MINUTES
ONTARIO PLANNING COMMISSION
JUNE 11, 2014

The Ontario Planning Commission met in regular session on June 11, 2014, 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, Mick Motley and Jill Knight. Also in attendance were: Law Director Andrew Medwid, City Engineer Linda Timmer, Zoning Inspector Dan Herrold, and Clerk of Council Cathy VanAuker.

Mr. Zahn presented for approval the minutes of the regular Planning Commission meeting held May 8, 2014. Mrs. Knight made a motion to approve the minutes as presented and Mr. Motley seconded the motion. Five members voted Aye, zero Nay, and the motion to approve the minutes passed.

Law Director Andrew Medwid distributed handouts and explained variance requests, how it pertains to city code, the criteria for granting an area variance or a use variance, and examples of each.

- Variances are referenced in Codified Ordinance 1121.06.
- There are two types of variances: area and use.

The next item on the agenda was the final site plan approval and two variance requests for a new gas station/convenience store to be built at 1605 W. 4th Street. Mark Rufener of K.E. McCartney came forward representing Rama Tika Retails LLC. Mr. Herrold explained the west end driveway on W. 4th Street was not 75′ from the property line nor 150′ from an existing driveway, as required by Codified Ordinance 1145.07(a)(2), because to the west is the property line and another driveway within those dimensions. The second variance is for the setback distance which requires a separation of 15' between the right-of-way and the beginning of the parking lot. The variance request would allow the existing parking lot to remain in the setback but not the right-of-way.

- The 15′ minimum canopy height will allow Fire Department equipment to pass under without restrictions.
- Mr. Rufener referred to the first variance request. The far west driveway on W. 4th Street matches an existing drive. A second drive that was closer to the intersection of W. 4th and Home Road was eliminated.
- Ms. Timmer said she asked them to keep the drive farthest from the intersection because the intersection is busy with three lanes which would be difficult to cross; stacking would also be a concern.

Mr. Rufener said the second variance request concerns Codified Ordinance 1141.01(e) requiring a 15′ greenbelt. They wish to utilize the existing foundations and pavement but by doing so they would lose parking on the east side in order to comply with the greenbelt.

- Ms. Timmer said the site distance is adequate without the greenbelt as long as nothing is planted in the right-of-way.

Mr. Rufener said they were going to abandon the gravel drive along the northern edge of the property line but the current owner requested it remain in place for emergency vehicle access.

- Brad Mowry, who currently owns the property since Rama-Tika Retails, LLC has not yet actually purchased the property, is also the property owner to the west. Mr. Mowry came

before the Commission stating that an easement across the back would include the water line and the gravel drive which he will bring up to code and maintain. Mr. Zahn asked Mr. Rufener to include this information on the final plat.

Because the property has not been purchased, Mr. Wilson recommended anything being considered tonight is specific to this project and does not remain with the property.

Mayor Hutchinson made a motion to approve the parking lot setback variance. Mrs. Knight seconded the motion. At roll call four members voted Aye, zero Nay, one Abstain by Mr. Motley, and the motion passed.

Mrs. Knight made a motion to approve the drive variance on the west side of the property. Mr. Wilson seconded the motion. At roll call four members voted Aye, zero Nay, one Abstain by Mr. Motley,

The next item on the agenda brought forward Elizabeth Monigold, Property Manager for Dave Mayer, of Buckeye Village Apartments, seeking a variance for the 96 sf banner mounted on the leasing office at 1522 N. Lex-Springmill Road. Ms. Monigold said the house sits far from the road so the sign distinguishes the office from a residential home and notifies customers they are open. Mr. Herrold said code stipulates the sign can be 27 sf attached to the building façade. This banner is attached properly but requires a 69 sf variance.

- The buildings on the property are scheduled to be completed at the end of July. The variance request application states the banner would be displayed on the leasing office until August 23, 2014.
- Once the property is finished a small sandwich sign would be placed in front of the apartment complex. There would not be a sign on the outside of the building.

Mr. Motley made a motion to grant the 69 sf variance request until August 23, 2014. Mr. Wilson seconded the motion. At roll call, five members voted Aye, zero Nay, and the motion passed.

The next item on the agenda brought Peter Peterson of Interstate Batteries and Jeremy Lucas, Operations Manager of Lind Media, to come before the Commission appealing the City Engineer's decision to disallow their wall sign permit at 1699 W. Fourth Street. Ms. Timmer said the description for a banner and a wall sign are essentially the same. Her concern was with the safety of the springs used in attaching the banner to the wall and if they would hold long term with the winds. The vinyl sign is on a frame mounted by springs, the frame is not holding it in, it is attached to the springs.

- Mr. Lucas said the springs were engineered to expand and retract countless times and won't fail until 18 – 20 pounds per spring. Ms. Timmer was concerned about the fatigue rating but Mr. Lucas said he couldn't measure fatigue on this because it wasn't a soft steel. This is not a typical spring, Honda hired this company to make the springs that are used in their seats. The springs are stainless steel to withstand outdoor elements. Mr. Lucas circulated a picture of a banner with these springs still intact, unlike the broken acrylic signs, after a tornado went through Wooster several years ago. All Lind billboards are a spring method.
- Billboards now use this vinyl system with springs and some of the billboards have been up for years. Lind has 800 billboards in 25 counties and they have not had any problems.

