

MINUTES OF A REGULAR VOTING MEETING OF THE
FAIRFIELD PLANNING COMMISSION

JULY 27, 2016

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

Members present: Scott Lepsky, Don Hassler, Bill Woeste, and Brian Begley.

MINUTES OF THE PREVIOUS MEETING

The minutes of the previous meeting, held June 22, 2016, were approved as submitted.

Tom Hasselbeck and Dale Paullus arrived at 6:05.

OLD BUSINESS

NEW BUSINESS

Motion to add a Dedication Plat on Seward Rd. to the agenda was approved unanimously.

Dedication Plat – Seward Rd. and Union Centre Blvd.

Slides were shown of the site. There are two buildings that will be constructed on this parcel; one of them 470,000 square feet and the other 600,000 square feet. In accordance with the Thoroughfare Plan, an additional 10 feet of Right of Way is required to be dedicated.

Scott Lepsky, seconded by Don Hassler, motioned to approve the Dedication Plat. Motion carried unanimously.

Design Review Item

- Exterior Renovations – Kentucky Fried Chicken – 5188 Pleasant Ave.

Slides were shown of the proposed changes and the site. Color swatches, as well as the Design Review Committee minutes, were distributed to the Commissioners. Tim Bachman, Development Services Director, discussed the property and proposed changes.

Slides of each elevation were shown. On the front elevation, the existing columns remain and will be painted Rembrandt Ruby, with red and white stripes in the middle between the columns. The existing awnings will be replaced with new metal mesh awnings painted Exotic Red. Above the brick, there are currently 4 different colors; all of this area will be painted white. The existing cupola will be removed and replaced with a red and white striped “box top”. On the south elevation, the awnings will be replaced. Above the brick, the top of the building will be painted all white. John Brewer, representative for KFC, stated that the red stripe of color on the submitted elevation on the right end of the building will be omitted. The north elevation will receive a new 8 foot wide red awning over the drive thru. The red stripe shown on the submitted elevation above this

awning may be omitted. Mr. Brewer stated that he would send the revised drawings as soon as he receives them. The rear elevation changes include the cooler and electric boxes painted Rembrandt Ruby. The drive thru equipment will be refreshed as well. 3300 stores are being renovated nationwide, with up to 7 different paint schemes offered. There will be new pendant lights and sconces installed on the outside of the building.

Scott Lepsky, seconded by Bill Woeste, motioned to approve the changes per the Design Review Committee recommendation, with the stipulation that the revisions that were discussed must be submitted to staff for approval. Motion carried 6-0.

Conditional Use – African Community Center – 1116 Hicks Blvd.

Slides were shown of the site and building. Caleb Lola, applicant, was in attendance. He wants to open an African Community Center in the building. The property consists of a two story building with a basement. The entrance to the space that is in question is at the front right side of the building. Parking was discussed. There are 6-8 spaces striped in front of the building, 6 angled spaces on the right side of the building and approximately 6-8 spaces may be available in the back of the building. There is a very full dumpster in the back left corner behind the building. As shown on the slide, parking with the neighbor on the right is tight; they share an access driveway to get to their buildings. Pictures of the interior of the building were shown. A bar with a raised platform for a DJ or music has been constructed. There is a back room with additional space. A kitchen was submitted on the original drawings but is no longer part of the plan.

Mr. Bachman discussed the history of the application. In April, Mr. Lola called and talked to Lynda McGuire, Secretary, about his plans to open an African Community Center. There were also rumors from neighboring businesses that the space was going to be a gentleman's club. When Mr. Bachman tried to return his call, the phone number was not valid. Mr. Lola signed a lease in April. Mr. Lola applied for a liquor permit, and at that time the Development Services Department was notified. Mr. Bachman sent a letter to Mr. Lola in May, informing him that a Conditional Use approval was required for a community center. In the meantime, he had hired several contractors, some of which were fraudulent. The construction that was done did not have the proper permits issued or inspections done. After staking out the building, the Police Dept. determined that one of the contractors was living in the building. There was a meeting with the Police Dept., Mr. Bachman and Mr. Lola. After this meeting, Mr. Lola decided not to pursue the liquor license and modified his application to request a membership club instead. Mr. Bachman received a call from Dr. Johnson, whose business is located 2 doors down from the subject property with a complaint about the parking problems.

Caleb Lola, applicant, spoke. He stated that there is a large African community in the area. He wants to open a community center where they can come and watch soccer games and news from back home, instead of having to meet at someone's house as they currently do. He plans on having about 25 people in the space. He originally wanted to sell alcohol and food, but he is no longer going to pursue the liquor permit. He plans to be open 5 days a week, regardless of whether there is a soccer match or an activity. The club will be open to answer questions or if someone just wanted to hang out in the space. He plans to be open in the evening and on the weekends. The business will not be open to the public, it will be a membership club. He stated that he met his contractor when he was shopping for signs for the business. He didn't know permits were required. The contractor told him the work would be done in 45 days. Mr. Lola gave the contractor the key to the building. During this time frame, Mr. Lola received a call from the Police Dept. informing him that the contractor was living in the building. The contractor also stole several items from him and he lost a lot of money because of the contractor. Mr. Lepsky asked how often and how many people currently meet at these events. There are usually 20-25 people and they meet about 4 times a month. Mr. Bachman pointed out that his submitted business plan says he will be open 5 days a week. Mr. Hasselbeck said he is familiar with this

