

MINUTES OF A REGULAR VOTING MEETING OF THE
FAIRFIELD PLANNING COMMISSION
APRIL 28, 2021

Scott Lepsky called the Regular Meeting of the Fairfield Planning Commission to order. Members present: Scott Lepsky, Martin Medler, Bill Woeste, Gwen Ritchie, and Brian Begley. Motion to excuse Don Hassler and Melissa O'Brien carried unanimously.

MINUTES OF THE PREVIOUS MEETING

The minutes of the previous meeting held April 14, 2021 were approved unanimously.

OLD BUSINESS

NEW BUSINESS

I. Conditional Use – River Valley Christian Centre – 6600 Dixie Hwy Suite Y

An application has been submitted by River Valley Christian Centre to operate a church in the C-3A zoning district. The proposed space is located in Diplomat Village shopping center, which contains an outlot with two businesses. The shopping center has 16 tenant spaces and currently 14 tenants. The shopping center contains a Subway Restaurant that is adjacent to the proposed space, along with 3 sit down restaurants, 4 offices, 4 retail businesses, and 2 service uses. The shopping center includes 173 parking spaces; 7 spaces are required for the church per the zoning code. The proposed space is 1100 square feet and consists of a 660 square foot sanctuary, one office and two restrooms. The maximum occupant load for the sanctuary is 44 people. Prior to vacancy, The Toy Dept was located in this space. Erin Donovan Lynn, Planning Manager, stated that the hours and operation for any church activities should be designed so as not to conflict with the businesses that operate during the day.

Pastor Abayomi Odoola was in attendance and spoke. He relocated from Nigeria about two years ago, where he was a pastor for 25 years. In addition to the worship center, he intends to eventually run a Christian leadership school and offer outreach ministries to shelters in the community. He does not plan to host parties or events in the space. There is no daycare planned for the space. Hours of operation will be 10:00 am to noon on Sundays, 7:00 to 8:30 pm on Wednesdays, and 10:00 pm to midnight the last Friday of the month. Staff will consist of him and his wife. If his congregation count ever exceeds 44 people, he will split them into two services. His lease for this space is for two years. Mr. Lepsky expressed concern that the church use at this location does not comply with the Comprehensive Plan guidelines; a space off of the commercial corridor may be a better location. Steve Wolterman, representative for the Law Department, stated that the Comprehensive Plan is an overall plan of how we would like to see

an area develop. Zoning is more specific; the Commission should not deny a use if it is listed as a conditional use, as long as they satisfy all of the other conditions and requirements of the zoning code. This includes conditions that may be placed so as not to negatively impact the neighboring businesses. Traffic was discussed. There is a right in into the shopping center as well as a full curb cut at Boymel Drive.

Scott Lepsky, seconded by Bill Woeste, motioned to approve the conditional use request, with the following conditions:

1. The applicant shall apply for and obtain a certificate of occupancy from the City of Fairfield Building and Zoning Division prior to occupying the building.
2. No interior renovations and/or building signage installation shall occur without obtaining a building permit from the Building and Zoning Division.
3. There will be a one-year review of the conditional use approval from the date the certificate of occupancy is issued.
4. Hours of operation are as follows: Sundays 10:00 am to noon, Wednesdays 7:00 to 8:30 pm, and the last Friday of the month 10:00 pm to midnight.

Motion carried 5-0.

II. Minor Modification of a PUD – Olde Winton Subdivision – 5887 Olde Winton Ln.

An application has been submitted for a minor modification to the Olde Winton PUD to allow the construction of a patio enclosure that will encroach into the building setback. The subject property is a small, irregular shaped lot with a small house envelope that is located on a corner and in a cul de sac. The house is served by a narrow alley. The corner of the house encroaches into the setback. The original submittal was a 14' x 7' patio enclosure, but has since been revised to a 16' x 8', of which half of the enclosure will encroach into the building setback. The enclosure will extend up to the right of way line. Access to the patio enclosure will be from the outside of the house; there is no direct access from inside the house. There is already an existing concrete patio. A small portion of the patio is located in the right of way. Ms. Lynn stated that she spoke with the Public Works department to see if they had any issues with the request. There is a storm line that runs through that area, and if it needed to be replaced, any damage done to the patio or enclosure would be at the homeowner's expense.

Jenny Crabacher, daughter of the applicant Pat Wirtz, was in attendance. Her patio is a gathering place for her and her neighbors. An enclosure would provide shade and protection from insects. She said they increased the size, because a 14' x 7' enclosure would be too small and there would not be enough room for chairs. Water runoff to the sidewalk was discussed.

Roger Tucker, 5582 Olde Winton Ct., was in attendance. He said he sits out there with her and that side of the house is bright and sunny and it would be nice to have some shade. He stated a

lot of other neighbors have built similar structures.

