

**MINUTES OF A REGULAR VOTING MEETING OF THE**

**FAIRFIELD PLANNING COMMISSION**

**SEPTEMBER 9, 2015**

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

Members present: Scott Lepsky, Don Hassler, Bill Woeste, Brian Begley, Bob Myron, and Ron D'Epifanio. Motion to excuse Tom Hasselbeck carried unanimously.

**MINUTES OF THE PREVIOUS MEETING:**

The minutes of the previous meeting, held August 12, 2015, were approved as submitted.

**OLD BUSINESS**

Conditional Use – Used Car Lot – 3220 Dixie Hwy. (TABLED)

Scott Lepsky, seconded by Don Hassler, motioned to remove this application from the table. Motion carried unanimously. The applicant has requested the Commission remove their application from the agenda.

Scott Lepsky, seconded by Bill Woeste, motioned to remove this application from the agenda. Motion carried 6-0.

Conditional Use – Used Car Lot – 5888 Dixie Hwy. (TABLED)

The applicant at 5888 Dixie Hwy. asked for their application to be tabled for another month. Mr. Bachman indicated that he did not think the applicant was planning to pursue the project. There was discussion regarding how long the application was going to remain on the agenda, and possibly removing this application from the agenda at the next meeting if nothing was submitted. Mr. Bachman will check with the applicant.

**NEW BUSINESS**

Dedication Plat – Seward Rd. Right of Way Dedication

Tim Bachman, Development Services Director, showed slides of the site at this location. There is an existing business at this location that will be adding an addition to the north side of the building. When the original building was constructed 10-15 years ago, the City did not receive the additional 10 feet of Right of Way that typically gets dedicated.

Scott Lepsky, seconded by Bill Woeste, motioned to approve the Dedication Plat. Motion carried 6-0.

Enlargement of Allowable Outdoor Storage – Unity Cabinet & Granite – 6537 Dixie Hwy.

Slides were shown of the proposed storage area and building. The applicant is requesting a total of 6000 square

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feet of outdoor storage for granite and similar materials. The Code allows 5% of the gross area or 5000 square feet, whichever is less. Their allowable square footage of outdoor storage is approximately 1100 square feet.

Richard Hauber and Jian Wang spoke regarding the application. The granite in the outdoor storage area will be set back approximately 130 feet from Dixie Hwy. There is a retaining wall along the back of the storage area, as well as along the south side of the storage area. The fence that is shown on the slide will remain and will not

be moved. There was discussion on customers in the storage area. The granite will be kept safe and secure in this area to avoid any potential safety issues. Mr. Bachman discussed all of the Proposed Conditions of Approval (attached) and the applicants agreed to all of the Conditions.

Mr. Hassler commented that the building looks great with all of the improvements the applicant has done.

Scott Lepsky, seconded by Don Hassler, motioned to approve the application, with the Proposed Conditions of Approval. Motion carried 6-0.

Minor Modification of the PUD – Stockton Station PUD

Mr. Bachman discussed the application for the Minor Modification of the Stockton Station PUD. The Residential Covenants and Restrictions function as the zoning of the PUD. Recently there have been 8 violation letters sent to residents in the PUD relating to basketball hoops in the front or side yards of the property. Slides were shown detailing differences between the R-1 zoning district minimum lots sizes and setbacks and the Stockton Station PUD requirements. The entire subdivision was notified of this meeting and of the proposed changes. Letters and phone calls were received; 16 in total.

Art Fields, 1048 Olde Station Ct., the applicant for the Minor Modification, spoke. He has two girls who play basketball. There is no recreation area nearby. Their side yards have hills and the back yard has a creek that runs through it. They have their basketball pole in the driveway; it is not near the street. They have a petition in favor of the Modification signed by several residents of the PUD to submit to the City.

Mr. D'Epifanio asked if he should excuse himself from this application, since he had a business relationship with Mr. Fields at one time. Mr. Clemmons stated that as long as it was not an ongoing relationship, he did not have to be excused.

Mr. Fields indicated that he has lived in Stockton Station since it was developed; he bought the second house constructed. He didn't know the restrictions existed. His basketball pole has been up for three years. Mr. Hassler said a lot of the people in the subdivision bought their homes for the quiet and because of the covenants. If the Commission allows the basketball poles, what will be next?

