

MINUTES OF A REGULAR VOTING MEETING OF THE

FAIRFIELD PLANNING COMMISSION

JUNE 24, 2009

Jerry Dailey, Chairman, called the Regular Voting Meeting of the Fairfield Planning Commission to order.

Members present: Jerry Dailey, Jeff Holtegel, Deborah Rhees, Scott Lepsky and Don Hassler.

Scott Lepsky, seconded by Jeff Holtegel, made a motion to excuse Diana Bailey and Terry Senger. Motion carried 5 – 0. (Ms. Bailey arrived shortly after roll call.)

MINUTES OF THE PREVIOUS MEETING:

The minutes of the previous meetings, held May 6 and May 13, 2009, were approved as submitted.

NEW BUSINESS:

Conditional Use Application – Outdoor Music – AMVETS – 4829 Industry Drive

Tim Bachman stated the letter submitted by the applicant outlines the times they are requesting approval for the outdoor music. The Commissioners also received an aerial showing the AMVET location and other businesses in the general vicinity.

Mr. Gary Schwarm, 799 Allen, asked the Commission to allow music for the hours they requested. There would be no bands for the time requested Sunday through Thursday (1:00 p.m. until 12:00 a.m.). Music would be played either with a juke box, stereo or boom box. On Fridays, they are requesting approval from 8:00 p.m. until 12:00 a.m. and on Saturdays, 1:00 p.m. until 12:00 a.m. There was a conflict with Tori's Station one evening with an outdoor wedding being held there. When AMVETS found out about it, they shut the music down. Mr. Schwarm explained that several years ago, an agreement was made with Tori's Station that AMVETS would stop their music from 7:00 p.m. until 7:30 p.m. to allow for wedding events at Tori's Station. AMVETS is a non-profit and 80 – 85% of their money goes back out of the club in the form of donations. AMVETS held a benefit drive on June 13th which started at 2:00 p.m. They checked with Tori's to make sure Tori's had nothing going on. The reason they built the shelter is because their building is small. AMVETS will cooperate with Tori's; they do not want conflict. Saturdays appear to be the only problem.

Mr. Schwarm said the letter AMVETS submitted requests a 30 day schedule of events from Tori's Station. This does not have to be met. On days that AMVETS has something going on, they will check with Tori's to see if they have anything scheduled and if so, AMVETS will stop the music. Mr. Schwarm presented the Commission with a letter from Hassman Management, 122 Donald Drive in support of the application. AMVETS has been playing music outside since 1993 with no complaints. Mr. Schwarm asked for latitude so they could continue using the shelter area to make money for helping people.

Deborah Rhees asked if the Monday through Friday hours would conflict with the school during the fall and spring. Mr. Schwarm replied if there was a conflict, they would stop. Ms. Bailey requested the starting time be changed to 3:00 so there is no potential conflict and Mr. Schwarm agreed.

Mitch Minnielli, representing Tori's Station, said they had an open line of communication with AMVETS and negotiated that outdoor weddings would be over by 8:00 p.m. Tori's occasionally does have weddings during the day or during the week; it's not common but does happen. Fridays and Saturdays are their normal wedding events. It would be very difficult for Tori's to supply a 30 day event schedule to AMVETS. Mr. Minnielli stated it is a sound tunnel between the two buildings.

Jeff Holtegel asked if Tori's had any outdoor music and Mr. Minnielli replied a bride might have a harpist or a cello. The only person amplified is the Priest.

Ms. Lynn Conley, General Manager of Tori's, stated they have 40 – 50 gazebo events. On the sheet they pass out to potential clients, it states that weddings in the gazebo have to start before 7:00 p.m. One of the events was disrupted by music from AMVETS so the owner of Tori's approached the City.

Tim Bachman informed the Commission these types of cases usually go before the Board of Zoning Appeals. This property is in a M-2 zone which permits some outside activities so staff felt a Conditional Use Grant was the appropriate channel. Mr. Bachman stated he was nervous about not putting time frames on it. The Police Department is made aware of approvals for outdoor activities so they know how to react if a complaint is made.

Mr. Gary Smith, 110 Donald Drive, stated his business has been there well before Tori's or AMVETS. He has heard music from both. AMVETS has made a lot of improvements and feels this is just a communication problem.

Jerry Dailey stated he felt allowing outdoor entertainment 7 days a week is too much. If this is approved, some of the other outdoor entertainment uses approved by BZA might also ask to increase the days they can have events.

Gary Schwarm told the Commissioners that 3:00 p.m. until 12:00 a.m. Sunday through Thursday would be acceptable to them. Mr. Bachman felt the radio was not the problem; it's the bands.

Discussion was held pertaining to limiting the hours when a band could play and how long the approval would be valid for.

Jeff Holtegel, seconded by Diana Bailey, made a motion to grant a Conditional Use for outdoor music for AMVETS, 4829 Industry Drive, based on the following conditions:

- Sunday thru Thursday, music can be played via radio or juke box from 3:00 p.m. to 8:00 p.m. (no bands)
- Friday music, including bands, can play from 8:00 p.m. until midnight.
- Saturday, music can be played from 3:00 until midnight (including live bands)

- This approval is valid until September 23, 2009. AMVETS will have to apply for an extension prior to this date.

Jerry Dailey asked if the applicant agreed to these conditions and he stated he did.

Deborah Rhees asked that the motion be amended to state that if they do not ask for an extension prior to September 23, 2009, this approval becomes void.

The vote on the amendment to the motion was 6 – 0.

The vote on the motion as amended was 5-1; Jerry Dailey dissenting.

Being no further business, the meeting adjourned.

Jerry L. Dailey, Chairman

Peggy Flaig, Clerk