

**MINUTES OF A REGULAR VOTING MEETING OF THE
FAIRFIELD PLANNING COMMISSION
APRIL 27, 2022**

Scott Lepsky called the Regular Meeting of the Fairfield Planning Commission to order. Members present were: Scott Lepsky, Don Hassler, Marty Medler, Missy O'Brien, Doug Robertson, and Gwen Ritchie. Motion to excuse Matt Davidson carried unanimously.

MINUTES OF THE PREVIOUS MEETING

The minutes of the April 13, 2022 meeting are still pending.

OLD BUSINESS

NEW BUSINESS

Preliminary Plat – Marshall Homes Subdivision – 5846 Pleasant Ave.

An application has been submitted for preliminary plat approval of a 7-lot subdivision at 5846 Pleasant Avenue, on the east side of Pleasant Avenue, 200 feet south of Resor Road and across the street from the Emerald Lake Subdivision. The property consists of approximately 3.5 acres. The properties to the north, east, and south consist of homes with long, narrow lots that were platted before the incorporation of the city. These properties are zoned R-0. The Emerald Lake subdivision is zoned PUD, but the lot sizes comply with the R-0 zoning district requirements. Erin Lynn, Planning Manager, stated that, in January, the applicant originally applied to change the zoning from R-0 to PUD. Planning Commission opted not to support that project because the lots were deemed too small and the project was not compatible with the general characteristics of the surrounding neighborhood. The applicant withdrew his application at that time and revised the request. The new submission reduces the number of lots from 10 to 7; the lots now meet the R-0 zoning requirements and the subdivision does not require a rezoning. The R-0 zoning district requires 14,000 square foot lot minimums, 30-foot front yard setbacks and 30-35-foot rear yard setbacks, depending on whether the house is one-story or two-stories. Ms. Lynn gave an overview of the preliminary plat and subdivision development process. It is a two-step process; the preliminary plat approval and the final plat approval. Construction plans are submitted after the preliminary plat is approved and before the final plat approval. Construction plans are reviewed by Staff Technical Review (STR), which includes staff from Development Services, Public Utilities, Public Works, and the Fire Department.

There are six new lots proposed in the subdivision; the existing home on the seventh lot will remain. The existing detached garage will remain, but the barn will be removed. Ms. Lynn stated that there are two sizeable differences between the previous submittal and this one: The basin location and the removal of the open space lot. Though one is not required, a Homeowner's Association is proposed for this subdivision. Staff recommended that the applicant incorporate one to address the maintenance of the detention basin since it is located on private property.

Sidewalks are shown on Marshall Court and Pleasant Avenue. They are required on Pleasant Avenue unless that requirement is waived by the Planning Commission. There are no sidewalks currently located to the north or south of this project on Pleasant Ave, but they are added as developments like this occur. Drainage was discussed. Most of the subdivision will drain to the detention basin next to Pleasant Avenue, with the exception of the rear yards for the two lots in the cul-de-sac which will drain to an off-site swale. The proposed detention basin shows a retaining wall surrounding it that is 6 feet tall at the highest point. Staff was concerned about the safety, because of the proximity to the proposed house, and the appearance of the wall from Pleasant Avenue. Final determination will be made when the construction plans are submitted. As a part of this preliminary plat approval, the applicant will be seeking a waiver to allow the depth of the two lots that front on Pleasant Avenue to be less than 200 feet deep. This is required when a lot abuts a thoroughfare to discourage backing a car onto the street. The lots in question are corner lots and will have driveways on Marshall Court, so this will not be an issue. Street trees were discussed. Generally, they are planted in the right of way, but the Public Utilities Department is concerned they will interfere with the proposed utilities. The solution is to plant them in the front yard out of the 20-foot utility easement. Staff recommended a southbound turn lane on Pleasant Avenue for the project, which is shown on the plans. Ms. Ritchie asked what the dotted line is that is next to the detention basin on the plans. This is a drainage easement.