Ms. Timmer requested fatigue calculations on the springs from a licensed structural engineer. Mr. Lucas said he did not have any information on a fatigue test but should have the results in a few days. Lind has two engineers stamp their drawings on larger signs than the one proposed for Interstate Batteries. This may be OK for a temporary situation like a banner or a billboard, but this variance is for a permanent installation which requires a permanent solution.

- When Mr. Lucas asked if the fatigue test would be a blanket approval on future signs or would he need to have this test done each time, Mr. Zahn said they are only looking at this project.

Mr. Wilson made a motion to approve the wall sign permit contingent upon acceptance by the City Engineer on the information provided by the fatigue test. Mr. Motley seconded the motion. At roll call, five members vote Aye, zero Nay, and the motion passed.

The next request brought before the Commission was the Electric Guard Dog Fence Company appealing the decision of the Zoning Inspector to approve installation of an alarm system/electric fence located at SAIA Freight, 815 Beer Road. Cindy Gsell of Electric Guard Dog came forward asking for an interpretation and a code update to allow the installation of a security system fence behind an existing perimeter fence in a commercial or industrial location. This is a burglar alarm system that is monitored 24 hours per day on private property behind an existing perimeter fence. It is low voltage, battery powered, non-metered, and charged by a 12 volt battery that is solar panel charged emitting power down to the fence every 1.3 seconds for a very short pulse of 1/10,000 of a second duration. It is an alarm system similar to what you would have at home with a keypad to turn the system on and off. If anyone breeches the perimeter chain link fence they would be trespassing with criminal intent. If the circuit is broken for more than 5 seconds it becomes an alarm and dispatches a call to the terminal manager.

- Ms. Gsell recommended drafting new language for city code and bringing it up to current technology because these alarms have been around for twenty years. This system has been tested as a safe product.
- Electric Guard Dog Fence Company is licensed as a burglar alarm company.

Jeff Johnson, SAIA local manager, said they need a redundancy of security such as lighting, fencing, and an alarm to deter crime opportunity. They handle highly sought after products such as electronics, fire arms, precious metals like copper wire and hazardous materials. They have forty locations throughout the country that utilize Electric Guard Dog. Last year at the Mansfield location they had a $150,000 loss which comes off their bottom line.

Ms. Gsell met with Lt. Mullins who asked them to install a Knox Box for first responders. The Knox switch will be placed at the gate and once activated will cut the power to the energizers and disable the alarm system. The perimeter fence will never be electrified.

Mr. Herrold referred to Code 1145.11 which states permanent fences shall not contain barb wire, electric current or charge of electricity. The external fence does have barb wire but it is permitted in this area. Code 521.07 also states no fence can be erected with electrical current. Mr. Herrold was given the contact information for the compliance officer who thought it was permitted. Legislation would need to be written in order to allow this type of fence but barb wire is allowed in certain areas.

Ms. Gsell said if legislation was going to be rewritten then she would ask during the interim for permission to provide some protection by running a sensor only fence (alarm) and take the voltage off. Some areas call this type of fence a burglar alarm and there are no specific requirements.

- Mayor Hutchinson said he supported the burglar alarm portion of the system.
- Mr. Medwid asked for the reasoning behind shocking someone after they were already inside the perimeter fence and the police have been notified? Ms. Gsell said the electric fence sign acts as a deterrent from them going in which prevents crime, then if they touch the fence to test it they will feel that it does have a current.
- There is a foot of space between the 7′ perimeter fence and the electric fence which is 10′ because it would be very easy for someone to jump from the perimeter fence over the electric fence.
- Ms. Gsell will send sample legislation with the appropriate language to the Law Director.
- Ms. Gsell asked for consideration to post the electric fence sign to act as a deterrent while new legislation is being reviewed. Mr. Medwid said he would have to do some research before authorizing the sign.
- Mr. Medwid said he could not find any research on the interpretation of current or charge. Nothing specified the amount of voltage required to be considered a current.

Mr. Wilson made a motion approving the installation of the security portion of the fence until further research can be done on the electric charge portion and to not install the sign until there is follow up on the specifications. Mayor Hutchinson seconded the motion. At roll call, five members voted Aye, zero Nay, and the motion passed.

The last item on the agenda brought Glenn Maglott, 465 Oak Street, forward asking for final site plan approval for additional parking to be added in front of his building located at 92 Briggs Drive and seeking a variance for this new parking area. Mr. Herrold said the new parking area would be in front of the building between the road right-of-way and the existing building. A site plan was submitted.

- Ms. Timmer said extra parking was needed to accommodate the school that now utilizes a portion of the building. The shape of the lot does not allow access for additional parking in the back, therefore, creating a hardship. Mr. Maglott would like to put parking up to the right-of-way line and the curve of the street provides adequate site distance.
- The first few parking spaces would not meet the 20′ length requirement so a sign would designate these for compact cars only.

Mrs. Knight made a motion approving the variance for additional parking with proper signage. Mr. Wilson seconded the motion. At roll call, five members voted Aye, zero Nay, and the motion passed.

At 8:35 p.m., with no further business to come before the Planning Commission, Mayor Hutchinson made a motion to adjourn with a second by Mr. Motley. At roll call, all members voted Aye and the meeting was adjourned.

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Fred Zahn, Chairman Date