

**MINUTES OF A REGULAR VOTING MEETING OF THE**

**FAIRFIELD PLANNING COMMISSION**

**February 4, 2009**

Jeff Holtegel, Vice-Chairman, called the Regular Voting Meeting of the Fairfield Planning Commission to order.

Members present: Jeff Holtegel, Deborah Rhees, Scott Lepsky and Terry Senger.

Deborah Rhees, seconded by Terry Senger, made a motion to excuse Jerry Dailey, Don Hassler and Diana Bailey. Motion carried 4 – 0.

**MINUTES OF THE PREVIOUS MEETING:**

The minutes of the previous meeting, held December 10, 2008, were approved as submitted.

**NEW BUSINESS:**

Design Review Committee Items:

New Building Sign – Snap Fitness – 5174 Pleasant Avenue

Tim Bachman stated the Design Review Committee recommended approval of the proposed sign. There was discussion about the size of the sign and how it fits into the total signage aggregate for the center. The Snap Fitness sign is only 3 s.f. over what they would be permitted based on store frontage. Little Caesar's took much more signage which will affect the amount of signage the remaining two storefronts will receive.

Deborah Rhees, seconded by Scott Lepsky, made a motion to approve the building sign for Snap Fitness at 5174 Pleasant Avenue as recommended by Design Review.

Motion carried 4 – 0.

New Wall Sign – Village Drycleaners – 5128 Pleasant Avenue

Tim Bachman said the Design Review Committee also recommended approval of the sign with a small modification. The tee shirt logo will be changed to more of a dress shirt as requested by the applicant.

Deborah Rhees, seconded by Scott Lepsky, made a motion to approve the wall sign for Village Drycleaners at 5128 Pleasant Avenue with modifying the tee shirt to a dress shirt.

Motion carried 4 – 0.

Conditional Use Application – The Lounge – 5353 Dixie Highway

Tim Bachman stated this was formally Fairfield Tavern and is zoned C-3A. The reason it is here is Planning Commission Meeting Minutes

because it is a bar or entertainment type use.

Mr. Brandon Shteivi, applicant, stated they want to open a bar at this location under a different theme called The Lounge. It will be for upscale college students and working class. They want to change the reputation of the place and could capitalize on the clubs location. A new dress code will be instituted which will keep the former patrons away. Mr. Shteivi understands there has been a long history of violence and calls to the police. The age limit of patrons will be raised from 18 to 21 and up. Security will also be used to judge the patrons; if they look like trouble, they will not be permitted in.

Mr. Shteivi said there are people in Fairfield looking for an upscale facility for social or business networking. Other areas they would market to would be West Chester, Hamilton, Middletown, Liberty Township, Lebanon, Fairfield Township, Blue Ash and Montgomery. Concerning security, Mr. Shteivi stated they would have security staff inside and outside in the parking lot. They will offer beer, wine, mixed drinks, soft drinks and juices. The hours of operation will be 8:00 p.m. until 2:30 a.m. three to four days a week (Tuesday, Thursday, Friday and Saturday).

Mr. Shteivi stated the problem with the previous owner was that he was only involved with the bars operation for the first three months it was open. He hired another promoter after that which brought in the rift raft. Mr. Shteivi would market the facility via word of mouth, flyers, radio, etc. His family has had a lot of experience with operating restaurants and bars; Buffalo Wings N Rings is one.

Tim Bachman stated one thing he requested the applicant to do was to meet with the Police Department regarding this proposal. Brandon Shteivi said he sat down with the police chief and discussed the dress code. They are also raising the age limit to 21 and up. This is being done because most of the problem patrons were 18 to 21 years of age.

Tim Bachman asked about the acceptable dress code and Mr. Shteivi read the handout he provided the Commissioners (attached). Mr. Shteivi feels that the dress code will keep the rift raft from coming in. Tim Bachman then asked how long Fairfield Tavern had been closed and was told 6 months. Mr. Senger felt the previous patrons would still come by once they heard the bar has reopened. Mr. Shteivi replied they will leave once they see the dress code.

