MINUTES
ONTARIO PLANNING COMMISSION
MARCH 11, 2015

The Ontario Planning Commission met in regular session on March 11, 2015, at 7:00 p.m., in the Municipal Building with Chairman Fred Zahn presiding. The following Committee members were present at roll call: Chairman Fred Zahn, Mayor Randy Hutchinson, Service-Safety Director Jeff Wilson, and Jill Knight. Also in attendance was Law Director Andrew Medwid, Zoning Inspector Dan Herrold, Mark Rufener of K.E. McCartney and Clerk of Council Cathy VanAuker.

Mr. Motley was excused from this evening's meeting.

Mr. Zahn presented for approval the minutes of the regular Planning Commission meeting held February 11, 2015. Mrs. Knight made a motion to approve the minutes as presented and Mr. Wilson seconded the motion. Four members voted Aye, zero Nay, and the motion to approve the minutes passed.

The first item on the agenda brought forward Ron Erich, owner of The Warrior Drive-In, seeking final site plan approval for an accessory building (walk-in cooler/freezer) to be located at 3393 Park Avenue West. Mr. Herrold said this accessory building would be connected to the existing accessory building at the back of the lot. All setbacks meet code.

Mr. Wilson made a motion to approve the final site plan approval for an accessory building to be located at The Warrior Drive-In, 3393 Park Avenue West. Mayor Hutchinson seconded the motion. At roll call four members voted Aye, zero Nay, and the motion carried.

Next to come before the Commission was James Finnegan, of Finnegan Construction, seeking approval on a preliminary site plan variance request (front yard setback) for the construction of the Todd Smart Maintenance Building at 575 Urwin Parkway. Mr. Herrold said this is a long narrow parcel near the Fed Ex building. This property will require a 15′ front yard setback variance from the easement and before continuing with building plans they are asking for pre-approval of this variance request. All other preliminary plan aspects meet code.

- Lt. Mullins comment was if the building had sprinklers no access to the rear was necessary, but if there were no sprinklers the Fire Department would require a minimum access width of 24′ to the rear of the building.

Mayor Hutchinson made a motion to accept the proposed 15′ front yard setback variance request that will be presented during final approval. Mrs. Knight seconded the motion. At roll call, four members voted Aye, zero Nay, and the motion carried.

Next to come before the Commission was Angelo Sorrenti, 1370 Lex-Ontario Road, regarding final site plan approval for one duplex and one variance request for each lot, totaling seven variance requests. Mr. Herrold said this is a continuation from the February meeting and since that time the side yard setbacks have been corrected to meet code and no longer require a variance. The lot closest to Mr. Stansky required a 10′ setback but Mr. Sorrenti made provisions

for a 12′ setback. The remaining side yard setbacks are between 10′ and 11′. All front and rear yard setback requirements meet code.

- Mr. Medwid referenced Codified Ordinance 1145.l6(a)(1-2) stating his recommendation was to approve these variances as area variances, not use variances, which creates a lessor standard because Mr. Sorrenti has no alternative option because a single family structure requires 80′ frontage and these lots are 70′. Additionally, after the county approved this plat the city changed the requirements making these lots non-conforming. Once the changes occurred it was Council's intent to allow the property to be used as originally indicated. No matter what is built, single family homes or doubles, a variance would be required for non-conforming.
- Mayor Hutchinson said anything that was platted before the changes were made was still permitted to be used in that manner.
- Mr. Medwid said if these lots were compliant prior to the changes but then became prohibited it was the intent of the ordinance to permit the non-conformities until they were removed.
- The lots were platted in 1995 and the current ordinance was updated in 2001. It was not the intent of the city to make the lots non-conforming by making the change.
- The building units were increased 50sf to satisfy the side yard setback; units are 1,250sf.
- Mr. Sorrenti will provide a storm water management plan. The 10,000 – 12,000 sf roof runoff will be directed toward the front of the building to the storm sewer so less water is going to the back and he will create a swale taking the water 30′- 40′ away from the back of the building.
- There are no plans at this time for a greenbelt in lieu of the natural growth but installing some pine trees in the back could help with the excess water and offer residents a better view.
- Mr. Sorrenti made a deposit and has a contract for the purchase of this property.

At 7:30 p.m., the Public Hearing portion of the meeting was opened.

David Pohlabel, 1926 Teakwood Drive, was first to come forward requesting the Commission deny the variances. These properties were purchased with the knowledge they were not conforming properties. The standards were changed in 2003 and are more than 10 years old. After 2003 there were three lots across from him that weren't sold and the owner replotted them into two lots to ensure them as buildable lots. The purpose of a variance is when there is no other option but in this case there is and that is to replot the lots so they are conforming. The lot frontage is 70′ wide, the code is 100′, which is a 30% reduction of the standards and will have a negative impact on the value of his property.

Carmen Lillo, 1947 Teakwood Drive, addressed Commission members. Before she purchased her property there were three lots that had to be split into two lots in order to meet the required setbacks causing her to pay for 1 ½ lots and increase real estate taxes. This was done in accordance to the rules of the city so there shouldn't be allowances for something that is already in place. She has concerns with too many buildings going in and she agrees with Mr. Pohlabel.

Next to approach the Board was Dave Matthes, 1932 Teakwood Drive, to express his concern for the seven duplexes being proposed that could bring in 14 families. The school buses are already full, the duplexes have one car garages so vehicles will park in the driveways, these could be rental properties and he remembers what happened with Landings Court. He wants to protect his neighborhood and is concerned with the housing Mr. Sorrenti wants to put in so he is requesting the variance is denied.

