

MINUTES OF A REGULAR VOTING MEETING OF THE

FAIRFIELD PLANNING COMMISSION

October 24, 2012

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

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

Mark Morris, seconded by Don Hassler, made a motion to excuse Jeff Holtegel and Bob Myron. Motion carried 5 – 0.

MINUTES OF THE PREVIOUS MEETING:

The minutes of the previous meeting, held September 26, 2012, were approved as submitted.

NEW BUSINESS:

Final Plat – Fairfield Commerce Center East, Section 4

Tim Bachman stated this is a new section of Fairfield Commerce Center East. A slide was shown of the subdivision. It's approximately 14 acres and contains 2 lots. Western States Machine Company is taking one of the lots for their new facility. Right of way is also being platted for the future extension of Commerce Center Drive if needed.

Joe Kramer, Henkle Schueler, stated this property is owned by Port Union Farms but represented by Henkle Schueler and Bunnell Hill. Western States was searching for a site to construct a new building to support their manufacturing operation. They looked in West Chester, Hamilton and Fairfield and liked this site because of its seclusion. The property will end up being approximately 11 acres with the creek line as the western boundary. The new building will be approximately 75,000 s.f. with room to expand. It is unclear if the hillside to the east of the Western States lot will ever develop so Commerce Center Drive is not being extended at this time. Mr. Kramer informed the Commission construction is expected to start next month.

Scott Lepsky, seconded by Bill Woeste, made a motion to approve the final Plat for Fairfield Commerce Center East, Section 4, as submitted.

Motion carried 5 – 0.

Proposed Change to Village Green Fence Restrictions – Security Fence

Tim Bachman stated that in May 2012, a resident of Village Green came before the Commission seeking approval of a 6' black aluminum fence to separate their back yard from the apartments behind them. Kids were cutting through causing damage to their property. The Commission discussed whether this type of fence should be the standard set for other residents in Village Green that abut the multi-family or if other fence types should be permitted. There are approximately 14

properties affected. A slide was shown of vinyl and wooden privacy fences for the Commissioners consideration. Mr. Bachman stated the Commission needs to decide if the fence along the rear property line should remain consistent and only allow the black aluminum or also permit wood and/or vinyl privacy fence. The cost of the ornamental aluminum fence is very expensive. Once the Commission decides, the affected property owners will be notified for additional input.

Erin Donovan pointed out the fence will not be very visible if the Commission is concerned with allowing three different types. Mr. Woeste agreed and felt only allowing the aluminum might be cost prohibitive for some of the residents. Mr. Lepsky also concurred. Mr. Hasselbeck expressed his concern however with the white vinyl privacy fence and felt if vinyl is allowed, it should be an earth tone or neutral color. The balance of the Commission agreed. Under option B in the memo given to the Commissioners, Mr. Clemmons suggested the first sentence be changed to read "Black ornamental aluminum fencing or equivalent, or privacy fencing is permitted to be erected along the common property line adjacent to multi-family development".

Mr. Bachman stated the fence restriction will be re-worded to reflect what was just discussed. A letter will be sent to the impacted property owners inviting them to attend the meeting when this will be further discussed.

Proposed Amendments to the Codified Ordinance

Mr. Bachman informed the Commissioners of the need to discuss proposed ordinance changes to the Codified Ordinance.

Chapter 1187 – Signs:

In the packet was a copy of a memo sent to the Board of Zoning Appeals discussing air dancers and feather flags which the Commission debated in June. The golf driving range on Route 4 and the By-Pass applied for a variance to permit feather flags and an air dancer. The Board of Zoning Appeals asked for the Commission's input which was given. The memo back to the BZA stated: "Air dancers should be permitted only during a 60 day grand opening event. For these devices to be effective, they need a power source. There was concern about extension cords being draped across parking lots and possibly safety issues. This should be reviewed by an inspector if these are used. Finally, there was concern about the set back of these devices from the road right-of-way. Because of their length and the potential for getting caught in street signs, utility poles, etc., placing these an appropriate distance from the right-of-way (approximately 25') was suggested."

The Commission discussed and felt it was still appropriate to only allow air dancers during the 60 day grand opening event. Mr. Bachman explained the air dancers are not as popular as the feather or flutter flags.

