

MINUTES
ONTARIO PLANNING COMMISSION
MAY 8, 2019

The Ontario Planning Commission met in regular session on May 8, 2019, at 5:00 p.m., in the Municipal Building with acting Chair Mayor Hutchinson presiding. The following Commission members were present at roll call: Service-Safety Director Jeff Wilson, Mayor Hutchinson, Jill Knight and Mick Motley. Also, in attendance was Law Director Andrew Medwid, K.E. McCartney Engineer Mark Rufener, Zoning Inspector Adam Gongwer and Clerk of Council Cathy VanAuker.

Mr. Motley moved to excuse Mrs. Hellinger from this evening's meeting, second by Mrs. Knight. Four members cast their votes Aye, zero Nay, and the motion passed.

Mayor Hutchinson presented for approval the minutes of the regular Planning Commission meeting held April 10, 2019. Mrs. Knight moved to approve the minutes as presented with a second by Mr. Motley. Four members cast their votes Aye, zero Nay, and the motion to approve the minutes passed.

The first item to come before the Commission was a request submitted by Joel Fox for his property located at 1930/1932 Rosewood Drive, seeking a 23' variance to allow a 17' rear yard setback. The zoning code to be varied is Section 1141.01, minimum rear yard setback 40'. This property is zoned R-2, Medium Density Residential District.

- Mr. Gongwer said the required setbacks are difficult to fit into this corner location. Corner lots should have a 35' setback on the front and side yards.
- Mr. Fox said the condo project on Rosewood and Tanglewood consists of five buildings on five lots for a total of ten units. Three buildings on Rosewood and two on Tanglewood. All buildings fit on the lots with the exception of the corner lot due to the required 35' setback on both the front and side yards. The building is 80' wide and 63' long, the property line along Tanglewood is 81', 103' in the front and 63' in the back. In an attempt to create symmetry they would like to build the same type of building but if the building faced Tanglewood it would extend over the property line.
- Originally, the condos were for sale but, after more consideration and based on demand, they will be rentals. These are higher end rentals that offer three bedrooms with a toilet in the master bedroom, double car garage, mud room and tile shower.

At 5:11 p.m., Mayor Hutchinson opened the public hearing on the variance request for 1930/1932 Rosewood Drive.

At 5:12 p.m., hearing no one who wished to speak the public hearing was closed.

Mr. Motley moved to approve the 23' variance request to allow a 17' rear yard setback for 1930/1932 Rosewood Drive, second by Mrs. Knight. Four members cast their votes Aye, zero Nay, and the motion passed.

The next item before the Commission was to discuss streamers/pennants that are used at car lots. Mayor Hutchinson said streamers have been used by car lots for many years. The business on Park Avenue West initially attached pennants to the telephone poles but moved them as requested. Code does not address streamers or a required location.

- Mr. Gongwer said several areas in the city have streamers/pennants. As long as they are not in the right-of-way they have not been an issue.
- Examples were given from code in New Albany and Delaware.
- Streamers/pennants/ribbons don't have a written message and would include the small flags used by car lots.
- A no cost permit would let the Zoning Inspector know where streamers are located.
- Mr. Medwid suggested creating a definition for code that would pertain to all zoning districts and not require a permit. This would allow residents to hang party streamers. Restrictions, such as keeping streamers out of the right-of-way, could be addressed in the definition.

Mr. Motley moved for the Law Director to prepare a recommendation on streamers/pennants for the next meeting and upon approval forward to Council, second by Mrs. Knight. Four members cast their votes Aye, zero Nay, and the motion passed.

The next item before the Commission was the discussion of Section 1141.01 (g) Off-street loading shall be provided in the rear yard and shall further meet the parking requirements.

- Mayor Hutchinson preferred not to change the code and continue to address these on a case by case scenario because some stores have the back of their buildings facing the street, such as Ulta and IHop. Mrs. Knight and Mr. Motley concurred.
- Mr. Gongwer mentioned there may be a problem with the code based on the variety of loading/unloading locations and all variance requests were approved. However, he was agreeable to continue on a case by case request.
- Mr. Wilson said none of the gas stations in the city have rear loading/unloading areas and is the same for many businesses. Dollar General made their request at the last meeting and they have 14,000 stores in 44 states, all uniform with side loading/unloading areas.
- Mr. Rufener asked if there was a purpose that businesses define their off-street loading location. Defining the space doesn't serve any purpose other than creating another regulation. On a site plan design the loading/unloading zone isn't shown unless specifically required by code or to be in the plan review. Many of their plans didn't show a zone because they didn't know it was in code. Loading zones cannot be in place of parking spaces.

- The consensus was to incorporate language from the Delaware code so a variance wouldn't be necessary if the loading/unloading zone was not at the rear of the building. Loading/unloading zones would be on a case by case basis.

Mr. Wilson moved for the Zoning Inspector to prepare a recommendation changing Section 1141.01(g) off-street loading, so the location is not required in the rear yard, second by Mr. Motley. Four members cast their votes Aye, zero Nay, and the motion passed.

Mayor Hutchinson referred to the original site plans for Buckeye Village. If the plans were approved as student housing he didn't think anything else could be allowed, this was a permitted use in a Business District.

- Mr. Gongwer said a private entity could not be prevented from renting to families. The government allows a campus owned property to be restrictive to students. Some cities have been sued in the past couple of years regarding privately owned student housing so he cautioned against continuing to rent only to students. The city cannot create classifications that would restrict housing to those protective classes without being in violation of Federal Housing Law.
- The question was raised how to continue if Buckeye Village decides to build the remaining two buildings, one building was approved in 2015.
 - The design for the student apartments is not conducive for families or meets code for apartments.
 - If construction doesn't take place within one year of receiving site plan approval the developer is required to submit plans and begin the review process again.

At 5:40 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 Mr. Motley.

Mayor Hutchinson, Acting Chair

Date