

MINUTES OF A REGULAR VOTING MEETING OF THE
FAIRFIELD PLANNING COMMISSION
MARCH 24, 2021

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

MINUTES OF THE PREVIOUS MEETING

The minutes of the previous meeting held March 10, 2021 were approved unanimously.

OLD BUSINESS

- I. Revised Concept and Final Development Plan/Meijer Gilmore PUD – Hypershine Carwash – Meijer Dr. (Tabled)

Motion to remove this item off of the table carried unanimously.

This application was tabled from the March 10, 2021 meeting to allow staff and the applicant time to investigate and gather information on some items that were of concern to the Commission. Those items include Meijer's overall development plan, traffic stacking onto Casual Drive, and the addition of architectural features on the east elevation. Meijer shared their master plan with Greg Kathman, Development Services Director, and Erin Lynn, Planning Manager. Meijer currently has excess parking with over 1200 parking spaces, and according to a comprehensive corporate parking study, the ideal amount is 650-700 spaces, which is still more than they would typically use. The master plan shows three outlots in the parking lot and Meijer indicated that they are the only areas in the parking lot they are considering selling. If the three lots happened to sell, they would still have over 800 parking spaces left. They are not actively marketing the lots; they wait for interested parties to approach them. They will only sell the outlots to uses that complement the grocery store and will not sell to what they consider to be a "noxious" use or a competitive use. There was discussion regarding what happens if an outlot goes out of business and becomes vacant. Ms. Lynn stated that Meijer and the new owners sign a Declaration of Restrictions, which gives Meijer control over future uses of the lot if it happens to sell. Mr. Kathman stated that Meijer is not currently marketing Outlot A, which is a separate lot with frontage on S. Gilmore Road. This lot was approved to be permanent green space with the original PUD approval. They wanted to build a Meijer Gas Station on this lot in the past, and they are holding it in reserve in case they decide to build one in the future. Staff has informed them they would have a hard time getting approval of a gas station. Mr. Woeste stated that he thinks it is worth getting a clear picture of the site with an overall plan. He said Meijer should be

coming in for approval for changes to the PUD instead of the applicants. He would rather see them go that route rather than a piecemeal approach to the site. Ms. Lynn said it sounds like Commission wants Meijer to come in with a revised concept plan showing the proposed outlots initially, then have the end users come in and apply for a Final PUD.

The traffic concerns from the last meeting were discussed. Nick Dill, City Engineer, wrote a very detailed email regarding the traffic concerns. The curb cut for Chick Fil A and Dunkin' was designed to be directly across from the Meijer curb cut to avoid potential traffic conflicts. In his email he stated that 23-24 cars can stack on the Hypershine site before cars would stack on Casual Drive. This is similar to other car washes in the city that have been approved. Casual Drive is being repaved this year and restriped. A continuous two way left turn lane is being added to help alleviate potential traffic issues. He indicated that overall, no major traffic issues are anticipated. The east elevation was discussed. Ms. Lynn stated the applicant revised the back of the building to include a blue metal design feature. As discussed at the last meeting, the landscape plan does not allow for screening from Casual Drive, because of the placement of the building on the site.

Rob Painter, with RVP Engineering, was in attendance. He stated he talked to Meijer about the overall PUD plan. He said he is not sure if Meijer even knows who is going to be a tenant at this time and he thinks this is the appropriate process to proceed with the Hypershine PUD. He spoke to Nick Dill and they are both satisfied with the traffic stacking plan. The metal sunshade that was added to the back of the building, along with the elongated columns that were added, will make the building more "striking". He said it is important that the front of the building remains the focal point of the building. Mr. Lepsky stated that Meijer has obviously put some thought into their site, but this is the first time the Commission is seeing the plan. The Commission needs to take a holistic approach to approval, rather than a piecemeal approach. This area of Fairfield was discussed in great detail in the Fairfield Forward Comprehensive Plan as an important corridor and gateway into the City. He said he is having a hard time justifying the project at this time. Ms. Ritchie agreed and said Meijer needs to work with the City and resubmit the overall concept plan before tenants submit separately for projects. Mr. Painter asked if Meijer submitted a concept plan showing the outlots and included the carwash, would the Commission approve the carwash? If they would, he asked them to approve the project tonight. Mr. Woeste stated that Meijer needs to approach the Commission first with an overall concept plan. Mr. Hassler said that he thinks the car wash is in the wrong place and he doesn't like the way the building is turned with the rear facing Casual Drive. He can't support it as is. He wants to know what is going to happen with the rest of the lots before he can think about supporting this project. He said the hospital and Cincinnati Financial should have input in what will locate there. Mr. Painter asked the Commission not to hold him accountable for Meijer's missteps. He did everything they asked him to do at the last meeting. Mr. Woeste asked the Development Services Department to

