

MINUTES  
ONTARIO PLANNING COMMISSION  
MARCH 8, 2023

The Ontario Planning Commission met in regular session on March 8, 2023, at 4:00 p.m., in the Municipal Building with Chair Jill Knight presiding. Present during roll call were Commission members Jill Knight, Service-Safety Director Kris Knapp, Mayor Randy Hutchinson, Diane Wolfe, and Rick Pauley; Engineer Mark Rufener, Law Director Andrew Medwid, Zoning Inspector Michael Morton and Clerk of Council Cathy VanAuker.

The minutes of the regular Planning Commission meeting of February 8, 2023 were presented for approval. Hearing no corrections, the minutes were approved as presented.

The first item on the agenda brought Matt Cole forward, engineer for Roosien and Associates for ODW Management, LLC, seeking a 4' rear yard setback variance, from 20' to 16', at 1364 Lex-Springmill Road. The company would like to construct a Culver's Restaurant on this residential lot, zoned Business. The neighbors originally agreed to sell a small section of land to them but changed their minds because they prefer to sell the entire 55 acres. However, the neighbors will work with them on a shared drive easement to the north.

- A variance is needed for the building setback. They are proposing 16.5' from the rear property line to the east.
- The exit would be right-out only. The easement on the north side of the property will allow full access but there won't be access from the private drive at the light. A south bound left turn hasn't been decided.
- The 4' variance was requested because the neighboring property owner won't sell land to Culver's that is needed to meet the required rear yard setback and Culver's does not want to shorten their parking spaces to 18'.
- Plan approval is contingent upon the consent of this variance request.
- The property purchase agreement ends in April, and hopefully the site plan will be approved prior to closing on the property. Construction on the last Culver's store took eight months.

At 4:08 p.m., Mrs. Knight opened the public hearing on the rear yard setback variance request by ODW Management.

At 4:09 p.m., calling three times and hearing no one who received letters or anyone who wished to speak, the public hearing was closed.

Mayor Hutchinson moved to approve the 4' variance request by ODW Management for property located at 1364 Lex-Springmill Road. Second by Mr. Knapp. Five members cast their votes Aye, zero Nay, and the motion passed.

Next to come before the Commission was Michael and Sally Armantrout on a variance request for a gravel drive in lieu of a paved drive at their property located at 480 Lewis Road.

- There are no sidewalks or curbs near the property. Two adjacent properties have gravel driveways.

- Zoning Inspector Morton said code requires asphalt or concrete driveways but the request is due to the rural nature of this property, no curb or gutter on the road for storm sewer, and the 100' distance to the house from the right-of-way.
- Mr. Pauley concurred the driveways near them are gravel and there are approximately six gravel driveways on Lewis Road from Walker Lake Road to Park Avenue West.

At 4:13 p.m., Mrs. Knight opened the public hearing on Sally Armantrout's variance request for a gravel driveway at 480 Lewis Road.

At 4:14 p.m., calling three times and hearing no one who received a letter or wished to speak, the public hearing was closed.

Mrs. Wolfe moved to approve the gravel driveway request by Sally Armantrout at 480 Lewis Road. Second by Mr. Knapp. Five members cast their votes Aye, zero Nay, and the motion was approved.

The next item on the agenda was a request submitted by James Copeland to rezone 310 Lewis Road from Business to General Industry. This lot consists of two parcels equaling 1.24 acres. Mr. Copeland, President of Oxyrase Inc., 3000 Park Avenue West, came forward to say the Lewis Road property was recently purchased to expand the Oxyrase business and he would like the same zoning on this lot as the Park Avenue West property.

- The shed business on this property will stay two years to complete their lease.
- Mr. Copeland said the property would be used for light manufacturing. Oxyrase is a Biotechnology company.
- Ontario does not have light industrial zoning. Members expressed concern as to the type of GI businesses that could replace Oxyrase should they vacate the property.
- Zoning Inspector Morton listed some of the companies allowed in a General Industry zone: tool, die, machine shops, and compounding. The surrounding area is zoned Business with residential properties nearby.
- Law Director Medwid expressed concerns about how this could affect traffic with semi-truck deliveries and the already constricting visibility. Lewis Road was not meant for truck traffic. Mr. Copeland agreed trucks could be restricted from Lewis Road.
- When Mr. Copeland said new buildings on this lot would be similar to what they already have on their property, the Law Director asked for a schematic because he is concerned about a traffic issue.
- Mr. Copeland said if they don't get the rezone they will sell the property because they won't be able to expand to the extent they need in the current building.
- Mayor Hutchinson was concerned if the property is zoned GI and later sold, an industrial plant could go in.
- Nothing can be done on the property until the two-year lease for the current business expires.
- Zoning code doesn't address noise levels to protect homes close to businesses. There is code on light restrictions.
- Oxyrase recently purchased the neighboring muffler shop property. The driveway provides access to the back of the property where there is room to construct another

building. Mr. Copeland said they connected the muffler shop building to their current business. They don't have immediate plans to build on the Lewis Road property, the next building will be behind the muffler shop building.

Mrs. Knight suggested tabling the rezone request until the tenants are closer to moving from the property. Before voting on the rezone, the Zoning Inspector would like more details on the intentions for the Lewis Road property. The city does not have an industrial zone designation for businesses with a softer impact. Mr. Copeland was agreeable to tabling his request to allow time to research zoning possibilities.

Mr. Pauley moved to table the application of James Copeland, to rezone 310 Lewis Road from Business to General Industry, a maximum of three months for additional research. Second by Mayor Hutchinson. Five members cast their votes Aye, zero Nay, and the motion passed.

The next item on the agenda was a discussion on Residential Use in a Business District. Zoning Inspector Morton said a couple of years ago the decision was made to make all Residential Use in a Business District conditional, however, no conditions were established.

- If residential building in a Business District needs to follow the existing residential code, it should be a permitted use, not a conditional use.
- The Zoning Inspector will do more research on this topic for future discussion and check the requirements in the mix-use Campus District Overlay.

Discussion:

#### Business Landscaping

- The city does not regulate landscaping for businesses. Other jurisdictions approve landscaping plans.
- Mrs. Wolfe requested the Commission look into the possibility of requiring landscaping for businesses.
- Greenbelts are required but landscaping is not required in front of the stores.
- Requirements would apply to new business, existing businesses would be grandfathered.
- A fence can be installed in lieu of a greenbelt.

#### Types of Business

- Companies interested in opening in Ontario prepare their due diligence study before opening. The city does not regulate how many of a specific business type may open.

At 5:11 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. Knapp.