

MINUTES  
ONTARIO PLANNING COMMISSION  
AUGUST 12, 2015

The Ontario Planning Commission met in regular session on August 12, 2015, at 6:00 p.m., in the Municipal Building with Chairman Fred Zahn presiding. The following Committee members were present at roll call: Mayor Randy Hutchinson, Service-Safety Director Jeff Wilson, Mick Motley and Jill Knight. Also in attendance was Law Director Andrew Medwid, K.E. McCartney Engineer Mark Rufener, 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 13, 2015. 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.

The first item presented before the Board was the Mallview Plaza Company Limited preliminary site plan approval with contingencies for a lot split to single out 2190 W. Fourth Street (previously known as Circuit City) from the rest of the Mallview Plaza property. Architect Tim Alexander came before the Commission to explain the lot split is to separate the Circuit City building from the rest of the plaza. The new facility, Party Place, will be retail. Three variances are being proposed with a possible fourth and he would like the preliminary approval to include the variances. The final plans will be presented at the next meeting and Mr. Alexander requested if they run out of time to complete all items the final approval still be granted with contingencies.

Mr. Herrold said this preliminary approval would separate the former Circuit City building, 2190 W. Fourth Street, from the remainder of the mall.

- There are currently three variance requests but there could possibly be one more.
- The following list needs addressed prior to final approval:
  1. The parking area in the front of the building does not meet current Code. Parking lot will have to be restriped, and potholes filled in to meet current Code once it is established what will be going in the building. This will have to be for both 2196 and 2190 West Fourth Street since that will be the direct access for this building.
  2. Before final approval, we will need to know what type of business is proposed to be located in the building to make sure zoning requirements are met, such as parking requirements.
  3. There will have to be some inspections done by the Richland County Building Department before final approval such as, fire wall and separate utilities.
  4. Parking in the rear of the building will have to be removed to meet current Code maneuvering lane requirements for both 2196 and 2190 West Fourth Street.
  5. Need new survey description for all 3 properties since building in question is located in the middle before final approval can be granted.

6. If proposed business to be located in this building is other than retail, there will have to be a change of use Zoning Permit applied for and granted at the Final Review.
7. Need copy of recorded deed before final approval can be granted.
8. Need copy of recorded mutual parking, front and rear access and utilization of common area easement agreement.
9. Need copy of recorded building and dock easement agreement for encroachment of 2188 West Fourth Street on 2190 West Fourth Street.
10. Need copy of common wall easement agreement for wall located on west side of building between 2190 and 2196 West Fourth Street.
11. If utilities serve the building through one point, a mutual utility easement should be provided as well.
12. The rest of the shopping center should also be restriped to meet current Code in the near future.
13. They will need a variance for 1117.03(a)(2) – Lot depth cannot exceed 3.5 times the lot width
14. There will have to be some type of legal agreement reached for the business in this building to be able to use a spot in the existing multi-tenant pole sign.
15. Lt. Mullins has no concerns at this time other that he wants to make sure the wall between 2190 and 2196 West Fourth Street is a firewall and is rated properly by the Richland County Building Department.

Mr. Herrold said if Mr. Alexander was still waiting next month to receive some of the items the Planning Commission could give final approval with contingencies. Mr. Alexander mentioned fixing potholes and restriping the parking lot are items they would not want to spend money on prior to receiving final approval.

Discussion pertaining to the lot split continued.

- Mrs. Knight asked if the new owners were required to fix the entire parking lot or just their section then referenced Item #12 referring to the entire shopping center being restriped to meet code. Mr. Herrold said they would be required to fix the portion of the parking lot they own but he was going to recommend Toys R Us fix their lot because it was currently out of code and emergency services would utilize their ingress/egress. The parking spaces are not compliant with the current length and width. The maneuvering lanes are 18 1/2 ' wide but are required to be 24'.

- In response to Mr. Motley's question if there was a common wall between addresses 2186 and 2190, which is the building east of the Circuit City, he was told there was 3' - 5' between the two buildings even though it looks like a continuous wall from the front.
- Mr. Wilson said Item #9 references a dock easement for address 2188 but that address was not visible on the map. Mr. Herrold said there was a dot on the map specifying the store front but Richland County GIS didn't pull up that specific address.
- When Mayor Hutchinson asked if there would be a long-term agreement allowing access to the new property, Mr. Alexander said Attorney Drew Salzer was preparing the documents that would include that type of information.
- Mr. Alexander said there was a 3-hour masonry firewall between Toys R Us and the Circuit City building, both buildings are full of sprinklers and very solid.
- The utilities for these two buildings are separate.
- Richland County still needs to inspect the buildings and give their approval.
- Mr. Wilson did not agree with Item #12, requiring the remainder of the parking lot to be restriped to current code, it should be grandfathered. Any changes made to the former Circuit City building should comply with new code.
- Restriping the parking spaces would eliminate several spaces and until the required amount of spaces are known, this could jeopardize compliance.
- Mr. Herrold said Lt. Mullins recommended removing the parking spaces behind Toys R Us and Circuit City because they are 19' long instead of 20' and emergency services could not maneuver through this area unless the parking spaces are turned long ways.
- Mr. Medwid said the city was not a party of the agreements so it was not necessary to obtain deeds and agreements.
- Seventy-five parking spaces would be required in the new parking lot, 3 of which would be ADA.

