

MINUTES OF A REGULAR VOTING MEETING OF THE

FAIRFIELD PLANNING COMMISSION

November 9, 2011

Jeff Holtegel, Chairman, called the Regular Meeting of the Fairfield Planning Commission to order.

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

MINUTES OF THE PREVIOUS MEETING:

The minutes of the previous meeting, held October 26, 2011, were approved as submitted.

OLD BUSINESS:

Tom Hasselbeck, seconded by Mark Morris, made a motion to remove from the table, the hood screening and fencing for La Pinata and the proposed changes to Chapter 1192, Source Water Protection.

Motion carried 7 – 0.

Design Review Committee Item

La Pinata Mexican Grill and Bar – 500 Wessel Drive, Suite E – Fencing and Hood Screening

Tim Bachman stated this was tabled pending submission of a new design for the hood screening. La Pinata will be locating in the north portion of the Symmes Tavern building (outlined in red on slide). Outdoor seating is proposed on the east and west sides of the building. These areas will be fenced with the same type of decorative fence used by Symmes Tavern. The next issue is how the mechanicals for the new kitchen will be screened. The architect has re-designed the plan to keep a lot of the equipment in the attic space. A slide was shown of the ductwork that will be on the exterior of the building. The ductwork is approximately 2' wide by 2 ½' to 3' wide. The original proposal showed screening of a 20' area. The builder has stated he can screen the ductwork; the venting will still be seen. The finish of the enclosure will be determined in the field with staff. In the brick band, there will also be a venting system for the fresh air intake (approximately 2' x 2'). Mr. Bachman stated if the Commission approves this, a condition of approval should be that the ductwork is boxed in and the builder work with staff to determine what material will be used on the exterior of the box.

Mr. Bachman informed the Commission the original proposal was a 20' x 4' rectangular barrier which was needed to hide all the equipment proposed outside. By placing the equipment in the attic, the impact to the exterior is greatly reduced.

Jim Mitchell, contractor for La Pinata, stated he talked the owner of La Pinata into placing all of the equipment inside. It's more expensive but looks a lot better. The vent will extend just past the edge

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of the gutter and will be designed on site. Mr. Mitchell will try to make it as small as possible.

Scott Lepsky, seconded by Don Hassler, made a motion to approve the designs for La Pinata as submitted with the stipulation that external venting will be boxed in and finished with a material as recommended by staff.

Motion carried 7 – 0.

Proposed Revisions to Chapter 1192 of the Codified Ordinance – Source Water Protection

The Public Hearing was October 24th. Maps were shown to the Commission of the 1, 5 and 10 Year Time of Travel Zones. The green area depicted on the slides is the former Times of Travel Zones; gray is the new zones. The maps show the time it takes for a pollutant to reach a well. There were a lot of areas that were in the one year time of travel that are now being taken out. On the 5 Year map, the majority of the area is within residential with the exception of a small area jetting out to Route 4 and Nilles. The 10 Year map is mostly within the flatter, gravel substrate area of Fairfield. The areas defined on the new maps are again, much smaller than the old maps.

Commissioners were given a color coded ordinance copy showing the proposed changes. Changes to the ordinance include: (Colored text throughout the ordinance are proposed changes)

- Wellhead Protection was changed to Source Water Protection throughout the ordinance;
- Mr. Bachman's title was changed to Development Services Director. Tim McLelland, who is with the Groundwater Consortium, is the City's designee. He actually handles most of this process for us;
- Page 8 – Prohibitions – Within the 3 Time of Travel Zones, the ordinance specifies what can and cannot be done (Section D). New items added in the One Year Zone include construction and demolition debris landfills, disposal of asbestos, gasoline and/or diesel fuel dispensing service stations, rail switch yards and container ports, application of sewage sludge solids, oil and gas drilling and exploration. Several of these (P,Q,R and S) carry over into the 5 and 10 Year Zones. Mr. Bachman stated these are the major issues from our standpoint of reviewing new plans and redevelopments. The rest of the changes pertain to enforcement of existing facilities having a regulated substance;
- Page 13, Item D – Facility Registration – Mr. McLelland takes care of this for the City. He meets with perspective businesses, finds out if they have any regulated substances, discusses how they should be stored and registers them. The Fire Department and the Groundwater Consortium then knows what the business stores in terms of substance and quantity;
- Pages 16 and 17 – Management – This discusses storage. Temporary storage is more lenient than permanent. The ordinance addresses procedures that must be followed in regard to regulated substances if the facility were to close or in the event of a spill/release;
- Page 19 – Above Ground Storage – This is discussed in detail and addresses spill control for above ground storage tanks;
- Page 25 – Underground Storage – These are regulated by BUSTR, Bureau of Underground Storage Tanks;