Tony Marshall, applicant, Albertus Bishop, Jr., legal counsel for the applicant, Olusegun G. Akomolede, engineer, and Ronald Brace, builder, were in attendance. Mr. Lepsky asked if Mr. Marshall had received the list of the conditions, which are technically the subdivision requirements for this application, since conditions cannot be placed on a preliminary plat. Mr. Marshall stated that he did and he agrees to the items listed. Mr. Lepsky noted that all references to "PUD" in the conditions under number 1-I should be changed to "Subdivision". There was discussion regarding the proposed retaining wall surrounding the detention basin. Mr. Akomolede stated that due to the large volume of water being retained, a wall must be included. Greg Kathman, Development Services Director, said that Mr. Akomolede worked closely with the City Engineer Nick Dill regarding the design of the basin, and he agreed that it was ok to include the wall.

Scott Lepsky, seconded by Gwen Ritchie, motioned to approve the preliminary plat, with the following conditions:

1. The applicant shall comply with all the requirements of the Codified Ordinances of the City of Fairfield including, but not limited, to the following:
 - A. The preliminary plat requires approval from the City of Fairfield Staff Technical Review Committee (STR).
 - B. Once the Final Plat is approved and before any site work begins, the developer shall submit a performance bond to the city that is sufficient to cover the full cost of all improvements shown on the approved construction drawings.
 - C. A black decorative fence, four feet high, shall be located along the north and east side of the detention basin where the retaining wall is located. This shall be installed prior to a certificate of occupancy is issued for Lot 1.

- D. A tree preservation plan shall be submitted for review and approval.
- E. A street tree plan shall be submitted showing trees to be located at least 10 feet behind the 15-foot utility easement that is located in the front yards.
- F. All utilities are to be located underground.
- G. Decorative street light poles are required to be installed on Marshall Court.
- H. Engineering plans for the southbound left turn lane into the development shall be submitted with the construction plans for review and approval.
- I. Pleasant Avenue shall be widened to accommodate a 50-foot-long southbound left turn lane into the subdivision. Due to the close proximity to Resor Road, three lanes shall be continued from Resor Road through the proposed intersection of the subdivision and then taper back to two lanes south of the subdivision.
- J. In accordance with the Thoroughfare Plan, 50 feet of right-of-way from the center line shall be dedicated.
- K. The following conditions apply to Lot 7:
 - 1) The existing driveway shall be removed from the roadway pavement on Pleasant Avenue to where the new driveway will be constructed off of Marshall Court. It shall be removed and seeded within six months after installation of the new driveway. The new driveway shall be installed when Marshall Court is constructed.
 - 2) The lot shall comply with the new setback requirements, except the existing garage is permitted to encroach. Any enlargement to either the main house or the garage is required to comply with the new setbacks.
 - 3) There shall be a 30-foot setback along Pleasant Avenue.

Motion carried 6-0. Motion to approve the waiver to allow the minimum front yard depths for Lots 1 and 7 to be less than the required minimum of 200 feet carried unanimously.

Conditional Use – Motor Vehicle Storage Area Expansion – Auto Express – 2401 Bobmeyer Rd.

An application has been submitted for a conditional use to expand a motor vehicle storage area at the property located at 2401 Bobmeyer Rd. The area to the north and west of this property is in the City of Hamilton. The Miami Erie Canal is located along the west side of the property; this is owned by the City of Fairfield and is the future location of the extension of the bike trail. The entrance to Ramona Lane is also located to the west of this property. There are railroad tracks along the east side of the property. The entire area is zoned M-2, General Industrial. Properties to the north are car related businesses, commercial businesses that front on Dixie Highway are located to the west, industrial buildings are located to the east, and 6 residential properties and a church are located to the south on Ramona Lane. In 2013, the applicant purchased the property with the existing building to store and repair cars to sell at other car lots he owns nearby. There are no car sales at this location. At that time, there were no regulations in the code related to motor vehicle storage in M-2. The site plan was discussed. The applicant plans to expand the parking lot with 136 additional parking spaces. There are currently 193 spaces. No new curb cuts are shown on the site plan. The applicant began to clear and grade the site prior to receiving approval from the city. Ms. Lynn stated that the existing tree grove that provides a buffer between this property from the residential property must remain, per the

conditions of approval.