The Fields' two daughters and a friend spoke. They want a basketball hoop. It keeps them active and is good exercise. Their friends in the neighborhood have safe place to play, and their parents know exactly where they are at all times. The closest park is a mile away, and to get there you have to cross busy roads. The petition they are submitting has 57 signatures, representing 50 households, for the modification.

Karen Fields, 1048 Olde Station Ct. spoke. There have been no complaints that she knows of. She suggested that if the Commission was inclined to approve the Modification on the basketball poles, there were several

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restrictions that they could put into place. A minimum distance from the Right of Way, a minimum distance to the property line to keep the damage to cars and the noise down, a restriction in hours, and minimum maintenance requirements on the poles themselves were some of the possible restrictions discussed. She said the back yards of most of the yards in the subdivision were too small for basketball poles. Paving for a basketball area would create more impervious surface in the back yards and may cause flooding issues.

Greg Dungan, 919 Olde Station Ct. spoke. His son plays basketball at the Fields' home frequently. The noise from the kids is not an issue; he lives right across the street. The basketball pole gets the kids active; there is no place else to do that near the subdivision. Congregating around a basketball hoop also encourages socialization. This pole is in a cul-de-sac, so there is no traffic to contend with.

Mr. D'Epifanio stated that this was a tough decision for him. He supports keeping the youth active, but there are high density issues in this subdivision and cars may be hit by basketballs. He suggested restrictions that may be placed on temporary basketball hoops. Mr. Woeste asked how many homes were in the Stockton Station PUD. Ms. McGuire stated that she sent approximately 220 letters. Mr. Woeste commented that less than 25% of the homes in the subdivision signed the petition. The Fields' said that when they were knocking on doors to get the petition signed, many people weren't home. All of the people that were home were in favor of the changes. There was discussion on the zoning violation letters that were sent. All of the basketball poles that were in violation and received letters were temporary poles. One of the recipients is currently in court.

Mr. Lepsky stated that they have to take into consideration that while the basketball pole works on their property, the changes affect the entire subdivision. The Fields' discussed possibly changing the restriction for just them and not for the whole subdivision. Mr. Bachman warned that they could approve these case by case if they wanted, but it was a slippery slope. Mr. Myron stated that it was unfair to expect Staff to police these poles with regard to hours and times they could be used.

There was discussion on the history of the subdivision. At one time, a school was slated to go in the middle of the subdivision, but the deal fell through. A park was considered at that time, but was never constructed. Mrs. Fields said they bought their home because they thought there was going to be a school with a playground nearby. Mr. Clemmons said public parks sometimes turn out to attract a crowd that wouldn't be appropriate for these girls anyway; older boys and grown men. The neighbors complain about them all the time.

Mr. Lepsky suggested the Commission table the application to have Staff draft up some Possible Conditions of Approval to discuss at the next meeting. The Conditions can possibly include distance from the right of way and times of use. Mr. Bachman suggested moving the vote to the October 14 meeting. The City will not be notifying anyone as per the first letter that was sent to the subdivision. The City will post any information on the public website to view. Staff will draft a list of Possible Conditions of Approval for the 9/23/15 meeting, so that the Commission may review and discuss them. No action will be taken at this meeting. The Conditions, if modified/approved by the Planning Commission at the 9/23/15 meeting, will be placed on the website for public review, so the citizens know what conditions will be under consideration. The Modification will be heard again at the 10/14/15 meeting and the Commission will make their decision at that time. Mr. Woeste suggested the applicants reach out to the other people who have basketball hoops and have them attend the next meetings.

Bill Woeste, seconded by Don Hassler, motioned to table the Minor Modification of the PUD, so that Possible Conditions of Approval may be drafted and discussed at the 9/23/15 Planning Commission Meeting. No

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decision will be made until the 10/14/15 meeting. Motion carried 6-0.

**REPORTS/STUDIES/GENERAL DISCUSSION**

Bob Myron stated that a meeting is scheduled for 9/24/15 at the Fairfield Community Arts Center from 7:00-9:00 pm to discuss the Marsh Lake Expansion. They are seeking public input on the project.

Brian Begley had nothing to report from the Schools.

Bill Woeste informed everyone that City Council resumes its regular schedule on 9/14/15.

Ron D'Epifanio commended the school board on the decision to appoint Mr. Begley. He will be a credit to the school board.

Being no further business, the meeting adjourned.

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Scott Lepsky, Chairman

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Lynda McGuire, Secretary