Regarding feather flags, the memo back to the BZA stated: "Feather flags were viewed by the Commission and determined to be an acceptable promotional and grand opening device and should be treated in a similar fashion as "special event signs" and "banners". The thought was to allow these flags so that an applicant could have 25 – 30 s.f. of flags since that is the amount permitted for

other similar promotional devices. They should be subject to all the requirements for promotional signage as stated in 1187.03 (i). The only concern was that the flags need to be anchored securely and be placed out of the right-of-way. The Commission discussed trying to regulate by linear feet or by content and it was decided not to advance those particular ideas due to the administrative/enforcement issues associated with such applications.” Mr. Bachman stated these flags are available in many different shapes and sizes. Mr. Hasselbeck requested wording be added to the ordinance to define or clarify that red, white and blue feather flags will not be considered American flags and cannot be displayed 24/7. Mr. Bachman replied if a business wants to have that as their feather flag, they can. They can only have two. The proposed amendment to the ordinance is written to read: “Feather/Flutter flags defined as a vertical flag meant to advertise a particular business or project are permitted but must be limited to two flags per business, placed out of the right-of-way and adequately secured and anchored. These devices are to be located no closer than 20 feet from the roadway edge, cannot be wider than three feet at their widest dimension and cannot extend any higher than 15 feet from the immediate grade/pavement.” Mr. Bachman further explained that under the temporary sign ordinances, businesses are allowed to display temporary signage for a total of 120 days per year; a minimum of ten days between each promotional sign permit is required.

Chapter 1168 – D-1 Downtown District:

Mr. Bachman stated changes are proposed pertaining to motor vehicle service and fuel dispensing facilities. These are currently permitted uses in the D-1 zone and it has been suggested that they be made conditional uses, not outright permitted. If passed, any future motor vehicle service or fueling dispensing facility will need Planning Commission approval. Motor vehicle service is also being added due to concerns in the past with definitions.

Chapter 1143 – Effects of Districting; General Regulations

Mr. Bachman stated the last two proposed amendments pertain to sheds. The first issue addresses rubberized or resin type sheds. The Board of Zoning Appeals had a case before them a few months ago and there is nothing in our code that addresses them. The BZA passed a motion requesting staff to propose legislation restricting them. The ordinance currently states: “An accessory building or structure, if greater than 150 square feet, shall not be made of metal.” The amendment would add to the end of that sentence “construction or if greater than 50 square feet, shall not be made of resin or composite material.” The Board of Zoning Appeals felt this type of building should be permitted but set the limit at 50 s.f. Mr. Lepsky stated the variance was for a building approximately 600 s.f. in size. Several members of the BZA don’t like the plastic sheds and set the permitted size at 50 s.f. Mr. Lepsky felt this was unreasonable since the standard for metal sheds is 150 s.f. Mr. Bachman added 150 s.f. is the size that triggers a building permit. Anything under is a no cost zoning permit. After further discussion the Commission agreed the ordinance should reflect that any shed over 100 s.f., metal, resin or composite, will require approval by the Board of Zoning Appeals.

The last proposed change also has to do with sheds. It concerns paving a driveway to a shed. Currently, the size of the garage door determines who has to pave and who doesn’t. It currently

reads “An accessory building or structure which has a door opening(s) greater than six feet in width and any accessory paved parking space or spaces totaling more than 360 square feet on a lot must have paved access in accordance with subsection 1183.05(c).” Mr. Bachman is requesting that “and any accessory paved parking space or spaces totaling more than 360 square feet on a lot be removed.” Mr. Clemmons said he thought this went back to when the City did not require everything to be paved. The original zoning ordinance said only if parking exceeded five spaces that it had to be paved.

Mr. Bachman stated he will write these changes up and submit them to City Council. Mr. Clemmons also had concerns about public signage in the right of way. He and Mr. Bachman will review. The problem is that the City has signage in the right of way. The courts have said traffic signs are permissible but the banners on the poles, etc., should be considered as signage. He would like to address the banner signs in an ordinance. The signs are well elevated and generally identify an area or some public event.

Being no further business, the meeting adjourned.

Scott Lepsky, Chairman

Peggy Flaig, Clerk