reach out to Meijer to persuade them to submit a concept plan to the Commission. Mr. Kathman stated that staff will relay that information to Meijer. He said he has received various calls over the years that were interested in the outlots around Meijer; if they are not good uses, staff will try and dissuade them from applying, but cannot reject an application. Mr. Lepsky noted that it would make the road smoother for future applicants on this property if Meijer were to come in and discuss their future plans. Mr. Woeste said that Cincinnati Financial, the city's largest employer, sits catty corner from this development, and they deserve to have a say in what the plan will look like.

Scott Lepsky, seconded by Gwen Ritchie, recommended denial of the Revised Concept and Final Development Plan/Meijer Gilmore PUD for Hypershine Carwash. Motion carried 7-0.

NEW BUSINESS

I. Conditional Use – AAMCO Transmission & Total Car Care – 800 Nilles Rd.

An application has been submitted for conditional use approval to operate AAMCO Transmission and Total Care, a motor vehicle service facility, in the D-1 zoning district. The proposed site was built as a Jiffy Lube in the 1980s. Pfefferle Tire operated it for about 5 year until it closed in 2018. The building has been vacant since then. Prior to 2019, motor vehicle service facilities were permitted uses in the D-1 zoning district. In 2019, the ordinances were rewritten to make them conditional uses. If a building is vacant for more than a year it loses its non-conforming status. The site was designed for a motor vehicle service facility and the other uses wouldn't work there without a major remodel, which would require significant investment or demolishing the building and rebuilding. Ms. Lynn described the site as being a little weathered; the parking lot needs to be seal-coated and striped and landscaping should be added along Nilles Road. There is also currently no parking lot lighting. The Pleasant Run Creek runs through the very back of the property. The applicant plans to paint the building and install new signage. He has been informed that those items need Design Review approval.

AAMCO offers transmission repair and total car care items such as brakes, oil changes, shocks, mufflers, and tune-ups. The difference between motor vehicle service facilities and motor vehicle repair garages were discussed. Ms. Lynn said this was an important distinction, because if they were classified as a motor vehicle repair garage, that use is not permitted in the D-1 zone. Mr. Lepsky asked why the ordinance was changed. Ms. Lynn stated that the auto body repair shops started changing their business models; buying cars at auctions and doing work for used car lots. They were becoming "mini junkyards". They were made conditional uses to allow the more control over what happens on the site.

Kim Robinson, with the AAMCO home office, was in attendance. She stated that AAMCO is a

service facility, there is no body work or major repair being done. They work on anything under the hood. They are a quick service facility. There is no heavy work done on site; the transmissions are rebuilt offsite and shipped back to the store and reinstalled. Any work done in the shop generally takes 1-2 hours, worst case scenario 3-4 hours. If a car has to be towed to the site, the car goes on a lift inside and doesn't leave the facility until the rebuilt transmission is installed. Generally, cars can be driven in and out on their own. The facility will be franchisee owned. Parking was discussed. Most of the customer parking is located behind the building, but there are a couple spaces available in front of the building. There are 15-18 spaces on the site; 13-14 are required. Most days, there will be 4 employees on site, plus Mr. Fino, the franchisee. Operating hours are Monday to Friday 8:00 am to 5:30 pm, and 8:00 am to 12:00 pm on Saturdays.