- Page 28 – Management of Other Potential Pollution Sources – This addresses pesticides and fertilizers. Road salt storage is now included in the 5 Year Time of Travel. The City used to store road salt on Groh Lane but no longer does because of the pollutant potential. Salvage yards have also been added and defined in the code. The changes made under Drywells reflect practices the City currently does. New wells and maintenance of wells are addressed on pages 30 and 31. Geothermal wells have been added and the abandonment of wells addressed to comply with the State of Ohio’s mandates. Fill operation is a new section which specifies what type of fill material can and cannot be used;
- Mr. Bachman informed the Commission there is an appeal process to this ordinance which would be heard by the Board of Zoning Appeals; and
- Pages 33 and 34 define regulated substances.

Mr. Tim McLelland stated facility registration throughout the community includes a form that he works with the businesses to fill out. There are also forms for above ground tanks, underground tanks, spill control plan, etc. The information is then inserted into a data base and plotted on a map to show the Consortium what type of material is being stored and where. In the event there is a spill/release or fire, the Consortium will know what types of chemicals are at that facility and could be headed toward the aquifer.

Mr. McLelland said that in the City, there are a handful of gas stations having underground tanks located in the various times of travel. Gas stations are regulated by BUSTR and were required to update all their tanks in 1998. There are some stations in Hamilton that did not make this upgrade and there are others where the owner just walked away from the site. The Consortium is working with the State to try to obtain grant money to get the tanks pulled out of the ground. There are a few facilities in Fairfield that have had pollution; the BP on Pleasant Avenue which is shallow depth and is currently being monitored (no active remediation). The Flowerama site also had previous pollution and has been cleaned up to State standards but a drinking water well could not be installed in this area because the water is still polluted. Mr. Bachman stated Flowerama has a letter from BUSTR that the site is clean. Mr. McLelland informed the Commission that the Consortium does have monitoring wells throughout the region and monitors Fairfield’s, Hamilton’s and several other community’s wells. They are used as early warning wells to tell the Consortium pollution is on its way to the drinking water wells.

Mr. Hassler asked about the tanks installed at filling stations and Mr. McLelland replied they are doubled lined and often times, fiberglass tanks. Some communities are putting in above ground storage tanks.

Mr. McLelland stated the registration data is updated every two years. Information verified includes owner of the site, contact person, etc. Out of the 460 businesses he has spoken with over the past 11 years, only one business owner was adamant that he didn’t want to be involved in this process. He was taken to court and it was settled before seeing the judge. The majority of businesses though is protective of their ground water supply and wants to keep the drinking water safe.

Mr. Hasselbeck asked if this only applies to commercial/manufacturing. There are a lot of residential properties that have fuel oil tanks, some buried or in a basement. Mr. McLelland replied if they come across any residential tanks, they are addressed. These tanks are primarily in trailer parks where they have outdoor above ground storage tanks for heating oil. Mr. McLelland inspects the tanks to assure they are in decent condition. The owners of the trailer parks also monitor the tanks as they don't want their property contaminated in case of a leak.

Scott Lepsky, seconded by Mark Morris, made a motion to recommend approval of the proposed changes to Chapter 1192 of the Codified Ordinance, Source Water Protection Ordinance, as submitted.

Motion carried 7 – 0.

