

MINUTES
ONTARIO PLANNING COMMISSION
OCTOBER 10, 2018

The Ontario Planning Commission met in regular session on October 10, 2018, at 5:00 p.m., in the Municipal Building with Chair Susan Hellinger presiding. The following Commission members were present at roll call: Chair Susan Hellinger, Service-Safety Director Jeff Wilson, Mayor Randy Hutchinson and Jill Knight. Also, in attendance was K.E. McCartney Engineer Mark Rufener, Zoning Inspector Dan Herrold and Clerk of Council Cathy VanAuker.

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

Mrs. Hellinger presented for approval the minutes of the regular Planning Commission meeting held August 8, 2018. Mrs. Knight moved to approve the minutes as presented with a second by Mayor Hutchinson. Three members cast their votes Aye, zero Nay, one Abstain by Mrs. Hellinger and the motion to approve the minutes passed.

The first item before the Commission was the final site plan approval for Roger Sims, 1790 Park Avenue West, to install a garage on his property zoned Office Service. Mr. Sims said he would like a building to protect his camper from the elements of weather and for the added security of no one knowing his house was empty when the camper was gone.

- Mr. Herrold originally asked Mr. Sims to apply for a residential variance request due to the height of the building but after the city-wide rezone this property was zoned Office Service, therefore, a variance was not required and the fee was reimbursed. Approval from the Planning Commission was necessary to allow Mr. Sims to build this structure in an OS District.
- Mrs. Hellinger asked at some point the Commission discuss why they require someone to come before them when a variance wasn't needed and amend code as necessary.

Mrs. Knight moved to approve the final site plan requested by Roger Sims of 1790 Park Avenue West, second by Mr. Wilson. Four members cast their votes Aye, zero Nay, and the motion passed.

The next item on the agenda was a sign variance request for IHOP to relocate their pole sign closer to the lot line. Lou Belknap of Agile Sign and Lighting, 35280 Lakeland Blvd, Eastlake, came before the Commission to explain the variance request was based on wanting to move the existing sign closer to Walker Lake Road but due to the amount of utility lines going through the front part of the lot it would be too close to the lot line. They can't go any farther west due to the utility lines, so one of the few options is to place the sign between the gas and water lines. Currently the sign is next to the building.

- This change would not interfere with visibility for the turn lanes. The setback would be 15' from the right-of-way of Lex-Springmill Road, it would be closer to the ingress/egress for Meijer/IHOP/Starbucks.

Mayor Hutchinson moved to approve the variance request for IHOP to relocate their sign, second by Mrs. Knight. Four members cast their votes Aye, zero Nay, and the motion passed.

Representing Ashley Furniture, Doug Gaber of Kessler Sign Company, 2669 National Road, Zanesville, was next to come before the Commission to request a sign variance to install a new 589 sf wall sign. Ashley Furniture designed a new logo. The building lends itself to a larger sign for visibility from Lex-Springmill Road because the stores in this complex are approximately 800' - 900' from the street. The front of the store and the sign background would be painted in the new brown theme color with white letters.

- Mr. Herrold said the new house logo on the sign would be calculated as a separate sign because code allows one large sign and a second sign that is 50% or less than the original.
- Mrs. Hellinger felt the request was a lot of extra footage and the visibility of the sign doesn't have anything to do with the size of the sign but with their colors of yellow letters on a cream building. The current size of the letters aren't out of line with the other storefronts and there is a multi-tenant sign by the street. The sign is 341 sf larger than what is allowed and questioned why it needs to be larger.
- Dunham's received a variance to increase the size of their sign.

Mrs. Knight moved to approve the variance request for Ashley Furniture to install a new 589 sf wall sign, second by Mayor Hutchinson. Three members cast their votes Aye, one Nay by Mrs. Hellinger, and the motion passed.

Discussion Topics:

Section 1145.11 Fences and Walls

Mayor Hutchinson addressed the proposed language that was previously approved by the Commission but when legislation was presented to Council this section was removed.

- Mayor Hutchinson agreed on (1) placing fences 3' from the property line so it can be maintained without going on someone else's property, and (2) placing the smooth side of the fence out.
- Mr. Herrold said other municipalities use 3' for the width between fences so he mirrored their language but the city could make the decision on the distance from the property line.
- Approval of a site plan is based on the drawing and what code allows. Proposed Section (H)(I)(1) states: "The issuance of such permit shall not be construed to mean that the city has certified the exact location of lot lines or determined that said fence is not encroaching on any adjoining property, nor shall it relieve the permit holder from any such duty to verify actual lot lines", which should keep the city out of any responsibility and would become a civil matter between property owners.
- Item #4 – less than 24' of fence does not require a permit or fall under the 3' rule. Mrs. Hellinger questioned why there would be a rule for fences to be placed 3' off a property line but if hedges are planted near the property line to act as a fence and extend into the neighbor's yard it becomes a civil issue.
- Trees growing over the property lines are also civil matters.

- Mr. Rufener said the County Auditor's website is not to be relied upon for location of property lines.
- Commission members agreed to postpone further discussion until the next meeting when the Law Director is present.

Section 1145.07 Driveways

Proposed wording: "Sidewalks and driveways must be completed before occupancy of any residence or business."

Mayor Hutchinson explained this was a topic of discussion during Council. Currently sidewalks and driveways are installed at the completion of the project but at large construction sites there is occupancy prior to the installation of sidewalks and driveways. Mr. Herrold clarified that on a residential property the driveway must be installed prior to moving in. Generally, when people put in their concrete driveways they put in the sidewalk. There is not a separate code specific to sidewalks. The new wording would require sidewalks and driveways to be in place before occupancy. If it is a multi-unit complex, sidewalks need installed prior to occupancy of the first unit.

- New construction of a residence in an older neighborhood would not have to install sidewalks. However, Mr. Herrold requires the owner of the new residence to sign a paper agreeing if sidewalks are added at a later time then they would have to put in a sidewalk.
- County Building and Codes or the Fire Department may help by holding permits until something is done.
- Commission members agreed to wait until they finalize code for fences then submit it with the sidewalk changes to Council.

BBQ Shack

Mr. Wilson said the BBQ Shack on Park Avenue is for sale but if it remains closed for a year the zoning reverts from Business to Office Service. This is a non-conforming business.

- Mr. Herrold was asked to notify the property owner and the realtor so they are aware of the code.

Permits

Council would like a time restriction applied to permits. Currently, construction must start within 6 months after plan approval and complete the approved project within 18 months from the date of issuance. The scenario was given that a site plan was approved and part of that site plan included planting trees. The trees were not planted when the permit expired, but without a time requirement the contractor had until the end of construction, so the permit was renewed. Under the new policy specific items on the plan could be required to be completed by the time the

permit expires, otherwise, it would not be renewed and the Zoning Inspector could shut down the project or the builder could appear before the Planning Commission.

- Some members suggested requiring greenbelts installed first to obscure the view of construction but that could hinder maneuverability while under construction.
- Mr. Herrold suggested the contractor must be in compliance with everything that was approved on the permit, with the exception of the buildings, before receiving a second permit and must come before Planning Commission for renewal. If the contractor was in compliance the Zoning Inspector could renew the permit without coming before the Commission.

At 5:58 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. Wilson.

Adam Gongwer
Acting Chair 04-10-2019

Date