Nabil Fino, franchisee, was in attendance. Mr. Ritchie asked where the auto parts are stored; they should not be stored outside. Ms. Robinson stated there are no parts at all stored on site. When a customer car is assessed, an auto parts order goes out to a local auto parts store, and the parts are delivered the day they are installed. All transmissions are sent to an offsite facility, where they are refurbished. Transmissions are delivered to the store the day they are installed. In fact, the franchisee is charged for the transmission if it is not sent to the facility. The dumpster location was discussed. It will be located in the back and screened.

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

1. The conditional use is only for an AAMCO operated by Nabil Fino 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 applicant shall obtain approval from the Design Review Committee for all exterior changes to the site – signage, building colors, and landscaping.
4. A professionally drawn site plan shall be submitted show the striping of the parking lot in accordance with the Fairfield Zoning Code, and industry standards in terms of drive aisles and maneuverability. The plan shall be approved by staff prior to obtaining a certificate of occupancy.
5. The parking lot shall be repaired, seal-coated, and striped 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.
6. No auto body repair work shall be conducted on site. Only completely intact and non-damaged vehicles are permitted on site.
7. No outdoor storage of any items, including vehicle parts, is permitted.
8. All repair work is to occur inside the building.

9. Any dumpster proposed shall be located behind the building and screened with privacy fencing on all sides in accordance with the Fairfield Zoning Code.
10. Hours of operation shall be Monday-Friday 8:00 am to 5:30 pm, Saturday 8:00 am to 12:00 pm.
11. A six-month review from the date of the issuance of the certificate of occupancy is required to determine continuation of the conditional use approval.

Motion carried 6-1, Don Hassler dissenting.

II. Conditional Use – Gardens Alive! Outlet Store – 4424 Dixie Hwy.

An application has been submitted for conditional use approval to operate a retail outlet store in the M-2 zoning district. The subject property is located at the Fisher Park Industrial Facility (former GM Plant). There are four tenants in the building, including the Gardens Alive fulfillment center. Gardens Alive supplies gardening related products directly to the consumer through catalog and online sales. All of their online sales are shipped from this location. They are interested using 2,000 square feet of space to open an outlet store at this location. Their total lease area is about 500,000 square feet. The storefront will have a separate entrance and parking area. They want to sell discontinued, returned, end of season, and obsolete items. There is plenty of parking available for the store.

Chris Wood, with Gardens Alive, was in attendance. This location ships puzzles, games, gifts, and apparel. When things are returned or discontinued, they used to ship the inventory to their Tipp City outlet store. That store closed due to the pandemic and will not be reopening. He said the Fairfield store will be a good location, because of the other discount stores in the area. They plan to be open Tuesday through Saturday from 10:00 am to 7:00 pm year-round. The store will have 2-4 employees. Parking lot lighting was discussed. Mr. Kathman stated that the building and street lighting will light that area of the building enough that additional parking lot lights should not be necessary. Mr. Wood referenced the first possible condition, said they would like to have outdoor “sidewalk sales” or tent sales a few times a year. Mr. Kathman stated that permits would be needed for the tent, and staff will monitor as needed. It should not be a problem.

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

1. There shall be no outdoor storage or display of items for sale.
2. A building permit shall be obtained for any proposed signage.
3. A certificate of occupancy shall be obtained for the retail area.

Motion carried 7-0.

III. Conditional Use – Carvana – 4991 Factory Dr.

An application has been submitted for conditional use approval to operate a motor vehicle storage yard in the M-2 zoning district. The building was previously used as a motor coach storage and maintenance facility. This building will be used as a last mile trucking terminal delivery hub for Carvana, an online car sales company. Once a car is purchased online, it is sent from a regional inspection center to a delivery hub closest to the purchaser's home. Once it is received at the delivery hub, the inside of the car is cleaned and vacuumed. Once cleaned, the car is loaded on a delivery tow truck and delivered to the purchaser's home. The site plan submitted shows the site holds 113 vehicles, and 18 employee parking spaces. 4-6 delivery tow trucks will also be stored on site. A revised site plan will be submitted that removes the parking shown in front of the overhead doors. The number of vehicles stored on site is based on the market demand. The turn around time from the purchase to delivery of a car is 1-4 days. Cars are delivered to the site on a large car hauler that can hold up to 9 cars. Ms. Lynn stated it was unclear where the semi-trucks would enter the site and deliver the vehicles. The entire frontage is currently one big curb cut. The proposed conditions of approval suggest closing part of the curb and adding grass. This area of Factory Dr. is not well travelled; it is a dead-end street.

