

MINUTES OF A REGULAR VOTING MEETING OF THE

FAIRFIELD PLANNING COMMISSION

AUGUST 26, 2009

Jerry Dailey, Chairman, called the Regular Voting Meeting of the Fairfield Planning Commission to order.

Members present: Jerry Dailey, Jeff Holtegel, Terry Senger, Don Hassler, Scott Lepsky, Deborah Rhees and Dan Murray.

MINUTES OF THE PREVIOUS MEETING:

The minutes of the previous meeting, held August 12, 2009, were approved as submitted.

OLD BUSINESS:

T-Mobile Sign Appeal – 5174 Pleasant Ave. (Tabled)

Jeff Holtegel, seconded by Scott Lepsky, made a motion to remove this item from the table. Motion carried 7 – 0.

Jeff Holtegel, seconded by Scott Lepsky, made a motion to deny the T-Mobile sign appeal since the applicant has not submitted a revised plan for consideration.

Motion carried 7 – 0.

Conditional Use Application – International Christian Fellowship Center – 1367 Hicks Blvd. (Tabled)

Jeff Holtegel, seconded by Don Hassler, made a motion to remove this item from the table. Motion carried 7 – 0.

Tim Bachman stated this item was tabled at the last meeting due to lack of members. There was discussion regarding the VFW property possibly being tax exempt which it is not. The tax bill is approximately \$14,000 per year. There are six parcels to this property which totals 4.8 acres. The actual building straddles 3 parcels and the remaining three parcels contain the horseshoe pits and shelter. It would make sense to require a lot combination. Lighting and landscaping were also discussed. Two flood lights are mounted on the back of the building; one by the entrance and the other further north. There is a grassy area in front of the building where landscaping could be placed.

Mr. Owusu Tweneboah stated they would rather not add landscaping. He confirmed the property is 4.8 acres and currently generates real estate taxes.

Mr. Bachman stated there has been a lot of discussion in the past regarding allowing church uses in industrial areas in regard to losing property taxes. Each case is unique. This building will likely never be used as industrial since it was designed as a lodge. It makes sense to use it as a church.

John Clemmons explained the Commission has done an analysis of several church applications based on the amount of taxes being lost. A statute was adopted in 2000 called The Religious Land Use and Institutionalized Persons Act which basically says you cannot impose a substantial burden on a religious use of land absent a compelling governmental interest. Mr. Clemmons expressed his concern that we would not be able to withstand a legal challenge based solely on tax loss. Not every Conditional Use application for a church has to be approved. If challenged however, it would be up to a judge to decide whether the intent of the statute was met. A compelling governmental interest could be defined as removing 40 acres of industrial land for the construction of a church complex bordered by industrial uses. Concerning the VFW property, it is bounded by residential on one side and probably could not be justified as a substantial burden. The statute is particularly applicable when you do individualized assessments based on use (Conditional Uses, Variances, etc.).

Mr. Hassler asked if it would be unreasonable to make them combine all of the lots into one and Mr. Clemmons replied as long as there was some basis in which to request that. If the Commission is concerned about the church possibly selling off some of the parking, it would be a reasonable condition to place on the approval. Mr. Holtegel said he believed all of the conditions stated in his motion last meeting were reasonable. Mr. Clemmons agreed. The Commission could also place a condition that approval is only for this particular church. There was discussion regarding the use becoming void if it ceases for a period of two years. Mr. Clemmons explained the two year clause applies to non-conforming uses. With a Conditional Use, the Commission is approving a use on a particular piece of property. Although it may not be common to grant approval only to the applicant, it can be done.

Jeff Holtegel, seconded by Terry Senger, made a motion to grant a Condition Use for International Christian Fellowship Center at 1367 Hicks Boulevard with the following conditions:

1. No food preparation other than box lunches, etc. (no food prepared and served in large amounts);
2. No overnight guests, permanent or temporary;
3. As plans develop, they are to be submitted to the Commission for approval (lighting, landscape, signage, remodeling);
4. The building is for church use only (hold services, youth ministry, etc.)
5. A lot combination is needed combining the six lots into one.
6. This Conditional Use is strictly for the International Christian Fellowship Center and is not transferable.

