

MINUTES OF A REGULAR VOTING MEETING OF THE

FAIRFIELD PLANNING COMMISSION

May 23, 2012

Scott Lepsky, Chairman, called the Regular Meeting of the Fairfield Planning Commission to order.

Members present: Scott Lepsky, Don Hassler, Jeff Holtegel, Mark Morris, Bill Woeste and Tom Hasselbeck.

Don Hassler, seconded by Jeff Holtegel, made a motion to excuse Bob Myron. Motion carried 6 – 0.

MINUTES OF THE PREVIOUS MEETING:

The minutes of the previous meeting, held May 9, 2012, were approved as submitted.

Jeff Holtegel, seconded by Don Hassler, made a motion to remove from the table the fence applications for 213 Zack Court, 25 Walker Lane and 51 Town Court. Motion carried 6 - 0

DESIGN REVIEW COMMITTEE ITEM:

Design Review Committee Item – Fairfield Pharmacy – 765 Nilles Road – Sign Package

An aerial of the site was shown to the Commission. It is at the corner of Nilles, Bibury and Wessel. Slides were also shown of the signage proposed on the pole sign and three sides of the building. The pole sign was relocated from the west side of the lot to its current location to accommodate a new curb cut and drive thru for the pharmacy.

Mark Morris, seconded by Don Hassler, made a motion to approve the sign package for Fairfield Pharmacy, 765 Nilles Road, as recommended by Design Review. Motion carried 6 – 0.

OLD BUSINESS:

4' Tall Lattice Fence Request – 213 Zack Court – Village Green

Mr. Bachman explained staff did notify the adjacent neighbors of the fence request; no comments were received. Slides were shown of the property and proposed fence type. The fence will be 16 lineal feet.

Jeff Holtegel, seconded by Bill Woeste, made a motion to approve the 4' tall lattice fence at 213 Zack Court with the provision the fence will be beige to match the house. Motion carried 6 – 0.

Shadowbox Fence Request – 25 Walker Lane – Stockton Station Subdivision

Mr. Patel, applicant, stated they would like to install a shadowbox fence across their back yard and side yard. He would like to modify his plan for the side yard to extend the fence closer to the

sidewalk. Mr. Patel's neighbor has a dog which his two young children are afraid of. The shadowbox fence would keep them from seeing the dog when they are outside.

Mr. Bachman showed the Commission slides of the property. He stated they will be considering another solid fence in Stockton as the last item of business. The property owner was sent a letter that the fence needs to be removed. This fence is 4 lots away from the Walker Lane property.

A handout was given to the Commission regarding the history of fence modifications made in Stockton Station. The P.U.D. was approved in 2000 and two amendments were approved in 2004 and 2010. In 2010, the Commission addressed fences which had already been constructed around patios and on decks. The P.U.D. initially did not permit these fences. The 2010 amendment allowed a total of 36' around the deck and within the confines of the home (4' tall). Additional fencing was approved for the homes adjacent to multi-family development.

Mr. Hassler stated when the subdivision was approved with the small lots, the Commission also approved fencing (split rail) which would maintain an open feel. If solid fences are approved, Mr. Hassler felt the integrity of the subdivision would be ruined.

Mr. Bachman reported the adjacent neighbors were notified and no comments were received.

Don Hassler, seconded by Tom Hasselbeck, made a motion to deny the request for a shadowbox fence at 25 Walker Lane in the Stockton Station subdivision.

Mr. Hasselbeck added the ability to install a fence is still there which would keep the children separated from the neighbors pet. If the fence was approved to extend further towards the sidewalk, it could block the neighbors view.

Motion carried 6 – 0.

6' Tall Ornamental Aluminum Fence Request – 51 Town Court – Village Green

An aerial was shown of the property which is located in a cul-de-sac. The rear property is adjacent to multi-family property on Eastgate. The request is to install 48' of 6' tall aluminum fence along the rear property line and 6' down the side lot line.

Ms. Carolyn Wynn, applicant, stated they are asking for the 6' tall fence to stop kids from cutting through their yard from the apartments to the Village Green area. There is an opening in the tree line that has no protection to keep people out of their yard. They have had property damaged, property stolen and a home invasion. Landscaping they have done in the area where the fence is requested has been trampled.

