

MINUTES OF A REGULAR VOTING MEETING OF THE
FAIRFIELD PLANNING COMMISSION

July 13, 2011

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

Members present: Jeff Holtegel, Scott Lepsky, Don Hassler and Mark Morris.

Don Hassler, seconded by Scott Lepsky, made a motion to excuse Mitch Rhodus, Tom Hasselbeck and Bill Woeste. Motion carried 4 – 0.

MINUTES OF THE PREVIOUS MEETING:

The minutes of the previous meeting, held May 25, 2011, were approved as submitted.

NEW BUSINESS:

Conditional Use Application – Church – 5958 Boymel Drive

Tim Bachman explained there was a Conditional Use Application filed for a church to locate at 5958 Boymel Drive. The property is zoned C-3, commercial. Parking is a concern and a handout was given to the Commissioners calculating the required parking. The applicant is aware of this and submitted documents addressing shared parking on site. The first slide showed the site with the 3 existing building and the slab for the 4th. The bottom building is Mr. Wieland's office, the middle is a condo building which a doctor's office occupies half and the top building is where the church would like to locate. On the far right is an existing concrete pad set up for the construction of the fourth building. The building the church is considering has parking on the sides and in front. There is also a shared curb cut between the proposed church and the existing condominium building.

The next slide showed the proposed interior finish for the church (sanctuary, kitchen, offices and restrooms).

The last slide shown depicted the proposed off-site parking. There is not enough parking on site as calculated by the parking ordinance. The applicant realizes this and has proposed off-site parking as shown. The church building has 28 – 29 existing spaces. Mr. Wieland has agreed to allow additional parking for Sunday morning church services at the office condo building and his building (33 additional spaces). Mr. Bachman reviewed the parking calculation handout given to the Commissioners (attached and made a part of these minutes). Under the parking ordinance, the church is required to have 47 spaces.

Mr. Hassler asked if the church would be renting or purchasing the property. Mr. Bachman stated the proposal is to purchase.

Mr. Holtegel stated the parking calcs indicate 95 total spaces would be required for the three buildings; 73 exists so the site is already 22 spaces short. He asked if the church parking was
Planning Commission Meeting Minutes

calculated on the 140 seats proposed in the sanctuary. Mr. Bachman explained the parking is figured two ways for churches. The calculation can be figured by taking the number of seats and dividing them by 5 which in this case would be 28; or, take the square footage (removing areas not used by the general public) and divide it by 100. Under the last scenario, the required parking is 47 spaces. The ordinance specifies the greater number is what is used. The applicant knew this and submitted a plan for additional parking off-site.

Mr. Holtegel asked if the commission had ever approved a conditional use for a church actually acquiring property and was informed the MRDD building on Patterson was approved as a church. Mr. Bachman added the Commission has had issues with churches proposing to locate in industrial zones.

Mr. Hassler expressed his concern that future tenants may need the parking Mr. Wieland is allowing the church to use. There is also a shared driveway. Mr. Bachman pointed out there is a landscape barrier between Mr. Wieland's building and the condo office building. People parking by Mr. Wieland's building would have to walk through the barrier or on the sidewalk parallel to Boymel.

Mr. Jack Wieland, owner of Wieland Builders on Boymel stated these buildings were built approximately 7 years ago and they have been sitting pretty much empty ever since. They are shells. Recently, a lot split was submitted to divide the parcels which would remove them from the condominium association. The center building would be the only condominium building in the Boymel Park Condo Association. Mr. Gilbert approached him to purchase the property at 5958 Boymel for use as a church. Regarding the existing parking for his building, something could be placed in the deed saying the church is entitled to use the parking even if he sells the property. There is a contract on the property containing just the slab on it but Mr. Wieland has not approached them regarding parking.

Mr. Holtegel stated parking is deficient 22 spaces already for the three building. Mr. Bachman clarified the parking was calculated using the maximum requirements by the code. Parking should not be a problem on Sunday mornings but if other services are held, there may be a conflict.

Regarding the lot split, Mr. Bachman stated the project was originally approved by the City as a condo project. It was one lot when it was acquired by Mr. Wieland. One lot split was granted to Mr. Wieland for his building as he didn't want to be in the condo association. Another split has been submitted which would create a separate parcel for the church and another parcel for the existing slab. If approved, the slab parcel becomes land locked and there are also utilities that run throughout the site to the various buildings. Staff is reviewing ingress/egress easements, utility maintenance issues, storm maintenance issues and signage for the entire complex. Until these are resolved, the split will not be approved. Mr. Bachman discussed these items with Mr. Wieland on Monday. Mr. Wieland's attorney has completed part of the work and will be addressing the remaining maintenance items.

Mr. Wieland informed the Commission the middle building has the only condo units. The unit closest to Boymel occupies half the building and is owned by a doctor. The other unfinished half could be split into one or two units.

Mr. Holtegel asked if the purchase of the church property is contingent upon getting the lot split. Mr. Wieland stated it is. The proposal is to have a joint agreement in which everyone (Wieland Builders, the condo association, church and person who purchased the slab property) share in the maintenance cost of the detention pond. Mr. Wieland's attorney is also working on a shared maintenance program for the storm sewer as well as the sign.

