

**MINUTES OF A REGULAR VOTING MEETING OF THE**  
**FAIRFIELD PLANNING COMMISSION**

**September 24, 2014**

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

Members present: Scott Lepsky, Don Hassler, Bill Woeste, Mark Morris and Ron D'Epifanio.

Mark Morris, seconded by bill Woeste, made a motion to excuse Tom Hasselbeck and Bob Myron. Motion carried 5 – 0. Mr. Hasselbeck arrived shortly after roll call was taken.

**MINUTES OF THE PREVIOUS MEETING:**

The minutes of the previous meeting, held September 10, 2014, were approved as submitted.

**NEW BUSINESS:**

Design Review Committee Items:

New Building Sign – Servatii Pastry Shop & Deli – 710 Nilles Road

Tim Bachman stated Servatii is proposing a new sign. It was originally taken to the Board of Zoning Appeals and was taken off due to a redesign. The sign will extend above the bottom of the roof line but it's not a roof sign. A structural element will run under the roof joist and connect; it's not attached to the roof. This is similar to the design of the Hothead sign. Slides of the location and proposed signage were shown. The letters and logo will be lit, the background will not. Also, the awning containing their current signage will be replaced with a plain green panel. The Design Review Committee recommended unanimously that the sign be approved.

Scott Lepsky, seconded by Ron D'Epifanio, made a motion to approve the Servatii sign at 710 Nilles Road as recommended by the Design Review Committee. Motion passed unanimously.

New Graphic Band and Signage – Pfefferle Tire & Auto Service – 479 Nilles Road

Slides of the location and proposed improvements were shown. Mr. Bachman stated the slanted standing seam mansard roof will be removed and replaced with a graphic band. This band will be similar to the Quick Lube location further down on Nilles Road. The design on the rendering is opposite of the Quick Lube but the Pfefferles would like the tire location to match the Quick Lube. Also, the building or front façade will be repainted. Pfefferles have not chosen a contractor yet so there might be minor changes.

Mr. Hassler asked if there is a ground sign at this location and was told there is not. They would like to have one. They had signage on the Ameristop sign which has been removed.

Don Hassler, seconded by Bill Woeste, made a motion to approve the signage for Pfefferle Tire at 479 Nilles Road as recommended by the Design Review Committee. Motion passed unanimously.

Consent Agenda Item – New Windows – Fire Headquarters – 375 Nilles Road

Tim Bachman explained new windows at Fire Headquarters are being installed. This is just for the Commission's information and no action is necessary.

Proposed Lot Split – Lot 13473 – 925 and 935 Deis Drive – Village Green Subdivision

Slides were shown of the proposed split and buildings. There are two buildings on one lot and the request to separate the buildings. It gets a little complicated in regard to utilities running through the property. They are asking for a variance for the rear piece to be its own separate lot with no legal frontage. The applicant is trying to obtain financing and they need to own the property, not rent it. Mr. Richardson was told that Planning Commission approval would be needed first and then they can work through the utility and maintenance issues. This way, if the Commission denies the split, a lot of money was not spent on working through the utility and maintenance items.

Mr. Greg and Leslie Dungan, 919 Olde Station Court, stated they have owned and operated Little Village Kids for 6 years. When the daycare first opened, there was a hair salon on the end but they now occupy the entire building. It is their goal to purchase the building so they are no longer paying rent which would lower their monthly cost. This is the first step of that process. Next, they would be working out the easements and agreements for the utilities, ingress and egress, etc. The parking as shown complies with City requirements for both buildings. Mr. Bachman stated signage is another item needing to be addressed. There is one sign for the day care and if the split is approved, the sign will be on Mr. Kirsch's property. Signage, shared parking easements, private utility easements, etc. will be worked through and submitted to our office; the split will not be approved until these items have been satisfied and agreed upon by both parties. Mr. Dungan stated the split and agreements are all a prerequisite for getting an appraisal and setting a price for the building. This is the first step in a process that has a lot in front of it. The preliminary approval of the split is needed in order to move forward.

Mr. Hasselbeck asked if all the setbacks would be met and Mr. Bachman replied the front yard setback might not be met but because this is a P.U.D., the setback would not be an issue if the Commission approves.

Don Hassler, seconded by Ron D'Epifanio, made a motion to approve the lot split for lot 13473, 925 and 935 Deis Drive, Village Green Subdivision based on the conditions Mr. Bachman discussed (creation and approval of the easement agreement). The vote on the motion was unanimous.