building; it is approximately 6000 square feet. Mr. Hassler said the Commission needs to know how much square footage Mr. Lola is using to determine how many parking spaces he is required to provide. There was discussion on parking issues. Mr. Lola was informed that he would need to keep his cars on his lot only and if there are other tenants in the building, there are not enough parking spaces to accommodate them. Mr. Bachman asked how much square footage Mr. Lola was leasing. The lease does not specify amount of square footage that he is entitled to, but he does not have the entire building. Mr. Woeste noted that there are 3 separate entrances to the building; he says there are clearly 12 parking spots available. If there are 12 parking spots available, that only leaves 4 parking spots for each space. There is not enough parking for this use. Mr. Lola said he would have people ride together or he would block off the other parking spots. He would also reduce the amount of memberships to allow for more parking. Mr. Lepsky said the Code requires a specific number of parking spaces depending on what type of use, regardless of whether or not he sections parking spaces off. Mr. Bachman stated that if other spaces were leased, they may have different hours than he plans to have. Mr. Lepsky said that without more information on how much square footage Mr. Lola is entitled to, the Commission cannot determine how much parking is legally required.

There was discussion on the proposed membership. Mr. Lola's office is located in Springdale, and he lives in Lockland. The members mostly live in Fairfield. There are three African stores located in Fairfield. If the membership grows, he plans to move to a different location.

Mr. Bachman discussed Mr. Lola's current lease and business plan. The only use that is stated on the lease is a bar use. Since he can't use it for a bar because of the liquor permit issues, he should talk to his landlord to see if he can get out of the lease. Mr. Bachman doesn't want to see Mr. Lola put more money into the space to make it more code compliant if the Commission is going to deny the Conditional Use. The way the business plan is written, Mr. Lola plans to charge a door fee and then give them alcohol. This is illegal, according to the Liquor Board. He could, however, allow his members to bring their own alcohol.

Mark Johnston, owner from 1120 Hicks Blvd, spoke. His property is located next door to the subject property. He said that he thinks Mr. Lola has a good idea, but the location is not good. He and his tenants are concerned about parking, because there is already a parking issue. He rents to 4 different tenants that have business hours between 7 am and 10 pm. His tenants have had concerns about their safety the last couple months due to the contractors working in Mr. Lola's tenant space. He said it is a business district, and his tenants are concerned about this type of use in that area. There was some discussion on whether or not there is currently another tenant in the building that Mr. Lola is leasing. Both Mr. Bachman and Mr. Hassler agreed there appeared to be someone leasing a space.

Mr. Lepsky stated that he thought Mr. Lola had a good idea, but not a good location for it. Mr. Lola asked if they would give him a chance to get the measurements of the space, so he would know how many parking spaces he was required. Mr. Lepsky said he doesn't think the Commission is going to approve the application. Mr. Lola asked what kind of business he could put in the space. Steve Wolterman, lawyer, stated that it wasn't the Commission's place to tell him what kind of business he could operate. He indicated to Mr. Lola that he wasn't going to better the space by bringing in a heavy traffic use. Mr. Wolterman asked Mr. Lola how he planned to tell his members that they can't come to the club, because there is not enough parking, after they have already paid a membership fee. He needs to be prepared to address that issue. Mr. Woeste said that he likes to see everyone be successful, but he doesn't think this is the right location. He said that Mr. Lola should try to get out of his lease; he can't operate a business with 4 parking spaces and have 25 people. There are plenty of other areas in Fairfield that would work for him. Mr. Lepsky asked if Mr. Lola wanted to try and get approval for this space or remove the request from the agenda. Mr. Lola requested the application be removed from the agenda.

Scott Lepsky, seconded by Don Hassler, motioned to remove the Conditional Use application for an African Community Center from the agenda per the applicant's request. Motion carried unanimously.

The Commission suggested that Mr. Lola contact the Development Services Department if he decides to open a different business at this location. Staff will send Mr. Lola the parking requirements and C-3 zoning district requirements.

Dedication Plat – Seward Rd. – Koch Foods

Slides were shown of the site. Koch Foods is acquiring the 14 acre property adjacent to their current facility, for parking lot expansion. They will use it for truck access and parking; they will not be expanding their facilities at this time. They are dedicating 40' of Right of Way, per the Thoroughfare Plan, for future lane or road improvements.

Scott Lepsky, seconded by Don Hassler, motioned to approve the dedication plat. Motion carried unanimously.

REPORTS/STUDIES/GENERAL DISCUSSION

Mr. Paullus reported that the Parks Board had another review on Harbin Park. They are also looking to acquire the Muskopf property at the corner of John Gray and River Rds, and the Groh property across the street.

Mr. Begley reported that school starts on August 16.

Mr. Woeste said the fire levy passed by Council and will be on the ballot in November. The City is running a million dollars in arrears and the levy is much needed.

Being no further business, the meeting adjourned.

Scott Lepsky, Chairman

Lynda McGuire, Secretary