Mr. Bachman said he is trying to get all of these items incorporated into the individual deeds so anyone who acquires real estate there, understands their responsibilities and maintenance contract. Even though these will be private property issues, they need to be worked out now. The Commission needs to decide if it is appropriate to have a church locate here. The issues with the lot split will be worked through with assistance from Mr. Wieland's attorney.

Mr. Holtegel stated he is fundamentally alright with the church locating there. However, the issue of the parking and other items discussed tonight need to be resolved before any approval can be given to the church. Mr. Bachman replied if an office located there, all these other issues would still need to be worked through. These other issues are clouding the Church's request but again, the Commission needs to decide if a church is acceptable given the facts that have been discussed (off-site parking and completed maintenance agreements). Mr. Hassler's concern was the church's need for additional parking.

Mr. Lepsky asked Mr. Gilbert, applicant for the church, to address the days and hours of service, additional meetings and other uses proposed for the building. Mr. Gilbert stated they are contemplating purchasing the other half of the office condo building to have for the kids. The main building would be used as their office and for services. They proposed Wednesday Bible Study at 7:00 p.m. and Sunday services. There are no plans for child care. The total congregation including children is close to 50. If they grew too large, they would look for another place and use this building as an office complex.

Mr. Gilbert added he could bring revenue into Fairfield. When he was in Louisville, they had events where people from outside the area attended. They stayed in hotels, ate in the local restaurants, etc.

Mr. Wieland reiterated he wants to protect everyone's interest in this development. They all share in the use of the detention basin and his thought was to have a maintenance agreement covering the cost. The basin requires approximately 28 grass cuttings per year (15 minutes per cut). Four hundred dollars per year (\$100 per unit) would take care of maintaining the detention basin. The necessary documents are being put together to address the storm sewer maintenance and the sign is large enough to accommodate everyone which would eliminate having more signage on the street. These are the issues Mr. Bachman and he talked about. Typically, churches don't grow that fast and it would take a long time to get up to 100 members.

Mr. Morris asked if there would be issues when people start parking on the back lot where the slab is. Mr. Wieland stated the person who is purchasing the lot is a restoration expert and will probably not be using it as a retail space.

Mr. Lepsky asked Mr. Gilbert about the events they held in Louisville. Mr. Gilbert stated they sponsored seminars that deal with issues people on a daily basis are confronted with (i.e., self-esteem, how to utilize finances and things for youth). The attendance was approximately 150 people.

Mr. Rich Rosensweig, owner of condo unit 1, stated when they originally purchased this unit about 5-1/2 years ago, their main concern was the parking issue just for them. Part of the purchase agreement included a requirement that 15 spaces were specifically reserved for their use. Now, 6 of these are being designated for the church. There has been no contact from Mr. Wieland about these plans. Initially, all of the property, with the exception of Mr. Wieland's building, was to be part of the condominium association. The other concern relates to the maintenance of the common spaces. The existing condo association was carved out to be just the one building presumably until Mr. Wieland sold other parts of it. Under the agreement, they are paying and have since they purchased it, \$200+ per month which goes into the general maintenance fund intended to create a reserve for larger maintenance items that are going to come up. Over this entire period, Mr. Wieland has not contributed his \$280 per month and that this point, they have a lien on this property in excess of \$15,000 and growing every month. He is concerned that there be some accommodation on a plan whereby there is an arrangement for shared expenses on the common elements described. He hoped the Commission would make that a requirement that these items be done and be enforceable before agreeing to the proposed church location. It has been a difficult experience for them and they have borne the burden of the cost of all that maintenance. Mr. Wieland has contributed \$700 over the 5-1/2 years compared to their \$15,000. The condo association is comprised of himself and Mr. Wieland.

Mr. Wieland stated he built this project and intended it to be a condo association. He and Mr. Rosensweig have agreed on very little since he purchased the unit. Mr. Wieland has been maintaining the property through Wieland Builders and therefore contributes that as his share of the condo fee. Mr. Rosensweig doesn't agree with this and therefore placed a lien on the vacant unit. He doesn't have the authority to do this. It doesn't make sense to pay someone to cut the grass when they can do it. Every time someone looks at the buildings for sale, they do not want to be part of the condo association which is why the lots are being split. Mr. Wieland has arranged for financing for Mr. Gilbert on the 5958 building and it is his intention to split the property up so they can be sold to individuals.

Mr. Morris asked about the parking spaces reserved for the doctor's office. Mr. Wieland stated there is an agreement but did not feel it was for 15.

Don Hassler, seconded by Scott Lepsky, made a motion to deny the conditional use application for a church at 5958 Boymel Drive. Mr. Wieland asked if the motion to deny was based on the parking and was informed it was the main concern. The other items discussed clouded the issue further.

Motion to denied carried 4 – 0.

REPORTS/STUDIES/GENERAL DISCUSSION:

Tim Bachman reported on the Huffman property, adjacent to the golf course. The family has
Planning Commission Meeting Minutes
July 13, 2011/Page 5

engaged the services of an engineer for a cost estimate and conceptual engineered plan. The cost is approximately one million dollars and the family has offered to donate all 20 acres and a gift of \$600,000 toward the development of the park. This was discussed with City Council and the intention is to publicly bid to get a phased park for \$600,000. Construction would start in the winter or spring of 2012.

Being no further business, the meeting adjourned.

Jeff Holtegel, Chairman

Peggy Flaig, Clerk