

MINUTES OF A REGULAR VOTING MEETING OF THE

FAIRFIELD PLANNING COMMISSION

May 22, 2013

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

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

MINUTES OF THE PREVIOUS MEETING:

The minutes of the previous meeting, held April 24, 2013, were approved as submitted.

OLD BUSINESS:

Scott Lepsky, seconded by Don Hassler, made a motion to remove the two old business items from the table. Motion carried 7 – 0.

Design Review Committee Item – New Panel to Existing Pole Sign – Cell Phone Dr. – 5128 Pleasant

Mr. Tim Bachman stated this item was tabled at the last meeting as the applicant was not present. The sign still needed approval from the Commission and the Board of Zoning Appeals. The Board of Zoning Appeals turned the sign down and is no longer relative for consideration and can be removed. Jeff Holtegel, seconded by Bob Myron, made a motion to remove the sign from the agenda. Motion carried 7 – 0.

Triplex Concept – Lots 13941 – 13943 and 13937 – 13939 – Old Winton Subdivision

Mr. Rex Richardson stated the presentation he previously made for the triplex concept was not received well by the residents of the subdivision. He therefore requested that it be removed from the agenda. Scott Lepsky, seconded by Don Hassler, made a motion to remove the triplex concept for the Olde Winton subdivision from the agenda. Motion carried 7 – 0.

NEW BUSINESS:

Design Review Committee Item – Awning Color – Dollar General – 435 Patterson Dr.

Slides were shown of the site, building and rendering depicting the blue awnings and proposed brown awnings. Mr. Bachman stated about a year ago, blue awnings were approved. Several changes have occurred since the building was approved; i.e. brick on the lower and upper portions and modification of the stucco. The applicant has requested to replace the blue awnings with brown.

The awning over the door is already installed and is a brown metal. They would like to install brown canvas awnings over the windows. The trim on the building is also brown. The Design Review Committee is recommending the brown color and also is requesting the supports be a brown powder coat finish.

Mr. Hassler expressed his concern in regard to the canvas fading in a few years. Dave Gram, representing Dollar General, stated the door awning is part of the actual building; the canvas awnings are add ons. Mr. Bachman stated there are a lot of elements occurring with this building with regard to the contrasting brick, the stucco and HVAC screen. It didn't seem appropriate to add another contrasting element.

Jeff Holtegel, seconded by Scott Lepsky, made a motion to approve Design Review's recommendation for the brown awnings on brown powder coated supports for Dollar General, 435 Patterson Drive. Motion carried 7 – 0.

Conditional Use Application – Adult Day Services – 246 Joe Nuxhall Way

Slides were shown of the site and building. Ms. Ashley Johnson and Mr. Eric Kazee of RMS Spectrum Services, stated they will be serving approximately 10 adults with developmental disabilities. RMS specializes in working with adults with autism; they would like to serve individuals with other disabilities at this facility. Their program will focus on horticultural so there will be on site gardens. Therapeutic programs offered will be arts and crafts, learning activities, working on communication as well as community involvement. They would like to be able to take their clients to the YMCA and use facilities at Joyce Park. Since the building will be leased and no structural changes will occur, June 1st is the target date to open. The building will be power washed, some painting completed and landscape added to beautify the grounds.

The Commission was told RMS has been in business for 30 years and has entities that operate facilities throughout the State. There is a facility in West Middletown Ohio called Safe Haven Farms which is autism specific and Ms. Johnson and Mr. Kazee would like the opportunity to serve a broader spectrum (i.e., mental retardation, down syndrome, williams syndrome, physical disabilities). With the goal of 10 clients, it will be small where they can offer quality service. The hours will be 8:00 a.m. until 4:30 p.m.; no evenings or weekends. Clients can be picked up as they have two 15 passenger vans. Waiver services through Medicaid will be offered so staffing levels will be dictated dependent upon the need of the client. As an agency, staffing is typically above what Medicaid requires to ensure the highest quality of services. Both Ms. Johnson and Mr. Kazee will be on site.

Ms. Johnson stated she was a special ed teacher for four years and works at Miami University teaching special ed teachers. She and Mr. Kazee have been employed at RMS for approximately four years. Mr. Kazee said his background is in retail operations management. He worked for Verizon for 14 years and has a son with autism. A customer informed him about Safe Haven and he changed career paths and started working for RMS.

Mr. Woeste advised the applicants of the potential traffic problems when tournaments and other activities occur in the park. Mr. Kazee replied the property is approximately two acres; the gardens will be planted in the back. Clients are screened and only those who they feel they can provide the best possible care for will be accepted.

Scott Lepsky, seconded by Jeff Holtegel, made a motion to approve the Conditional Use as submitted with the hours discussed and the Medicaid staff levels met. Motion carried 7 – 0.