Josh Sellers, applicant and owner of the property, was in attendance and spoke. He said he started clearing the property because there was too much growth and it had become a dumping ground. He filed an NOI with the state to move dirt, and didn't realize he went too far without contacting the city. He plans to use the expanded parking area to store more cars for his sales lots. There was discussion regarding inoperable vehicles. Mr. Sellers asked for clarification on the definition, since one of the conditions of approval prohibits them. Steve Wolterman, Law Department, stated that it basically means any vehicle that does not run. He said the question is really how long the vehicle is stored on the lot. Mr. Sellers stated that the intent is to get the cars running and for sale as soon as possible. Mr. Lepsky asked what the time frame was for storing the vehicles before they would be operable. Mr. Sellers stated that the majority of the cars are operable; a few may need repaired but they are turned over quickly; generally, within 24 hours. He does not plan to store inoperable cars on the lot. He rarely will have a customer that has a car accident and they have the car towed to that lot. He has them towed off of the lot to a repair garage. He spoke about the residents of Ramona Lane. He talked to the neighbor behind him before he started work and let them know he was leaving the tree buffer. He also repaved and widened the entrance to Ramona Lane for the benefit of the residents.

Charles Robbins and Donna Dover, 2531 Ramona Lane, were in attendance and spoke. They stated that Ramona Lane is narrow and tight to drive through. They agreed that widening the lane helped the neighbors. The school bus stop is located at Ramona Lane and Bobmeyer Road and kids walk down the lane. They stated that Mr. Seller's employees and other cars are cutting through the lane from the drive-thru. They expressed concern about his employees parking in the new paved area that is striped for parking across the lane. The construction entrance was discussed and they asked if it was staying once the project was complete. Mr. Sellers said that it was not permanent and will be removed when construction is done.

Bobby Musgrove, 2551 Ramona Lane, was in attendance. He said he was initially concerned about the construction entrance and is glad to hear it is temporary. He stated that he has never seen inoperable cars on the existing lot and Mr. Sellers does move cars on and off the lot quickly. He referenced the small paved lot across Ramona Lane and asked what it will be used for. Mr. Kathman stated that the small paved area is city owned property that was previously graveled and had developed some ruts. Mr. Sellers paved the area, and in the process, also striped it. He was made aware that he is not permitted to park cars on this small paved area. Construction traffic on Ramona Lane was discussed. He asked if the construction area could be accessed in the back for construction traffic instead of the current location and if employees could use the service drive adjacent to the railroad tracks in the back of the property to access the lot, so no mud is tracked onto Ramona Lane. Mr. Sellers stated there is no room behind his building for heavy equipment. He stated the employees working on the lot could park in the small paved area temporarily while they are working. Once the earth is moved, heavy equipment will only be on site once or twice more. There was discussion regarding the feasibility of removing some fence on his property to access the back of the property through his existing lot. Mr. Sellers said that was not a feasible solution. He said he has no customers that come to his lot and he is not hiring additional employees; this project will not increase traffic at all.

Ms. Dover spoke. She asked who is responsible for maintaining Ramona Lane. Mr. Wolterman indicated that Ramona Lane is a private lane. The lane is an easement; sometimes easements address maintenance, sometimes they do not. He said maintenance likely defaults to each property owner, unless otherwise noted. Mr. Sellers stated that he paved the entrance to the lane for the benefit of the homeowners. He said they can use it to park cars at the bus stop if they choose. The paving did not benefit him, as he does not use this portion of Ramona Lane.

Greg Fisher, with JTF Construction, was in attendance. He is the contractor for this project. He stated that at the beginning of the project the site was muddy, but now it shouldn't be a problem. The cars and equipment will stay on the graveled area within the construction site. He intends to finish the project quickly and clean up afterwards.