Jack Anzalone, 5630 Olde Winton Ct., was in attendance. He stated that the applicant, Mrs. Wirtz, sits out on her patio most days. Most of the residents of the subdivision are older and an enclosure can help provide a healthy way to sit outside. The other neighbors have appointed him as the “groundskeeper” of the neighborhood. He says he will make sure it will look nice.

Mr. Begley asked if anyone in the audience was aware of anyone in the neighborhood that was against the modification. It appears that there is no opposition.

Linda Anzalone, 5630 Olde Winton Ct., was in attendance. She said she stops to visit frequently and the sun is very hot there. She would love to see some shade there. She is very supportive of the request.

A show of hands of the audience showed everyone was in support of the request.

Mr. Woeste asked how many other lots in the subdivision could come in with similar requests on their small lots. Ms. Lynn stated another neighbor came before the Commission in 2017 and was granted approval to encroach 2 feet in the rear yard setback with an enclosure. The subject property is the only one in the neighborhood where the side of the house has a patio that fronts on a public street.

Scott Lepsky, seconded by Bill Woeste, motioned to approve the minor modification with the update of the dimensions of the patio enclosure to 16’ x 8’. Motion carried unanimously.

III. Meijer-Gilmore Road PUD Discussion

Greg Kathman, Development Services Director, stated the Meijer-Gilmore Road PUD has been a topic of conversation for the last month. After the Hypershine project was denied a positive recommendation to City Council, they withdrew their application. Meetings with Meijer and Staff have been held to discuss Meijer’s plan for the PUD. After discussion, it was the opinion of both Staff and the Law Department that the PUD should not be formally amended, as it weakens the city’s position in the future to control the uses in the PUD. Meijer is looking for direction. They submitted a long list of businesses that they do not plan to do business with, including competing businesses and what they refer to as “noxious” uses. Staff added a few uses that the C-2 zoning district does not permit. The list of submitted preferred uses and outlots were discussed. Mr. Kathman said that he informed Meijer that Outlot A was going to have a hard time getting any approvals, as it is intended to remain permanent greenspace and the lot poses some development challenges.

The original Meijer-Gilmore Road PUD was discussed. It included the Meijer property only and

the two lots in the front that were intended to be perpetual greenspaces. Recent amendments to the PUD allowed the inclusion of Chick fil A and Dunkin' to locate in one of the original greenspaces. Ms. Ritchie stated that she did not think any of the outlots made sense, because if Meijer ever closed, there would be a big empty building and a bunch of outlot businesses in front. She stated she still thinks traffic would be a problem if the carwash was built on Outlot C. If she would be in favor of any lots, it would be Outlots D and E. Mr. Woeste stated that Meijer's position makes sense. They have more parking than they need. Creating outlots will bring in more business. He doesn't think traffic flow will be an issue at Outlot C; he thinks lots D and E will create bigger traffic issues. Outlot C is hidden by the Dunkin' Restaurant, off of the main road, and he thinks it is a good location for the carwash. Mr. Woeste stated that we have to support our business community and partners and remain a business-friendly community. Mr. Lepsky referenced the list of uses and proposed outlots. He doesn't think Outlot D would support a multi-story building or hotel from a structural and parking standpoint. He said Outlot C is not a realistic starting point for a carwash. He proposed removing "Quick Service Fast Food Restaurant" for Outlots D and E and could see entertaining a discussion about the rest of the uses on those outlots. Mr. Begley said he agreed with the prohibited uses list and agrees that Outlot A should remain empty. Mr. Woeste stated that he has no problems with the list of approved uses. Hypershine carwash is still interested in pursuing Outlot C, and they are looking for feedback from the Commission. Ms. Lynn asked whether the Commission would approve or deny the Hypershine Carwash in Outlot C if they reapplied. Mr. Lepsky, Ms. Ritchie, and Mr. Medler all indicated they would vote no. Mr. Woeste and Mr. Begley said they would vote in support.

Mr. Lepsky stated that the Heine Property and this corridor was an area of special focus during the Comprehensive Plan discussions. He referenced the Comprehensive Plan pages that discuss this corridor and referenced the original development plan and uses approved for the Heine property. He asked the Commission to consider how the two fit together. Mr. Begley said he sat on the Mack/Gilmore committee during the Comprehensive Plan discussions, and as a committee they came up with idyllic uses they thought would be a better fit for the area. Mr. Woeste said the Meijer property should be looked at separately from the Heine property, because they have no control over when that property could develop.

Mr. Kathman noted that in this corridor, the city is dealing with challenging property owners who are not in a hurry to sell or develop their properties, for example the Heine property and the Mall property.

REPORTS/STUDIES/GENERAL DISCUSSION

Mr. Woeste reported that Council came to an agreement on the City Manager study and will hopefully have a new City Manager within 2-3 months. Council has also unofficially approved a redevelopment fund to assist with redevelopment to help control the market for future development.

Ms. Lynn reported that a request for proposal for the update of the Planning and Zoning Code went out on Friday.

Motion to adjourn carried unanimously.

Scott Lepsky, Chairman

Lynda McGuire, Secretary