Christian Orr, with Carvana, was in attendance. He said he has heard some of the concerns about auto uses tonight and is glad to be able to explain their business model. He stated there would be enough room for the semi-trucks to be able to make the 360° turn in the middle of the site behind the building. The delivery is completely contained on site. The car inventory would consist of newer used cars that have been inspected and repaired before arriving to the site. The cars are delivered to the customer from the site; there will be no customer facing business at this site. There will be no signage. There are between 5-12 employees that work shifts throughout the day, making approximately 52 trips from the site delivering cars to customers per day. There would be minimal traffic impact. Since the cars are only on the site for up to 4 days, there is no long-term parking that will occur. Ms. Lynn asked how long a car sits on the site if a customer returns one. Mr. Orr stated it can range from 1-15 days, then it is returned to the regional hub. Trade-ins that are brought to the site follow the same criteria as the cars for sale; they are in good condition and are newer models. He reviewed the proposed conditions of approval. He is ok with most of them, but wanted to address numbers 3 and 4. With regard to reducing the curb cut; he stated that their current lease term is three years, and he does not know at this point if an extension will be given. They do not want to invest too much into infrastructure as a short-term tenant if the lease is not extended. Mr. Kathman stated the city likes to try and reduce these big curb cuts when they can, but understands the applicant not wanting to invest a lot of money into the site if they are short term tenants. Regarding striping the parking lot, Mr. Orr said he can clean up the parking lot, but striping all of the spaces in the back of the lot does not make sense. The cars are stacked

2 and 3 deep and do not follow normal parking lot requirements. Ms. Lynn suggested painting long guidelines instead to keep the cars lined up in an orderly fashion. Mr. Kathman said the parking lot was fine, but that if it gets worse with potholes and such, it would become an enforcement issue. The applicant can work with staff regarding striping of the parking lot. Operating hours are generally between 7:00 am to 9:00 pm. Delivery to customers are generally between 10:00 am to 7:00 pm.

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

1. The conditional use is only for Carvana 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. A revised site plan shall be submitted showing no parking spaces in front of the overhead doors.
4. The parking lot shall be cleaned, maintained, and striped per the approved drawing. All vehicles - employees, flatbed tow trucks, and those vehicles waiting for delivery - shall be parked in those spaces. The striping shall be completed prior to receiving a certificate of occupancy.
5. No auto repair or auto body repair work shall be conducted on site. Only completely intact and non-damaged vehicles are permitted on site.
6. No outdoor storage of any items, except vehicles, is permitted.
7. The site and building shall "cleaned up". This includes removing the weeds growing in the parking lot, on the building and along the perimeter of the site.
8. Any dumpster proposed shall be located behind the building and screened with privacy fencing on all sides in accordance with the Fairfield Zoning Code.

Motion carried 7-0.

REPORTS/STUDIES/GENERAL DISCUSSION

Ms. Ritchie reported that the Parks Board is done the interviewing applicants for the CAAC candidates and Environmental Commission and selected three people for each. They will be appointed at the next Council meeting.

Mr. Begley reported that Prom will take place this year. Graduation will also take place in two sessions at the Cintas Center.

Mr. Woeste reported that City Council approved the 5-year CIP.

Ms. Lynn reported that the update to the zoning code is included in the approved CIP. It will be a two to three year process. She plans to offer BZA and PC training at the Community Arts Center on May 19 with Greg Dale, who has over 30 years of experience training boards and commissions.

Motion to adjourn carried unanimously.

Scott Lepsky, Chairman

Lynda McGuire, Secretary