Mr. Hassler expressed his concern with moving the problem to another lot if the fencing is approved. Ms. Wynn stated the tree line is thick except for this one area. Since it's not a solid fence, eventually bushes will grow through it making it more difficult to see. Attempts to block the opening with debris have been unsuccessful as the kids and teens climbed one of the trees and

jumped over. They are also considering removing the 6' section proposed in the side yard. Ms. Wynn also stated her neighbor to the right supports the fence request; they are having the same problem as well as a few others. Mr. Bachman stated the email the neighbor sent will be made part of the record.

A memo sent to the Commission in 1998 was reviewed. The Village Green fence requirements were modified to allow privacy fencing around patios if it was screening a hot tub. This request for separating the multi-family was not part of what was approved in the P.U.D. regulations. The Commission will be setting precedent if approved. Mr. Bachman asked if this type of fence should be made the standard. It's an expensive fence. Mr. Hassler stated there are 12 lots that adjoin the multi-family property. Mr. Holtegel also expressed his concern with just pushing the problem off onto another neighbor. Ms. Wynn replied the neighbor is also considering installing a fence. They too have suffered property damage but not to the same extent.

Mr. Lepsky reminded the Commission privacy fencing has been approved in Stockton Station for those lots abutting multi-family. This has not been done for Village Green and if approved, a standard should also be set in order to stay consistent. Mr. Holtegel asked if the lots are the same size as Stockton Station and was told they are similar. Village Green has numerous cul-de-sacs which makes the subdivision appear denser. Ms. Wynn said they have a deck on the back of their house and the fence would be approximately 10' from the deck. For this reason, they prefer to have the ornamental fence, not a privacy fence. The Commission again addressed setting a standard for the perimeter fencing. Mr. Bachman's concern is other residents may not be able to afford this type of fence and ask for a vinyl fence. Mr. Lepsky stated if the Stockton Station amendment is used, the fencing would be no taller than 6' and could only be vinyl or pressure treated wood with structural supports (if visible) erected towards the interior of the fence. If the Stockton standard is adopted and this fence is approved, there could be three different fence types on the 12 lots abutting the multi-family.

Mr. Woeste asked if the multi-family has any responsibility for installing fencing. Mr. Clemmons replied the multi-family was there first. The individuals cutting through could be advised and then arrested for trespassing. Mr. Bachman added in the Village Green P.U.D. regulations, there is a requirement to keep the tree line just for this reason – to provide a buffer between the single and multi-family developments.

Mr. Lepsky asked what staff thought regarding mirroring the Stockton Station standards. Mr. Bachman stated when Stockton was amended, all the residents were notified. Something similar would need to be done in Village Green. On this particular case however, could it be acted on now and let staff work on writing a new standard for Village Green. The commission just approved the two eight foot sections of fence around a patio that doesn't have a hot tub. If this fence is approved, it could be the standard until the amendment is approved. Residents can also install the 4' split rail which is the approved fence for the subdivision.

Mr. Hassler asked if the small "L" portion of the fence was going to be removed and Ms. Wynn replied it would. There is a large clump of honeysuckle in that area.

Jeff Holtegel, seconded by Don Hassler, made a motion to approve the 6' tall ornamental aluminum fence request at 51 Town Court based on the information submitted and the "L" portion of the fence being removed.

Motion carried 6 – 0.

Mr. Bachman added staff and the Commission need to come up with a new amendment for the Village Green P.U.D. which will be sent out to the property owners abutting the multi-family units for their input.

NEW BUSINESS:

4' Tall Stockade Fence – 8600 Essex Orchard – Stockton Station Subdivision

Mr. Bachman stated the applicant is not in attendance. They were informed of the meeting and sent a letter to the City asking to be placed on the agenda. The fence is up. They pulled a permit and on the permit, it was very clear that the fence was to be split rail. That is not what was built. A letter was sent telling them they were in violation and the fence needed to be removed.

Mr. Clemmons stated the violation notice that was sent out, is stayed while he is appealing keeping the fence. At some point, closure is needed because we will take him to court if the fence is not removed. Mr. Clemmons recommended action be taken at the next meeting – either approve or deny.

Don Hassler, seconded by Bill Woeste, made a motion to table the fence request at 8600 Essex Orchard in Stockton Station Subdivision.

Motion carried 6 – 0.

REPORTS AND GENERAL DISCUSSION:

Being no further business, the meeting adjourned.

Scott Lepsky, Chairman

Peggy Flaig, Clerk