Scott Lepsky, seconded by Don Hassler, motion to approve the conditional use, with the following conditions:

1. The conditional use is only for the applicant (Josh Sellers) and shall not be transferable without obtaining Planning Commission approval.
2. A six-month review of the conditions of approval is required to determine the continuation of the conditional use approval.
3. The applicant shall obtain approval of the site plan from the city prior to doing additional work on the site, including moving dirt and removing any additional vegetation.
4. A minimum 20-foot vegetative buffer shall remain on the south perimeter, adjacent to the residential. Buffer shall be maintained and exist at all times. If any trees are to be removed creating less than an 80 percent opaque screening, evergreen trees, six feet tall at the time of planting, shall be installed.
5. The parking lot shall be striped per the approved drawing.
6. All motor vehicles on site must be in operable condition and shall not have visible damage to doors, bumpers, panels, hoods, or tires.
7. No outdoor storage of any items, including vehicle parts, is permitted.
8. All repair work is to occur inside the buildings.
9. No sales shall occur on the premises.
10. No storage of delivery vehicles, delivery trucks, semi-truck trailers or cargo containers is permitted.
11. All lighting shall be 90-degree cut-off style and directed away from any residentially used property.
12. Any fencing that is proposed shall include a green mesh screen to match the existing fencing on site. All fencing requires a permit from the city prior to installation.
13. No employee or service vehicle will be driven off of Ramona Lane or the gravel access area.
14. Vehicles stored on the lot must be parked in striped areas.

Motion carried 6-0.

Conditional Use Six-Month Review – P & V Auto Repair – 1354 Hicks Blvd. Unit B

Conditional use approval for a motor vehicle service facility was granted on March 10, 2021, with a condition that a six-month review after the issuance of the certificate of occupancy was required to determine continuance of the conditional use approval. Ms. Lynn stated that the applicant complies with all of the conditions of approval. There have been no reported issues or problems from the Police or Fire Departments.

Hamlet Vargas, with P & V Auto Repair, was in attendance. He stated that he complied with all of the conditions; all work is done inside the building, the cars do not sit overnight on the lot, and he only does minor repairs. Mr. Lepsky asked if he paints cars inside the building. Mr. Vargas replied that he does not paint cars or perform any body work at this location. Mr. Lepsky complimented him on the upkeep of the site.

Scott Lepsky, seconded by Marty Medler, motioned to approve the continuation of the conditional use approval, with the following conditions:

1. The conditional use is only for the applicant (Hamlet Vargas) and shall not be transferable without obtaining Planning Commission approval.
2. The applicant shall apply for a certificate of occupancy prior to occupying the building.
3. The parking lot shall be striped and sealed per the approved drawing. All vehicles, both employees and vehicles waiting to be repaired, shall be parked in those spaces. The striping shall be completed prior to receiving a certificate of occupancy.
4. No auto body repair work shall be conducted on site. Only completely intact and nondamaged vehicles are permitted on site. All motor vehicles on site must be licensed and operable.
5. No outdoor storage of any items, including vehicle parts, is permitted.
6. All repair work is to occur inside the building.
7. No painting of any sort may be done in the building unless a paint spray booth installed. A paint spray booth requires a permit from the Building and Zoning Division.
8. All vehicles must be able to be moved to and from the site on their own without the requirement of a tow truck.

Motion carried 6-0.

Election of Officers & Approval of Policies and Procedures

Current Offices/Assignments:

Chairman (Scott Lepsky)

Vice-Chairman (Don Hassler)

Secretary (Lynda McGuire)

Representative to the Board of Zoning Appeals (Scott Lepsky)

Representative to the Design Review Committee (Don Hassler)

OKI Representative (Greg Kathman)

Motion to keep all of the current assignments carried unanimously. Motion to approve the 2022 Policies and Procedures carried unanimously.

REPORTS/STUDIES/GENERAL DISCUSSION

Gwen Ritchie reported that Cultural Arts Commission appointed 3 new members at the last meeting. The Environment Commission also appointed 3 new members. The concept plan for the Harbin Park playground was approved. She stated that Xenia is no longer hosting the Tree City Awards and Fairfield is hosting this year.

Scott Lepsky, on behalf of Matt Davidson, reported that City Council was briefed on a DORA district in the Village Green area. It is intended to be a phased process that in the future may include areas north of Nilles Road.

Motion to adjourn carried unanimously.

Scott Lepsky, Chairman

Lynda McGuire, Secretary