

MINUTES
ONTARIO PLANNING COMMISSION
DECEMBER 13, 2023

The Ontario Planning Commission met in regular session on December 13, 2023, at 4:00 p.m., in the Municipal Building with Chair Jill Knight presiding. Present during roll call were Commission members Jill Knight, Diane Wolfe, Rick Pauley, Service-Safety Director Kris Knapp, and Mayor Randy Hutchinson; 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 November 8, 2023 were presented for approval. Hearing no corrections, the minutes were approved as presented.

The first item on the agenda was a variance request submitted by Todd Dawson, 2331 Park Avenue West, for a 23' front yard setback, a variance of 12', to build a garage and pavilion.

- Mr. Dawson said he intends to build a garage that would line up with the existing garage. The new garage would extend from the end of the house and face Clare Road. Inspector Morton said this is a corner lot that requires front yard setbacks on both Park Avenue West and Clare Road. The setback on Park Avenue West meets code.
- The existing garage is a non-conforming building, 21' from the right-of-way line, no public utilities in the vicinity, the sewer line is under the road, and nothing is buried.
- The new garage would be even with the front of the house and the area between the two garages would be fenced. Eventually, plans are to put a pavilion behind the fence, between the two garages.

At 4:06 p.m., the public hearing was opened for the variance request submitted by Todd Dawson, 2331 Park Avenue West, for a 23' front yard setback.

At 4:07 p.m., hearing no one who wished to speak, the public hearing was closed.

Mrs. Wolfe moved to approve the 23' front yard setback variance request by Todd Dawson, 2331 Park Avenue West, second by Mrs. Knight. Five members cast their votes aye, zero nay, and the motion was approved.

The next item on the agenda was the continued discussion on the proposed code to add Section 1139.03 Advanced Manufacturing and Technology Floating Overlay District. Inspector Morton said the purpose is to allow lesser intents, manufacturing, and office uses in the Business and Office Districts. There are specific uses that would be permitted.

- The procedure for application would be the same as a rezone in order for it to be attached to the property. Additional requirements include a site plan review presented to Planning Commission, who would make a recommendation, then the request is heard before Council. Also, Council would need to approve if the proposed uses are beneficial to the city, otherwise they would deny the application.

- After Regional Planning reviewed the proposed code, Inspector Morton met with them a couple of times to discuss their suggestions.

Mrs. Knight moved to revise the proposed Advanced Manufacturing and Technology Floating Overlay District by removing the additional Business Incubator Facility in #7 and #9 under (d) Permitted Uses because they are repetitive, and to recommend the code to Council. Second by Mayor Hutchinson. Five members cast their votes aye, zero nay, and the motion passed.

The next topic was the proposed code for Section 1145.39 Electric Vehicle Charging Stations. Currently, this is not an accepted use in the city as an accessory use. These guidelines are for home and business installations, signage, identifying parking spaces, equipment standards, electrical code, and protection from damage. Installing more than four charging stations requires designation as a service station.

- Industrial, large retail parking lots, and schools need to have an adequate number of charging stations. Determining the number of allowable charging stations could be a ratio to the number of parking spaces.
- Advertising displays on the charging station would offset the electrical fees.
- If the principal use of a property is charging stations, then it would be subject to the same review requirements as a service station.
- The property owner would be responsible for monitoring the charging station spaces because electric vehicles are not required.
- The Electric Vehicle Charging Stations code would need added to each zoning district.

Mrs. Wolfe moved to forward the proposed code to Council for Electric Vehicle Charging Stations, adding it to each Zoning District, and updating Definitions, with a recommendation in favor of these changes. Second by Mrs. Knight. Five members cast their votes aye, zero nay, and the motion passed.

Section 1133.02 Definitions. Data Center was removed from the Overlay District and applied directly as a permitted use to the Industrial Districts of General Industry and Industrial Park. The definition states: "A facility that houses computer systems and associated data and is focused on the mass storage of data". The definition was amended to read "digital" data.

Mayor Hutchinson and Director Knapp thanked Inspector Morton for the time he spent researching and developing this new code.

Inspector Morton said he did not want the legislation passed as an emergency but would like it voted on at the first reading due to the urgency in the community to utilize this code. Once the legislation is passed it will go into effect in thirty days, which will give him time to create the necessary forms prior to receiving applications.

- The permit fee could be set at \$150, the same as a rezone.

- The Council public hearing and voting on the legislation will be January 17, 2024.

Discussion

- Mrs. Wolfe asked, (1) based on a previous discussion, if the city was going to require new construction to use brick on the exterior, and, (2) since the mall is for sale, does the city have a say on how the building is used?
 - Inspector Morton responded, the overlay requires all buildings must use the same exterior building materials and the same components, so they look similar. The mall building can only be used for what is permitted in the Business District, unless they apply for a rezone or overlay.

- When Mrs. Knight asked if there was a greenbelt along the drive into the Menards storage units, Inspector Morton said there was on one side because it was specifically requested. Driveways do not have a greenbelt stipulation.

- Inspector Morton said the gap between the Menards storage buildings is shown on the approved plans. Someone could go between the buildings, but the change of elevation creates a natural barrier.
 - Menards representatives are scheduled to attend the January 17, 2024 Council meeting.

At 4:41 p.m., with no further business to come before the Planning Commission, the meeting was adjourned upon a motion by Mrs. Wolfe, second by Mayor Hutchinson.

Jill Knight, Chair

Date