When Mr. Zahn asked the Commission for any changes they would like to make prior to approving the preliminary site plan, Mr. Wilson said he would like Item #1 to exclude Toys R Us from being required to change their parking lot and Mayor Hutchinson felt Item #12 conflicted with #1.

- Commission members agreed to strike the last sentence of Item #1: "This will have to be for both 2196 and 2190 West Fourth Street since that will be the direct access for this building."

Mr. Motley moved to approve the preliminary site plan for 2190 West Fourth Street as amended. Mayor Hutchinson seconded the motion. At roll call, five members voted Aye, zero Nay, and the motion passed.

The next item on the agenda brought Cody Gosser forward seeking final site plan approval, with contingencies, for Hands Enterprises to build a new maintenance/repair building at 575 Urwin Parkway.

Mr. Herrold said this project received preliminary approval for a front setback of 35' from the front right-of-way instead of the 50' required by code. There are several items missing that need to be noted on the site plan and information that needs to be received before the permit can be released.

- Mr. Herrold reviewed the list of items needed: phasing schedule shown on site plan, height of building shown on the elevation drawing, maneuvering lane width between parking and edge of pavement is not shown on the site plan as well as the distance between the driveways and an updated CD or flash drive with a fully updated final site plan, elevations and floor plan.
- Mr. Herrold also read through the comments submitted by Lt. Mullins: location of the FDC, will the building have sprinklers or confirmation from Richland County stating they do not need a sprinkler system, any storage tanks must be inspected/permitted by the State Fire Marshal, maintain rear access and plow snow accumulation exceeding 2", if there is any consideration of future expansion install 6" fire line and have it capped and ready.

Mr. Rufener said on the site plan the erosion incentive control plan should show a fuel and construction debris area during construction, an engineer stamp is required on the site plan, for post construction a water quality draw down time is needed which EPA requires 48 hours, and the storm water bond is needed for the retention basin.

When Mr. Gosser asked if the bond was still required since the retention pond and outlet were completed, it was determined that Mr. Herrold and Mr. Rufener would inspect the retention pond.

- Mr. Zahn felt everything should be noted on the drawing for final approval.
- Mr. Rufener questioned the building of the retention pond prior to site plan approval. He would need to check if there was a notice of intent, the city wouldn't need to have a copy of it but the builder would have it onsite. Before any work was done on the site there would need to be a set of plans approved by Planning Commission.

Mr. Herrold said to accommodate future expansion plans the access drive could be built approximately 5' from the property line. The expansion would be to the west.

Mr. Wilson agreed many items are still needed for final approval and there are questions about the retention pond.

- Mr. Herrold gave Mr. Finnegan permission to begin leveling the ground but they were not to build anything until they received approval. If the retention pond is considered building, then they did not have permission.
- Mr. Rufener said the retention pond could be graded if given permission.

- Mr. Herrold said once the needed items were received they would be reviewed based on code and if acceptable the zoning permit would be granted.
- Mr. Gosser said the silt fence only needs placed where the water drains. If everything flows from Urwin Parkway toward the wetlands the silt fence protects the wetlands from sediment. A silt fence isn't necessary going uphill. When Mayor Hutchinson pointed out a few extra feet of fence would protect the downward slope toward FedEx, Mr. Gosser said the fence would only need extended a short distance.
- Mr. Gosser agreed with Mr. Wilson that if final approval was given this evening there was still work that needed to be done and he has that list.

Mr. Zahn reiterated he did not agree on granting site plan approval without a set of approved drawings.

Mr. Zahn called three times for a motion to approve the final site plan for Hands Enterprises to build a new maintenance/repair building at 575 Urwin Parkway. Hearing none, Mr. Zahn said Planning Commission needs a final set of drawings with everything noted.

Commission members discussed several items:

Mayor Hutchinson provided an update on the W. 4<sup>th</sup> Street gas station project. There was a delay because the trusses permit was not to code and the manufacturer changed the dimensions on the tanks which affected plan approval but they will be moving forward.

Mrs. Knight felt the Commission previously agreed that final site plans were required to include all drawings and notations. Mr. Zahn concurred that was done a couple of years ago.

Mr. Herrold said ReMax, located at PAW and Creston, was to install the parking lot by June and remove the front drive. The realtor notified Mr. Herrold that he was still working on the project and had a letter of intent stating he put in for a bid and has paid for the bid to be done.

- Commission members suggested Mr. Herrold call the contractor to verify if ReMax was on their project list. If so, nothing needs done.

At 6:50 p.m., with no further business to come before the Planning Commission the meeting was adjourned upon a motion by Mr. Wilson and a second by Mrs. Knight.

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Fred Zahn, Chairman

Date