Olde Winton Subdivision Modifications

Mr. Bachman stated several items will be discussed pertaining to the Olde Winton Subdivision. The layout of the subdivision was shown.

Ambrose - Mr. Bachman pointed out the lots where the two triples had been proposed and the lots where the Ambrose was approved to be built on. Mr. Richardson is now requesting that the Ambrose approval be rescinded. He would like to build two single family homes with front entry garages on those lots. Mr. Richardson stated it no longer makes sense to construct the Ambrose (duplex) in the back section of the subdivision without constructing the triplexes. He asked the Commission to withdraw their approval. Scott Lepsky, seconded by Don Hassler made a motion to rescind the Commission's approval of the Ambrose on lots 13934 and 13935 as requested by the applicant. Motion carried 7 – 0.

Model Elevation - Mr. Bachman stated Mr. Richardson is seeking approval of an elevation to be constructed on lots 13580 and 13608 (outlined in red on the slide). The garages for these two homes will come off of the alley. The same floor plan will be used on both lots but the facades will vary in color. An agreement between the City and Olde Winton, LLC dated May 9, 2012 was discussed. In the agreement, the amount of bump outs that can be constructed on a home is figured by multiplying .5 by the maximum length of the structure. The home submitted is 54' which would allow 27' of bump out; the plan shows 29.8' of bump outs which is 2.8' over. The second issue is the agreement states a bump out cannot be across from another bump out if it extends over the side yard setback. The agreement further says there is to be a minimum of 8.5' between homes. The plot plan submitted for lot 13608 shows the location of the adjacent home and only 7' between the bump out on lot 13608 and the adjacent bump out on lot 13607. The building code will allow 7' between structures but the Commission needs to decide if 7' is acceptable when 8.5' was agreed to just last year.

The plot plan for lot 13580 was discussed. It will have an alley on one side and a vacant lot on the other. The distance from the breakfast nook bump out to the property line is 3.5'.

Mr. Rex Richardson stated this is part of a plan put together in an attempt to simplify the process from here forward. The main problem with the subdivision is the homes are small and lack of parking. For these reasons, the duplexes and triplexes were attempted. Most of the lots on Olde Winton Lane are the same size so a floor plan was designed to maximize the buildable area of the lots. The maximum home size can only be 1,500 s.f., less 400 s.f. for the garage. Mr. Richardson reviewed the proposed floor plan for lots 13580 and 13608. Bump outs are needed to increase the master bedroom and kitchen nook areas. He asked the Commission to consider decreasing the minimum distance of the homes to 7'; the 8.5' was an arbitrary number chosen a year ago. Mr. Lepsky reminded Mr. Richardson the agreement was made to establish guidelines for Mr. Richardson to work within. Mr. Richardson said their goal is to get pre-approval for several elevations that will not need to come before the Commission every time they build one. A lot of

time is taken up with this approval process. The proposed floor plan can be reduced but it won't be ideal; every additional square foot they can get is needed and makes the house more attractive. There is not a building or fire code issue having 7' between homes.

Mr. Holtegel stated he could approve the floor plan to be built on lot 13580; the lot next to it has not been built on and that home could be designed to conform with the agreement. Again, Mr. Richardson said he needs to be able to utilize every inch he can. If a change helps enhance and doesn't hurt anything, why not allow it. The space between homes can never be less than 7'. It meets the Building and Fire Codes so why does it matter. Mr. Morris replied it would be changing the rules for the homeowners currently in the subdivision. The side yard setback went from 10' to 8'5" and now 7' is being requested. There has to be some protection for the existing homeowners.

Mr. Hassler asked if Mr. Richardson would consider building this floor plan on lot 13609. Mr. Richardson responded the purpose was to cover up the side of the home that someone else built on lot 13607. It was suggested the property owner of lot 13607 be notified of the proposal and invited to the meeting when it will be discussed.

Mr. Woeste stated the guidelines were established a year ago and now Mr. Richardson is asking for exceptions to those guidelines. They were established as parameters for Mr. Richardson to work within. Mr. Woeste felt floor plans should be designed to meet the established guidelines.

Mr. Bachman informed the Commissioners that the Building Code changed January of this year. He is asking for verification but the new building code discusses walls, projections, openings and penetrations. We have gone on the premise that a bump out is a projection. The new code states that when there is an opening in the projection (window), the code limits the amount you can have. The reason is they don't want the fire to jump from building to building. Mr. Bachman thought the maximum opening could only be 25% of the total wall area. This detail needs to be explored further as well as contacting the neighbor and having answers for both at the next meeting. Mr. Bachman also pointed out that if the house is moved to lot 13609, there is an easement running down the side property line and the City will not allow any encroachment in or over the easement.

