the site and that the drainage along the corner (near the retaining wall) is directed towards his property. He'd like to have the drainage removed from the area or redirected from his property. He clarified that the drainage is rainfall/surface water and is not run-off associated with the plant's operation. The plant's operation has not worsened the condition, but it has been an ongoing issue.

CP Sennewald noted that this is a pre-existing condition and the Planning Commission should encourage the Port and Mr. Ellison to find a solution during this process. Mr. Shoemake confirmed that the drain is on the Port property and he will look into the problem with Mr. Ellison.

Rebuttal by Applicant: None.

Questions by Commissioners: None.

Deliberations: The public hearing was closed and the Commission entered into deliberations. Commissioners discussed adding a condition to designate parking spaces 23 through 29 as employee parking.

It was moved and seconded (Learned-Ellis/Wilson) that based on the Facts, Staff Report and attachments, Draft Findings, testimony received, and the evidence and arguments before the Planning Commission at the public hearing on February 11, 2015, the Planning Commission determines that the request by Fishpeople Corp. and Port of Toledo for a conditional use permit to allow expansion of a food production facility that includes seafood processing with retail goods

and services located within the Commercial Zone complies with the Toledo Municipal Code 17.64.050. The Commission hereby adopts the staff report Findings, as well as the recommended conditions of approval for application #CU-1-14(rev) and the addition of a condition of approval for employee parking, allowing for correction of typographical and grammatical errors as needed.

1. Approval is based upon the revised application and plan. Any change to the approved plan shall be submitted to the City Planning Department as a new application for a conditional use permit.
2. The applicant shall operate the business in a manner that complies with the operating standards approved under the original conditional use permit, with conditions, dated May 1, 2014, except as amended by this case file.
3. Access across the subject property between NE Highway 20 and Hilltop Lane to serve the adjacent property to the east containing a single family dwelling shall be preserved and not obstructed in any way.
4. The natural vegetation and forested areas that surround the developed portion of the site, along the eastern and southern perimeters, may not be removed except as necessary to prepare the site for additional containers as proposed.
5. The storage and freezer containers shall be painted in a muted, earth-tone color to minimize their visual impacts as seen from the Highway 20 right-of-way.
6. The conditional use permit may be revoked by the Planning Commission, after a hearing conducted in the manner required for approval of a conditional use permit initially, upon the following grounds:
 - a) Failure to comply with the conditions of approval.
 - b) Discontinuance of the use for a period in excess of two years.
 - c) Failure to comply with other applicable provisions of the Toledo Municipal Code.
7. The parking spaces #23-29 as shown on the submitted plan shall be designated and used for employee parking.

The **motion passed** unanimously, noting the absence of Johnson.

CP Sennewald reported an Order will be prepared for signature, hopefully by the end of the week.

STAFF COMMENTS:

CP Sennewald reported that things have gone well since coming to Toledo and people have made him feel welcome. He has been in contact with DLCD Representative Patrick Wingard to provide Planning Commissioner training at the March meeting. Commissioners welcomed the training opportunity, but asked if there will be a time conflict if a public hearing is scheduled. CP Sennewald reported there is potential for a public hearing and he will be in contact with Mr. Wingard if they need to reschedule. CM Baughman will let City Councilors know about the training.

COMMISSIONER COMMENTS:

Commissioner Quigley stated he looks forward to training opportunities. CP Sennewald

welcomed anyone to call or visit on Mondays if there are any questions or concerns. Commissioner Wilson added that Secretary Inukai is a good resource and accessible as well. She mentioned that it is beneficial to have good staff.

Vice President Learned-Ellis welcomed Commissioners Smith, Wilkie, and Quigley. President Seth repeated the welcome and want to make sure everyone feels comfortable with participating in the hearings.

There being no further business before the Commission, the meeting was adjourned at 7:55 pm.

Secretary

President