Deborah Rhees asked about the security plan and Mr. Shteivi said they will hire personnel that were bouncers in other clubs. They will be informed of the desired crowd so security personnel will know what to turn away. There will be five security personnel working inside and outside; the previous owner only had three.

Tim Bachman inquired about the liquor license. Mr. Shteivi replied if the Conditional Use is approved, the previous owner will forfeit his license and a new one will be obtained from Columbus.

Chief Dickey stated he met with Mr. Shteivi twice and looked into his proposal to a pretty significant degree. This is the one place in town that has had a tremendous amount of problems throughout the Chiefs career with Fairfield. The business plan does not seem different than what

they have had in there before. Chief Dickey felt that Fairfield does not need another bar that has to have a security staff. The history of the place speaks to the problems and Chief Dickey sees nothing different that would be a positive impact on the city. He heard the same story from the previous owner and it did not come to fruition. A major concern is that the liquor permit would not be in Brandy Shteiwi's name. Mr. Shteiwi has had a previous conviction that would keep him from getting a liquor license. The Chief felt there were a lot of dots that needed connecting before he would sign off on a new license. In reality, the young urban shirt and tie group is not going to come to this bar. Mr. Shteiwi has ideas and ambition but the Chief did not feel they would come to fruition. Chief Dickey said he has grave misgivings about allowing another bar.

John Clemmons, Law Director, stated that in 2005 or 2006, the City started objecting to the renewal of this liquor license. Currently, there is not a liquor license at this location; it is under appeal. Only a new liquor license can be obtained.

Mr. Clemmons gave the past history of the liquor permit for Fairfield Tavern. The permit is under the name of William Muse. Mr. Muse purchased the license and let his stepson open the facility. It was the stepsons' personal party place where drugs were dealt. The City objected to renewing the license in 2005 or 2006. A William Matton came in and said he would open the bar with different patrons if the City would approve. During the course of discussion with the Police, it was discovered that Eric Wellman was going to operate the bar, not Mr. Matton. Mr. Wellman has a drug felon and has other problems with the Cincinnati Police. We (Fairfield) were told that Eric Wellman's involvement would be as an internet promoter. That was a lie; Mr. Wellman was very active in the premises. In 2007, the City objected to the renewal of the liquor license. Before a decision was rendered by the state, the City had to again object in 2008. There were two pending objections. The City took Mr. Matton's word and did not object in 2006 and there have been hundreds of emergency calls to this facility since. The Liquor Commission this past October, denied renewal of the permit and that is what is being appealed. The applicant also applied for a stay of execution so they could continue to operate and was denied. Since then, there have been several private parties where alcohol was consumed. Mr. Matton and Amanda (current manager) have pending charges against them regarding this. They are willing to drop the appeal if the City drops the charges against them.

Mr. Clemmons finished by saying that if any liquor permit request comes before City Council for this facility, he will recommend Council object. There needs to be a cooling off period and Mr. Clemmons does not want these gentlemen or any one else have a liquor permit at this facility.

Mr. Raed Shteiwi, applicant, stated they have no affiliation with Eric Wellman. When they heard the establishment had closed, they starting to pursue opening a bar there. He was not aware of all of the history with this facility. He stated they would agree to a review of their operation every six months. If there were problems, the Commission could shut them down. He asked if the Commission would rather see a business operate in the space or see it sit vacant. Mr. Shteiwi added that they had discussed the interior contents of the bar with Eric as he owns those items and they would be sold with the business.

Mr. Brandon Shteiwi, stated they are planning changes from how the previous owner operated.

They would be raising the age of the patrons from 18 to 21 which should significantly reduce problems. They are going for the conditional use because they feel the City cannot trust opening this facility due to the past history with the previous owner. He added that once the desired clientele has been established, security can be reduced.

Based on comments from the Chief of Police and the Law Director and the history of the facility, Scott Lepsky, seconded by Deborah Rhees, made a motion that the Conditional Use for The Lounge at 5353 Dixie Highway not be granted.

Motion carried 4 – 0.

Being no further business, Scott Lepsky, seconded by Deborah Rhees, made a motion to adjourn.  
Motion carried 4 – 0.

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Jerry L. Dailey, Chairman

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Peggy Flaig, Clerk