Mr. Richardson pled his case again regarding reducing the distance between buildings to 7'. He said he needed the Commission's help. He didn't feel the current owners would care if the side yard was reduced 1.5'. Mr. Lepsky replied the Commission has been very helpful in the past with various requests. One year ago, an agreement was reached outlining the standard for designing the balance of the subdivision. The 8.5' was not arbitrary; everyone had input into it. After the last few meetings, changes in the subdivision matter and what the neighbors have to say matters. At this point, it's not safe to assume that the neighbors do or don't care about things.

Mr. Lepsky opened the meeting to the audience. Mrs. Pat Stroz, 5671 Olde Winton Court, stated she didn't know until this evening there was an approved footage between the houses. Her house has a bump out which is next to an alley but if when a house is built on lot 13945 she would not be comfortable with only 7' between homes. She understands he wants to finish the subdivision but does not like things being changed in the middle of the road. If he wants to build a house 7' away from hers, she will be back before the Commission. Mr. Richardson explained there is a large

sanitary sewer easement on the adjacent lot so the house will be at least 20' away. Ms. Stroz then stated she didn't care about the setback since the adjacent home would be further away.

Mr. Richardson withdrew his request for lot 13608 but did request a variance on the lot where the model is. The house will be re-designed by taking the nook off. He asked that the submitted floor plan be approved for lot 13580. Mr. Bachman pointed out that if approved, the Commission will be granting 2.8' greater than the formula agreed to last year. Also, the percentage of the wall that can be a window still needs to be figured out.

Jeff Holtegel, seconded by Scott Lepsky, made a motion to approve the elevation proposed for the model on lot 13580 as submitted with the understanding the southeast corner of the home is encroaching into the building setback line and that the building code be met regarding the amount of lineal feet of window permitted on the bump out. Motion carried 7 – 0. Mr. Richardson was instructed to finalize the design of the exterior and submit it for approval.

Front Entry Garages - Mr. Bachman stated the last of Mr. Richardson's requests is approval of front entry garages for the lots where the triplexes and Ambrose were proposed (8 lots total). It was suggested that if front entry garages are approved, the façade be designed so the garage is not the dominate feature of the house. Staff found several renderings that felt would work and they were given to Mr. Richardson as examples. Slides of several of the renderings were shown. Mr. Richardson stated he would like to design 3 or 4 plans/renderings to submit to the Commission for approval. He is seeking conceptual approval for front entry garages on these lots so the homes can be designed. Once approved, he can submit right to the Building Division for a permit. The buildable area on these lots is approximately 30' x 54' so he gains the ability to offer slightly larger homes.

Mr. Hassler asked how Mr. Richardson planned to address the lot next to the existing side entry garage. Mr. Richardson replied there will have to be an access easement placed on it to maintain access into the existing side entry garage.

Mr. Lepsky concurred that once the designs and floor plans are completed, they should be submitted to the Commission for approval. Mr. Richardson asked why the floor plans have to be reviewed and Mr. Hasselbeck stated it assists the Commission with understanding if bump outs can be moved, etc. Mr. Clemmons suggested that staff have the authority to review the plans when they're turned in for a permit to assure compliance in letter and spirit or defer it to the Planning Commission for final approval. If the plan meets what has been approved, it will not need Planning Commission review. Mr. Richardson asked and the Commission agreed that the existing homes in the subdivision would set the standard for the design of the new homes with the front entry garages.

Scott Lepsky, seconded by Bill Woeste, made a motion to approve in concept front entry garages for lots 13934, 35, 37, 38, 39, 41, 42 and 43 with the understanding that full details, floor plans, architectural renderings, etc. will be provided at a future meeting for Planning Commission's consideration. Motion carried 7 – 0.

GENERAL DISCUSSION:

Mr. Jerry Wirtz, 5887 Olde Winton Lane, asked if the picket fences were mandatory. A portion of his fence has sunk and is difficult for the grass cutters to maneuver around. Mr. Bachman asked Mr. Wirtz to submit a written request to the Commission. Mr. Richardson asked for clarification regarding where picket fence is required. He suggested the picket fence be made part of the plot plan review. Mr. Bachman stated the fencing was a developer driven issue; not the City's. The HOA documents will be checked however.

Mr. Myron reported upcoming events with the Parks Department and stated he was reappointed by the Park's Board to serve on the Planning Commission.

Mr. Morris reported the school district offices are moving the first part of June.

Mr. Holtegel stated City Council will likely pass the ordinance updating the building code on Tuesday, May 28th. Fairfield's unemployment rate is lower than the State, County or National levels.

Mr. Lepsky asked that the residents of the Olde Winton subdivision be notified when the elevations discussed earlier will be reviewed by the Commission.

Being no further business, the meeting adjourned.

Scott Lepsky, Chairman

Peggy Flaig, Clerk