Motion carried 7 – 0.

Tim Bachman asked for clarification regarding the lighting and landscaping since the applicant stated they did not want to change or add anything. Mr. Holtegel replied if they choose to do nothing, plans are not needed.

Mr. Owusu Tweneboah said they may want to do work on the inside partitions and was told that a architectural plan would have to be submitted and approved.

NEW BUSINESS:

Design Review Committee Items:

New Building Signage – PNC Bank – 530-A Wessel Drive

Tim Bachman stated National Cities Bank has been bought out by PNC. PNC has decided to stay at this location through the remainder of the lease. There is signage on three sides which was recommended for approval by Design Review.

Deborah Rhees, seconded by Scott Lepsky, made a motion to approve the signage for PNC as submitted and recommended by Design Review.

Motion carried 7 – 0.

Cabinet Sign Replacement Panel – Dixie Chicks – 5092 Pleasant Avenue

Tim Bachman explained that the Dixie Chicks are relocating from Fair Plaza (section being demolished) to Reigert Square. There was a misunderstanding with the sign contractor and the sign is already installed. Design Review approved the sign unanimously.

Deborah Rhees, seconded by Don Hassler, made a motion to approve the sign for the Dixie Chicks at 5092 Pleasant Avenue as recommended by Design Review.

Motion carried 7 – 0.

New Sign – Gina's – 550 Patterson Blvd.

Tim Bachman stated Gina's opted to stay in Fair Plaza and have moved into the space adjacent to Marsh Supermarket. The sign is the same color and font as Alpha Omega which is next door. Design Review also recommended approval of this sign.

Deborah Rhees, seconded by Scott Lepsky, made a motion to approve the sign for Gina's, 550 Patterson, as recommended by Design Review.

Motion carried 7 – 0.

REPORTS/STUDIES/GENERAL DISCUSSION

Renewable Energy

Tim Bachman stated the reason we are having this discussion is because we have received a request from Quality Gold to install a wind turbine. The owner of Quality Gold has done a lot of research on this and the payback period is 5 to 6 years. They are working through details of the installation with the airport.

Mr. Bachman showed a slide presentation and the first item discussed was solar power. The Commission discussed the placement and the amount of panels on structures and whether the detached panels should be regulated similar to accessory structures. If someone wanted to install the detached panels and did not want to conform to the accessory building requirements, Board of Zoning Appeals approval would be required. There was also discussion regarding removal of obsolete panels. Rick Helsinger told the Commission there are requirements in the building code that would govern their removal.

Tim Bachman told the Commission they need to determine if they are alright with the large panels. They are permitted now. The Commission instructed staff to research how other communities address the aesthetics of the panels, placement and percent of coverage.

The second series of slides pertained to wind energy. Windmills are currently not regulated under our zoning ordinance as long as they do not occupy more than 25% of the lot area and are not less than fifty feet in all parts from every lot line not a street lot line. Mr. Bachman stated that a tower with 15' to 21' blades can power a home. A wind map was shown to the Commission and a Class C wind speed is needed for the towers. Butler County does not have too many areas with Class C wind speeds, however, the towers can be placed on ridges to possibly accomplish this. Hamilton County has started to see the towers appear and they are regulated via a Conditional Use.

The Commission instructed staff to research Hamilton County's ordinance.

Geothermal energy was discussed last. The systems can be installed in the ground either vertically or horizontally. Anti-freeze is run through a pipe system which is warmed/cooled by the earth's temperature and converted into energy. The only visual evidence of the geothermal system is a unit which is similar to a heat pump. These systems are currently permitted and being installed.

Being no further business, Don Hassler, seconded by Scott Lepsky, made a motion to adjourn. Motion carried 7 – 0.

Jerry L. Dailey, Chairman

Peggy Flaig, Clerk