MINUTES
ONTARIO PLANNING COMMISSION
APRIL 13, 2016

The Ontario Planning Commission met in regular session on April 13, 2016, at 5:03 p.m., in the Municipal Building with Mayor Hutchinson presiding. The following Commission members were present at roll call: Mayor Randy Hutchinson, Service-Safety Director Jeff Wilson, Mick Motley, Jill Knight and Susan Wiles. Also, in attendance were Assistant Law Director John Studenmund, Zoning Inspector Dan Herrold, K.E. McCartney Engineer Mark Rufener, and Clerk of Council Cathy VanAuker.

Mayor Hutchinson opened the floor to nominations for the Planning Commission Chair. Mrs. Knight nominated Mrs. Wiles, seconded by Mr. Motley. At roll call four members voted Aye, zero Nay, one Abstain by Mrs. Wiles and the nomination was approved.

Mr. Motley moved to approve Mrs. Wiles as the 2016 Planning Commission Chair. Mrs. Knight seconded the motion. At roll call four members voted Aye, zero Nay, one Abstain by Mrs. Wiles and the motion passed.

Mrs. Wiles presented for approval the minutes of the regular Planning Commission meeting held March 9, 2016. Mrs. Knight moved to approve the minutes as presented and Mayor Hutchinson seconded the motion. Five members voted Aye, zero Nay, and the motion to approve the minutes passed.

First to come before the Commission was Arnold Clawson of Clawson Commercial Properties LLC and owner of Hobby Town seeking site plan approval for a change of use for the rear 3,596 sf of the future Hobby Town building located at 2400 West Fourth Street to be used as an "indoor amusement" instead of retail and the front 3,989 sf would remain retail. Mr. Clawson said he is moving his business from August Drive to this location. The request for the change of use is to utilize the extra space at the back of the building for a miniature golf course. Mr. Clawson also addressed the 85 sf wall sign variance request resulting from the configuration of the building jutting out and code does not allow for a larger sign because only 15% of that wall area may be used.

- Mr. Herrold said there were plenty of parking spaces and Mr. Clawson has agreed to pave the gravel spaces if they were constantly being used.
- The vacant residential home on the west side was in a Business District. There was not a greenbelt in place at this time but there was a 20′ setback that would allow room for one. Rather than enforcing the greenbelt code at this time, Commission members chose to wait until the house was occupied then address the greenbelt and planting of trees.

Mr. Motley moved to approve the final site plan with the stipulations discussed pertaining to the parking spaces and the greenbelt. Mrs. Knight seconded the motion. At roll call, five members voted Aye, zero Nay, and the motion passed.

Mr. Herrold said the 85 sf sign variance request would enlarge the sign to a total of 185 sf.

- If an additional monument sign was used for miniature golf it would be located on the parking lot side of the building.

- When figuring the allowable square footage for a sign only the section of the building the sign is going to be attached can be considered, windows are never included in the calculation. In this case, only the area above the windows can be used in determining the size of the sign.

Mr. Wilson moved to approve the 85 sf sign variance for Hobby Town. Mrs. Knight seconded the motion. At roll call, five members voted Aye, zero Nay, and the motion passed.

Mayor Hutchinson moved to accept the final sign plan as presented. Mr. Motley seconded the motion. At roll call, five members voted Aye, zero Nay, and the motion passed.

The next item on the agenda brought forward William Russell seeking final site plan approval for a 1,699 sf single family dwelling to be located in an R-1 Single Family Residential District located at 600 Overbrook Court. The proposed house is wider than the allowable setbacks making it difficult to place the garage on the north side and a covered patio on the east side. The variance requests for the north and east side are each 5′.

At 5:18 p.m., Mrs. Wiles opened the public hearing on the proposed variances for the property located at 600 Overbrook Court. Calling three times and hearing no one who wished to speak, the public hearing was closed at 5:19 p.m.

Mr. Motley moved to approve two 5′ setback variances, one on the east side and one on the north side of the property located at 600 Overbrook Court. At roll call, five members voted Aye, zero Nay, and the motion passed.

The next agenda item was the proposed legislation amending Section 1145.28 General Provisions Site Plan Review and Section 1151.04 Planning Commission Duties.

- Mayor Hutchinson said this change would allow the Zoning Inspector to approve plans that meet all code requirements. Only plans requiring variances or any alteration of code would be required to come before the Commission.
- This ordinance reflects the time change of the Planning Commission meeting to 5:00 p.m.

Mrs. Knight moved to approve the proposed ordinance changing the site plan authorization and the meeting time. Mr. Motley seconded the motion. At roll call, five members voted Aye, zero Nay, and the motion passed.

Next was a discussion about farm animals within the city limits of Ontario. Mayor Hutchinson said there have been odor issues involving one of the farms in town. City code and ORC states any farm and agricultural use outside of the municipality are exempt from areas such as odor issues and different building heights. The question was raised if any changes should be made to the current code that would prevent new farms or specific animals? Changes would not affect existing farms as there are several farms within the city that raises cattle and horses. The complaints were specifically about the hog farm. Some research has already been done and some municipalities restrict certain animals. Code allows farms anywhere within the city on five or more acres with no restrictions on the type of animal.

- No property within the city limits is zoned agricultural.

- 4-H projects have a positive family aspect but the type of animals should be considered because not all types of animals create the same nuisance.
- There are reasons people live in a city and reasons why they live in the country.
- The only concern expressed by the Health Department was if a well was located under the area spread with manure. That was not the case in this scenario.
- Many cities do not allow farm animals.

Lisa Wolf came before Commission members. She is the tenant in the house on the hog farm. She has lived there for 1 ½ years and has no issue with odor, it could be a wind issue. The owners take very good care of their animals, cleaning stalls and applying lime three times each week. The only time an odor is noticed is when there is a specific weather condition of a certain temperature and humidity with a shifting wind.

- Ms. Wolf asked if this farm was grandfathered would they be exempt from fines or enforcement of ordinances for odor.
    - Mrs. Wiles said that would be one of the items to discuss.
    - Mayor Hutchinson said an ordinance would go before Council to make the decision but before that happens there is a lot of research and discussion to take place.
- Mr. Wilson suggested moving forward there should be no new farms but a lot of discussion is needed before making any decisions on existing farms.
- Mr. Studenmund said if the city does not adopt their own ordinances then the ORC prevails.
- Mrs. Wiles felt farms should have to obtain zoning certificates for buildings or structures since residents on less acreage must have a zoning certificate for a storage shed.
- Mr. Studenmund said if there was a public safety concern or public welfare such as sanitation or water supply issues then it would initiate legal reasons to make a change. A new law would be effective toward any development or change in land use going forward.
- More discussion will take place at the next Planning Commission meeting which will be advertised inviting interested residents to attend.

At 5:45 p.m., with no further business to come before the Planning Commission, the meeting was adjourned upon a motion by Mrs. Knight and a second by Mayor Hutchinson.

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Susan Wiles, Chair Date