

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

**FAIRFIELD PLANNING COMMISSION**

**July 10, 2013**

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

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

**MINUTES OF THE PREVIOUS MEETING:**

The minutes of the previous meeting, held May 22, 2013, were approved as submitted.

**NEW BUSINESS:**

Home Elevation – John Henry Homes – 5869 Emerald Lake Drive

Slides were shown of the front, rear and side elevations as well as a colored rendering of the front facade. Mr. Bachman stated the elevations illustrate the use of cultured stone and hardiboard on the front, a full first floor brick wrap and siding on the second story on the sides and rear.

Mr. Josh Blatt, John Henry Homes, stated they are aware of the higher standards in place for homes in Emerald Lake. The elevation submitted for consideration was designed by Perry Bush and is an upgrade from their standard product line. Some of their standard elevations do meet the criteria set for the subdivision but are not as nice as this particular home. City staff had suggested replacing the hardiboard on the garage with stone but Mr. Blatt felt that would be too much stone and the home would look unbalanced. The hardiboard will be tan with brown tudor trim.

Mr. Bachman stated this elevation is close to one previously approved for another builder. The other home did have the front of the garage bricked so that is why staff suggested replacing the hardiboard with stone on this elevation. Mr. Bachman gave a brief history of the various builders that have constructed homes in the subdivision. Elevations were submitted and approved by the Commission with input also from the residents. There are 20+ lots remaining and Mr. Bachman suggested each home be brought before the Commission for review and approval since the lots are now being sold to various builders. Mr. Blatt stated they have purchased two lots but have rights on others. This home is approximately 3,000 s.f. and will have a walk out basement and three car garage. Property values throughout the subdivision were discussed.

Several of the commissioners expressed their opinion in regard to whether the front of the garage should be stone or approve as submitted. Mr. Blatt stated the design of the home was not cost driven. Their base elevation for a Canterbury II meets the requirements of the subdivision but is not as nice as this elevation and would have been less expensive.

Mr. Lepsky stated he felt the elevation as submitted meets the intent of the Emerald Lake subdivision.

Tom Hasselbeck, seconded by Bill Woeste, made a motion to approve the elevations as submitted with the tudor detail on the garage. Motion carried 7 – 0.

A slide of the lots remaining to be built upon was shown to the Commission. Mr. Bachman stated in 2004, Ryan Homes was the preferred builder and their restriction was that brick, stone or comparable building material was required on the entire front façade and first floor elevation of the remaining sides. After Ryan left the subdivision, Fischer Homes submitted elevations for approval which introduced the use of hardiboard on the front elevation. In 2012, MI Homes submitted elevations for approval and ended up only building one. Any new builder must now comply with the initial Ryan Homes restrictions or have an elevation that is the same as the Fischer or MI elevations approved by the Commission. There is a series of real estate signs throughout the subdivision so there is the potential for a number of new builders. Since there is not one builder committed to all of the remaining lots, Mr. Bachman suggested each home be reviewed on an individual basis for compliance to the Ryan restrictions or be a Fischer, MI and now John Henry approved elevation. Dixon Builders also submitted a house plan which met the Ryan criteria so staff was able to approve it without the Commission's review.

#### Mi Hacienda Special Events – 6 Month Review – 3220 Dixie Highway

In January, 2013 the Commission approved special events to be held at Mi Hacienda for a six month trial period. There were six conditions of approval they had to comply with. Sgt. Lagemann reported the owner of the property was leasing out the facility to someone who organized the special events. There was one incident where the band showed up late and continued to play after 2:30 with alcohol still being served. Upon arrival of the police, no one could tell the officers who was in charge of the event. It brought up the issue of the permit holder needing to be more involved with the operation of the bar. Initially, the property owner had hired a manager and some employees from Nuevo Rodeo to oversee operations which took care of the Police Department's concerns. There are currently 8 events held per month with off duty police officers working outside. The officers will not work when the business is strictly operating as a bar.

Sgt. Lagemann stated they no longer have a manager and were leasing it out to a group of people who were running it. On June 18<sup>th</sup>, police were called for a gun being pulled on an employee by one of the people leasing the facility. As before, when the police arrived no one could tell them who was actually in charge. Sgt. Lagemann spoke with the Liquor Control office and was told this is not legal and is referred to as "hidden ownership". Liquor Control stated if you own the permit, you have to be active in the management or hire a manager to oversee operations. If the Planning Commission is in favor of renewing the conditional use, the Police Department requests another condition be added that it is not leased out to someone else. On the night of the 18<sup>th</sup>, Sgt. Lagemann did call and speak with the owner who volunteered to come to the bar to help clear things up. The Police have not had issues with the owner; only those leasing the bar. Since that night, the bar is no longer being leased and the owner has gotten more involved in its operation. The initial business plan stated they had security, had a manager and would have special events as well as operating it just as a bar.

Mr. Bachman stated this shows there is a management problem that needs to be addressed which is why they were given the 6 months trial period. Sgt. Lagemann closed by saying the Police Department felt the eight events per month was generous.

Mr. Rodolfo Zendejas, 3577 Saratoga Drive, Hamilton, stated he wants to keep the business going because so far, it is going well. It is their main income. Mr. Zendejas said since the night the problem occurred, he has been going to the bar more often to see what is going on and if there is a problem, he will resolve it. The building is no longer being leased. Several commissioners stated they would not be opposed to granting another 6 month extension now that the owner understands what is expected but the conditions of approval need to be tightened in regard to proper operations. If the owner leases the building again and there is a problem, the conditional use approval will be revoked. Mr. Bachman explained to the owner that the Commission wants him to be much more involved with the operation of the bar or hire a manager, paid by Mr. Zendejas, to run the operation. If Mr. Zendejas is not there, his manager should be able to get in touch with Mr. Zendejas if needed.

Scott Lepsky, seconded by Jeff Holtegel, made a motion to grant a six month extension for Mi Hacienda, under the previously stipulated conditions of approval and per the business plan submitted with a special note as to the discussion the Commission had in regard to the Ohio Liquor Control requirement that there be no hidden ownership or third party leasing.

Motion carried 7 – 0.

Being no further business, the meeting adjourned.

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Scott Lepsky, Chairman

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Peggy Flaig, Clerk