Waiver Request to the Residential Restrictions and Requirements for the Village Green Planned Unit Development – Swimming Pool

Mr. Bachman stated he has worked with Mr. Senger for several months regarding his desire to have an in-ground pool at his Sherry Lance residence. After reviewing with the Law Director, it has been determined this item is not ready to come before the Commission just yet. Ordinance 77-97 adopted the restrictions and deemed them enforceable as a zoning ordinance. Item 12 of the restrictions

prohibits in-ground pools and above ground pools over 12' in diameter and 2' in height. It should start with City Council in the form of an ordinance and then be deferred to Planning Commission for a recommendation back to City Council.

Terry Senger was in attendance to answer any questions the Commission might have had. Mr. D'Epifanio stated that Mr. Senger had one of the largest residential lots in Village Green. A slide was shown depicting the various lot sizes in the subdivision. The lots were color coded and Mr. Bachman reviewed the index with the Commission. Mr. Senger's lot is red which indicates it is over 20,000 s.f.

Later in the meeting, a motion was made by Scott Lepsky and seconded by Don Hassler, to remove this item from the agenda. Motion carried 6 – 0.

Proposed Amendment to Chapters 1133 and 1165 of the Codified Ordinances – Permitted and Conditional Uses in the C-3 and C-3A Zoning Districts

Tim Bachman read the proposed changes to the existing definition. Modifications are proposed to the motor vehicle or trailer sales area definition and a new definition created to address storage shed or barn or play structure. Under C-3 zoning, changes are proposed to remove automobiles, trucks, trailers and farm implements from a principal permitted use to a Conditional Use. They will now appear under 1165.02 subject to additional conditions. A new provision is also proposed to add storage sheds, barns and play structures as a Conditional Use subject to the same additional conditions as the cars.

John Clemmons suggested a few modifications. On the definition, he would like to add the words storage and lease so it would read "...for the display, storage, sale, lease or rental of...". There are several areas along Route 4 where the cars look like they are being stored not particularly displayed for sale. Mr. Clemmons recommended the same modification be made to the storage shed or barn, carport or play structure definition.

Under the Conditional Use section of Chapter 1165, it reads "Subject to additional conditions as determined by the Planning Commission including, but not limited to:". Mr. Clemmons stated that under the definition of Conditional Use, the Planning Commission is allowed to impose conditions and it was not meant to imply that only the 4 conditions listed could be imposed. He suggested adding the words "In addition to any other conditions imposed" in front of "Subject to additional conditions.....". Mr. Clemmons felt adding this would clarify that the Commission could address additional conditions should they be needed. This change would be made for both the motor vehicle paragraph and the storage shed paragraph.

Mr. Hassler asked if it would be possible to reduce the time that the existing lots would be grandfathered. Mr. Clemmons replied the courts have said you cannot retroactively make someone illegal. They have to be given the right to grandfather or considered a non-conforming use to continue that use. Mr. Hassler stated that they currently have a year. Tim Bachman stated it used to be two years; we recently reduced the time and changed it to one year. Mr. Clemmons stated staff can review this but it is not part of the changes currently being proposed.

Mr. D'Epifanio suggested adding that storage shed or barn, carport or play structure sales areas be paved. Mr. Bachman stated that could be addressed on a case by case basis during the review of the Conditional Use request. The existing display lots are grandfathered so we cannot require them to pave.

Mr. Morris suggested replacing the word "relative" with "including, but not limited" under Chapter 1165. Mr. Clemmons agreed to the change. Mr. Woeste stated one of the reasons for the ordinance changes is to spruce up incoming businesses. The current property owner has no incentive to do so as long as they can lease the property out.

Scott Lepsky, seconded by Bill Woeste, made a motion to recommend approval of the proposed changes to the Codified Ordinances as presented and clarified. Motion passed unanimously.

### **GENERAL DISCUSSION**

Mr. Woeste stated the infrastructure on the sewers is moving forward in regard to the substructure.

Mr. Bachman informed the Commissioners there is another Joint Public Hearing on Tuesday, October 14<sup>th</sup> at 7:00 p.m. regarding the condo project proposed in Village Green. He also updated the Commissioners regarding the pub approved at the last meeting. Notices went out to adjacent property owners however Pfefferle was not notified due to an error in our system. Erin Donovan did go out and meet with them, gave them a copy of the minutes and informed them of the approval. She also contacted the pub owner and suggested he contact the Pfefferle's himself.

Being no further business, the meeting adjourned.

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Don Hassler, Vice-Chairman

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Peggy Flaig, Clerk