

**MINUTES OF A REGULAR VOTING MEETING OF THE**

**FAIRFIELD PLANNING COMMISSION**

**June 27, 2012**

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

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

**MINUTES OF THE PREVIOUS MEETING:**

The minutes of the previous meeting, held June 13, 2012, were approved as submitted.

**NEW BUSINESS:**

Tim Bachman informed the Commission of the need to table the second agenda item. Mr. Richardson has not obtained approval from the owner of the property where the fence is proposed.

**Design Review Committee Item – Urban Limit – New Signs – 619 Reigert Square**

Slides were shown of the location of the proposed signs and the business itself. The business is behind Gene's Resale Store. Two panels are proposed on the marquee sign and a wall sign. The trim around the door and windows have also been painted the same lime green. The Design Review Committee turned these signs down as they felt the lime green background was too bright and asked that the trim also be repainted white. For the signs, the Committee suggested a white background, black lettering and the lime green used as either a border around the sign or shadowing the letters. The applicant was instructed to submit new signage for the Planning Commission's consideration. The new marquee sign will have the white background and black letters. Individual letters are now proposed on the building with a small sign panel underneath. The building signs will not be lit.

Mr. Joseph Amanie, applicant, stated he operates a cell phone store for a new company called Simple Mobile. At the Design Review meeting, he was asked to change the sign which he has. He also agreed to repaint the trim. Mr. Amanie was informed he is permitted up to 36 s.f. of signage; 8 s.f. will be used on the marquee sign leaving 28 s.f. for the building.

Mr. Tom Hasselbeck, seconded by Don Hassler, made a motion to approve the revised sign with a maximum square footage of 36 for the building and marquee.

Motion carried unanimously.

**Fence Request – Olde Winton Subdivision – 5024 Winton Road**

Jeff Holtegel, seconded by Bill Woeste, made a motion to table the fence request for Olde Winton Subdivision at 5024 Winton Road.

Motion carried unanimously.

Sign Classification – Flutter/Feather Flag and Air Dancer

Tim Bachman stated the Board of Zoning Appeals had a case at their June meeting for the Golf Center, Route 4 and By-Pass 4. The Golf Center currently has flutter flags and an air dancer (slide of both was shown). The owner of the Golf Center was notified that both the flags and dancer were prohibited and needed to be removed. He asked for a variance to the BZA to allow one air dancer and three flutter flags. The BZA has requested an opinion from the Planning Commission as to whether these should be promotional signs, prohibited or only allowed for grand openings. Mr. Lepsky added that at a previous BZA meeting, the Board was instructed to ask the Planning Commission for clarification on sign classification rather than re-opening the entire sign ordinance for discussion. Tim Bachman stated several of the BZA members were interested in resurrecting a committee to study the sign code. Since there really is no standing committee to review signs, the Planning Commission is the appropriate body to look at signs from a city wide perspective versus the BZA who is only focused on the applicant's property.

The sign code was changed about 6 years ago. For promotional signs, a business is allowed one banner (max. 30 s.f.) or a special event sign (24 s.f. and not to exceed 6' in height). A time provision was also placed on promotional signs which requires a permit and allows the sign to be displayed for a 10 day period. Businesses can obtain 12 promotional sign permits per year with a period of 10 days in between permits. Other provisions were placed on these signs. Mr. Bachman asked the Commission if they felt the air dancer should be considered promotional signage. He further explained grand opening signs basically allow everything – pennants, captive balloons, streamers, etc., for a period of 60 days. Change of ownership or management does not constitute a new business unless the business has been closed for at least sixty days and therefore would not be permitted grand opening signage.

Mr. Clemmons stated one of the problems with trying to enforce a restrictive ban on the banners or flutter flags is that the City violates the ordinance with the banners throughout the Town Center and up and down Route 4. He would like to see something legislated that controls and regulates banners on a permanent basis. The air dancers are too distracting and could be dangerous. Electric to any of these devices would need to be checked. A young girl was electrocuted a few years ago when she stepped on an electric cord running to a portable sign.

Mr. Bachman stated the City's current position is air dancers are only permitted as grand opening signage. Flutter flags are being used throughout the city. The zoning inspector informs the business owner they have to be removed. Typically, more than one flag is used. Under "Promotional Signage", the City allows 30 s.f. for a banner or 24 s.f. for a special event sign. If the Commission is inclined, we can allow 30 s.f. of flutter flags. These flags would fall under the same constraints as promotional signage (need to stay out of the right of way, cannot create a sight distance problem, require a permit, be inspected, etc.). Mr. Lepsky asked if the number of flags could be based on street frontage. Mr. Bachman replied it would be difficult to enforce in the field and administratively. Mr. Clemmons suggested the way flutter flags are anchored should also be addressed. Air dancers too, should be specifically defined under grand opening signage.

If the Commission agrees, staff can send the Commission's comments back to the Board of Zoning Appeals and start on formal changes to the Sign Ordinance addressing flutter flags and air dancers. Mr. Lepsky added safety concerns also need to be addressed in the ordinance revision.

Kroger Gas Station Update – Nilles/Pleasant

The Commission was shown slides of the latest proposal which will be presented to City Council during Kroger's appeal process. Design Review and Planning Commission both turned Kroger's original submission down in October 2011 due to use (kiosk), access on Pleasant Avenue and the amount of outdoor display. Staff met with Kroger again in December and January to explain the issues with the initial submission. Kroger's filed an appeal with City Council and has been redesigning their site plan. The new plan increases the building to 1,000 s.f. and moves a lot of the outdoor storage inside. The irrigated landscaping has been enlarged to include the area around the dumpster and new building location. Moving the building also allows Kroger to increase the number of gas pumps from 14 to 16. Kroger will also be purchasing a perpetual easement from the City for a right in only off of Pleasant Avenue. The large Duke Energy transmission pole will remain and the right in designed around it. Lastly, a rendering of the site was shown. The outdoor display will be located next to the building in an area less than 50 s.f.

Mr. Bachman informed the Commission the facility might operate 24/7. On the off hours, the facility would be self-service only. By law, fire suppression has to be provided under the canopy for all the gas pumps since an attendant will not be there. The City has informed Kroger if they do this, they will have to come back before Design Review and the Planning Commission for approval.

Signage will be on the canopy as well as a ground sign.

If approved by City Council, Mr. Hassler asked if it was subject to a referendum. Mr. Clemmons replied that would probably have to be decided by a court. The question is whether Council is acting legislatively or administratively. The ordinance states there is no appeal because it is a legislative act. The court however could rule differently. Of the four issues the City objected to, they have made a good faith effort to address all of them. Fueling stations are a permitted use currently in the D-1 zone. Mr. Holtegel stated in this case, the public probably wants this. Mr. Hassler said it's the location and is concerned there's going to be a lot of accidents.

Being no further business, the meeting adjourned.

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Scott Lepsky, Chairman

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Peggy Flaig, Clerk