AGENDA ADDITION:

Conditional Use Application – Drive Thru – 765 Nilles Road

Don Hassler, seconded by Scott Lepsky, made a motion to add to the agenda, the Conditional Use application at 765 Nilles Road.

Motion carried 7 – 0.

Slides were shown of the proposed location. Coldwell Banker has vacated the premises and a pharmacy is currently looking at the space. They would like to have a drive thru to facilitate the transactions of their services. The drive thru is proposed on the back side of the building which faces the Perkins parking lot. If approved, two parking spaces in the Wessel Drive parking lot would be lost. Staff has concerns regarding the location of the window. If it is too close to Nilles, stacking and back up onto Nilles could be issues. Staff is hoping the window will be moved further south. Mr. Bachman showed the Commission the location of two doors for this space. It is unclear if the architect will use one of the door locations for the installation of the window. Staff will not recommend approval of the window if it is proposed close to the north end.

Mr. Bachman stated the large brick wall will have to be removed. This wall screens the mechanical that are located on the south side of the building. Ms. Donovan said the wall is 8' from the building. There will still be some grass area left between the drive thru and Perkins. If the Commission is inclined to approve this, staff recommends the applicant submit a plan drawn to scale by an architect or engineer. Mr. Rhodus asked if the mechanicals would be screened. The applicant replied he will do what is required by the City. Mr. Hassler stated another wall could be constructed to screen them. Mr. Bachman added the dumpster also needs to be screened. The two existing curb cuts on Wessel are currently being used for both ingress and egress. Mr. Bachman recommended they be changed; the eastern curb cut should be for ingress only and the western one for egress. In an effort to deter people from using the drive thru lane as a short cut, staff recommends the installation of speed bumps. Mr. Hasselbeck asked if there would be an awning over the pick-up window. The applicant stated he assumed they would want one. He has not seen any architectural drawings though.

Mr. Woeste asked if the doors on the back side of the building are emergency exits. The applicant replied there are two doors in the front for this space. Mr. Bachman said there are a lot of unanswered questions with this proposal. He wanted to add it since the Commission might not be meeting on November 23rd. When staff started reviewing the application, all of these questions came up. Mr. Bachman emailed the property owner with staff's concerns regarding placement of the pharmacy windows and they are still working through this with the architect. If the Commission would like, the application can be approved tonight and staff will work with the architect to address these concerns.

Mr. Rhodus stated he was not supportive of the new Nilles Road curb cut into this property. So far, it has not been a problem with people turning left into the site. The drive thru window will need to be moved as far south as possible and speed bumps installed. Mr. Rhodus felt people will use the drive thru as a cut through to get to Bibury. Mr. Bachman agreed.

Mr. Hassler suggested a condition of approval should be the drive thru is for the pharmacy only. Any other use would need Planning Commission approval.

Scott Lepsky, seconded by Don Hassler, made a motion to approve the Conditional Use for a drive thru at 765 Nilles Road with the following conditions:

1. A drawing to scale will be submitted to the Development Services Department;
2. Protective barrier and screening for mechanicals and dumpster will be included;
3. Curb cuts on Wessel will be marked one in and one out per Staff's recommendation;
4. Speed bumps will be installed as per Staff's recommendation'
5. The drive thru window will be allowed for the pharmacy only; and
6. All designs will be submitted to staff for approval prior to the development going further.

Motion carried 7 – 0.

For the record, the applicant was Russ Bockerstette.

NEW BUSINESS:

Holiday Schedule – Mr. Bachman said that in the past, the Commission has canceled the second meeting of the months of November and December. A Special Meeting can always be called if needed.

Mr. Hassler, seconded by Mark Morris, made a motion to approve the holiday schedule (canceling meetings on November 23rd and December 28th).

Motion carried 7 – 0.

Mr. Bachman informed the Commission that Kroger has appealed the decision denying the fueling station on the corner of Pleasant and Nilles. Their meeting with City Council has not yet been scheduled.

Being no further business, the meeting adjourned.

Jeff Holtegel, Chairman

Peggy Flaig, Clerk