

MINUTES OF A REGULAR VOTING MEETING OF THE

FAIRFIELD PLANNING COMMISSION

March 11, 2015

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

Members present: Scott Lepsky, Don Hassler, Bob Myron, Tom Heisler, and Tom Hasselbeck.

Motion to excuse Bill Woeste and Ron D'Epifanio carried 5 – 0.

MINUTES OF THE PREVIOUS MEETING:

The minutes of the previous meeting, held February 25, 2015, were approved as submitted.

OLD BUSINESS:

Conditional Use Application – Used Car Lot – 4845 Dixie Highway

Motion to remove this item from the table carried 5-0.

Tim Bachman, Development Services Director, described the location of the property. Slides were shown and are attached. Mr. Bachman discussed the location of the Texas Gas Line in relation to the subject and adjacent properties. Slides were shown of the existing lot lights and pole sign, and the property was shown from different angles. Texas Gas had issues with the staff recommended plantings in the easement and the City is still awaiting a response on that issue. There was discussion regarding the landscape bed that was introduced at the corner of Route 4 and Hicks Blvd. Mr. Bachman handed out several attachments regarding the case; the Code section defining “Conditional Use”, a copy of the Ordinance 96-14 relative to the changes made in the C-3 zoning district, requiring all used car lots to be approved as Conditional Uses, as opposed to Principal Permitted Uses; a diagram of Legally Non-Conforming Sales Lots, and the Proposed Conditions of Approval from Staff. (attached)

Ron Smith, Attorney, and Dia Alassoud, representative for the owner of the property, were in attendance to speak regarding the Conditional Use. Mr. Alassoud purchased the property from Swifty in December 2014. Mr. Smith indicated that he received the Proposed Conditions of Approval from Staff, and there were items they possibly wanted to waive, however they agree with the majority of the conditions. Mr. Bachman asked for clarification on whether or not the proposed lot was going to be a temporary or a permanent use. The applicants are currently marketing the property, and think that a restaurant or retail business would find the corner lot attractive. They are not marketing it as a used car lot. In the meantime, the best use for the property is a car lot. Mr. Bachman stated a condition giving the applicants one year needed to be added, if approved. Mr. Alassoud stated that he may need to come back after a year if the property hasn't sold.

Mr. Alassoud discussed that he owns many properties in the area; the old Fairfield Ford, the old Nissan dealership, and some properties in Hamilton, including residential property. Right now, a used car lot is a better use than an abandoned gas station. He has a lot of stake in Fairfield, and wants to keep the lot attractive and in good shape. He has no intention of keeping the subject property as a car lot; he has a car lot he has been running for 15 years in Hamilton, and doesn't want the competition.

Mr. Lepsky asked if he planned on removing the canopy and building that is on the property. He can't think of any other businesses that would use the canopy, other than a gas station. For marketing purposes, they may want to remove it. Mr. Alassoud thinks that issue is not a priority at this time financially. They're hoping if someone purchases the property, they will tear down all of the existing structures.

The Proposed Conditions of Approval attached (Memo to Planning Commission from Erin Donovan dated 3-11-15) were discussed.

Regarding item 2, the applicant feels that this is not feasible; the curb cut cannot be moved very far and it will be expensive. Mr. Bachman stated that traffic queues up in that area; they are trying to circumvent that situation with the move of the curb cut further from Route 4. There was discussion on moving the existing light poles that are in that area.

Regarding item 7, the City did not receive a favorable response from Texas Gas on the proposed landscape plan in the easement. The applicant is willing to install landscaping beds to the north and west corner of the lot. Also, the applicants do not think it's necessary to install a landscape buffer along the property line because there is already decorative wrought iron fence in the same location and it abuts a parking lot. They also do not want to be required to seek approval from Express Scripts on the landscaping plan if they are required to install.

There was discussion on item 8; Mr. Smith asked for clarification on this item. Mr. Bachman doesn't want anyone parking in the driveway approach; as their competitors already consistently do. Mr. Smith agreed.

There was discussion on item 10 regarding why the existing pole sign doesn't conform. The sign is too close to the right-of-way, is not located within the middle 80% of the lot and is possibly too large. It does not comply with the zoning code. Mr. Alassoud said it would be easier to use the existing sign, because it already has electric wired to it. Mr. Bachman feels that this is the first Conditional Use the Commission is hearing under the new Ordinance, and thinks it should be done right and the non-conforming sign removed. A pole sign requires 200 feet of frontage; only a ground sign would be allowed per the zoning code. The maximum height on a pole sign is 24 feet.

The timeline on the Conditional Use was discussed. The applicants do not want to invest a lot of money into the property, and then have to come back next year. The applicant wants a permanent use approved.

After some discussion, all of the Proposed Conditions of Approval were agreed upon by the applicants and staff, except for item 2, item 7 and item 12. If the Conditional Use is granted for a year, additional items may be added or modified; pending the performance of the car lot during the conditional use period, including items 2, 7 and 12. Mr. Lepsky didn't feel that any of the conditions were unreasonable or excessive to accomplish. Mr. Smith indicated that, at this point, they were financially restricted; the tank removal was more expensive than they anticipated. They do not want to put a bunch of money into the site, only to sell it quickly.

There was discussion on the changes that were made with Ordinance 96-14 pertaining to Conditional Uses. Mr. Alassoud said he thought the rule should be looked at case by case. Mr. Hassler wants to have control of how these businesses look, not eliminate them completely. That is not what the ordinance was written to do.

Scott Lepsky, seconded by Tom Hasselbeck, motioned to approve the Conditional Use as a temporary use, to be reviewed on 5/11/16, with the Proposed Conditions of Approval (attached), with the exception of items 2, 7 and 12. Additional items may be added or modified; pending the performance of the car lot during the conditional use period, including items 2, 7 and 12. The Conditions must be completed by 6/1/15. Motion was approved 5-0.

NEW BUSINESS:

Re - Plat – Lot 13380 (New Lot 14097) - 3450 Golfview Ct.

Slides of Lot 13380 (New Lot 14097) and the existing plat were shown. There is not currently a house on the adjacent lot, though it was recently purchased. Chris Smith, owner, and Jim Toerner, surveyor, were in attendance. They will be encroaching 17 feet into the easement after the re-plat. They are proposing to widen the buildable area of the lot. Mr. Smith indicated that he visited the site after all of the recent snow and rain and there was no water backed up onto the property. The proposed basement will be a walkout, and Mr. Toerner designed everything according to the Minimum Opening Elevation (M.O.E.).

Scott Lepsky, seconded by Tom Heisler, motioned to approve the re-plat. Motion was approved 5-0.

REPORTS/STUDIES/GENERAL DISCUSSION

Being no further business, the meeting adjourned.

Scott Lepsky, Chairman

Lynda McGuire, Clerk