Jason Hale, 1935 Teakwood Drive, came forward to say he lives on the other half of the three lots that were split to comply with current regulations. He agrees with his neighbors and these rules are in place for a reason, a density reason, and a variance is not the only way to solve this issue, a replatting would make it comply with standards.

Mike Stransky, 880 Randallwood Drive, stood before the Commission to say his property is west of these lots. Variances are approved when they are necessary but he wasn't sure this was necessary. He agrees with everyone else on the values of their properties.

- At the February meeting the Law Director asked that Mr. Stransky's comments were forwarded to the March public hearing because his lot, #2606, was tabled to allow Mr. Sorrenti more time to consider his design options. Mr. Stranksy's comments from the February meeting were as follows:

  Mike Stransky thanked Commission members for giving it more consideration. His concern was his shallow backyard and by setting the structure on lot #2606 back farther would impede his backyard living space. The pine trees are at the edge of the property line. Building a single family home instead of a double on that lot would allow more setback footage.

Bill Depue, 1954 Rosewood Drive, was next to come forward to say he was against the variance because he has seen some of Mr. Sorrenti's other complexes and he does not think a two story complex would look part of the community. Most of the houses in the Westwood subdivision are single story and if anything is going to be built on those lots it should be within the standards of what that community looks like. Looking at the architectural drawings, the buildings are going to stick out like a sore thumb. Whether they are rented, leased, or bought, his concern is that he has experienced living around Section 8 housing and he doubted the city would want that either. There is good and bad Section 8 but most of it is bad. He feels the variance should be denied and single family dwellings should be built on those lots, nothing that will stick out above what is already there.

At 7:43 p.m., hearing no one else who wished to speak, Mr. Zahn closed the public hearing portion of the meeting.

Mr. Wilson addressed Mr. Depue by referencing his comment on building single story dwellings. Regardless of the outcome, zoning allows for this type of unit to be built in R-2.

When Mr. Zahn asked for a motion to approve the site plan as presented, no motion was made, no action taken.

Mr. Sorrenti said he would resurvey to get six lots which would eliminate one building but he would technically be losing two lots in order to become compliant with the lot square footage of 15,000 sf. The same style of building would be used and all regulations for an R-2 would be met. When Mr. Sorrenti asked if he would need to return to Planning Commission after the lot was surveyed and met all requirements, Mr. Herrold said he would research if the change would make this a major subdivision instead of a minor subdivision process. Mr. Herrold will check with Richland County.

The next item on the agenda was the discussion to create new protocol for hospital zones that would be more flexible for their unique signage displays. Representing Ohio Health Network was President of OhioHealth Medcentral Jean Halpin, Director of Real Estate and Construction Mark Davis and Senior Director of Marketing and Communications Lewis Sanderow.

Mr. Herrold referred to the handout specifying the proposed permitting process, the definition of a hospital, and setbacks.

- Signs within the 75′ area would still require a permit but there would be no permit fees or area fees required. This ensures Planning Commission is aware of any signs intended for installation and gives them the opportunity to address any safety concerns.

Ms. Halpin came forward and thanked Commission members for asking them to participate in the writing of new legislation. This is the first year for the merger of Ohio Health and Medcentral and she appreciates the opportunity to offer input. The proposal is a methodology that works very well in many communities. They recognize the need to bring forward plans for monument signs or anything within the area where signage is allowed but they have flexibility behind that specified area as they recruit physician practices and expand other areas of collaboration.

- Mr. Herrold said the definition of a “Hospital” was taken from what Delaware has in place.
- Mr. Medwid clarified that the definition states “accommodations and medical or surgical facilities”, therefore both conditions would need met. Changing the “and” to “or” would relieve this requirement.

Ms. Halpin continued:

- Ohio Health offers laboratory services, imaging services, education, and physician offices. Services are billed through the hospital process as a hospital based billed facility because they are Joint Commissioned Surveyed just as a patient institution would be.
- Outpatient services are growing because that is how the population is going to be primarily served. Annually, Ohio Health performed 150,000 in-patient services compared to over 3 million out-patient visits, showing growth as more services can be done on an out-patient basis.
- The community usually determines the signage regulations. Based on the parameters of the community Ohio Health then adds their nomenclature, such as for physician practices. They have architectural recommendations but then they align with the community to make sure there’s not a specific standard.

Mr. Medwid preferred the Health Services District to the Hospital definition because it was more encompassing and other related entities could be included. He was concerned if the definition of 'hospital' was too broad it would encompass doctors' offices.

- Mr. Herrold preferred to avoid rezoning.
- Ms. Halpin said by regulation they are considered hospital space through the Joint Commission which is a regulatory body that defines this space which physician offices are not required to comply. They are considered an outpatient facility of the hospital system. In order to include a medical office building the requirement would be a broader group of individuals versus those that are part of a hospital system.
- The hospital definition should include a regulatory body, such as the Joint Commission affiliated with the Ohio Department of Health. This would not apply to physician offices or self –pay, such as a plastic surgery center, because they wouldn't be able to open a facility and call themselves a hospital unless they go through the accreditation process. A lot of things could be a medical complex but not categorically a hospital.
- There are plans to update the exterior of the W. 4th Street facility and add monument sign changes in approximately 16 months. There are no plans to install overnight beds. This location is to focus on outpatient services.

At 8:12 p.m., with no further business to come before the Planning Commission, Mr. Wilson made a motion to adjourn with a second by Mrs. Knight. At roll call, four members voted Aye and the meeting was adjourned.

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Fred Zahn, Chairman Date