

MINUTES OF A REGULAR VOTING MEETING OF THE
FAIRFIELD PLANNING COMMISSION

MARCH 23, 2016

Don Hassler called the Regular Meeting of the Fairfield Planning Commission to order.

Members present: Don Hassler, Bill Woeste, Bob Myron, Brian Begley, Tom Hasselbeck, and Ron D'Epifanio. Motion to excuse Scott Lepsky carried unanimously.

MINUTES OF THE PREVIOUS MEETING:

The minutes of the previous meeting, held January 27, 2016, were approved as submitted.

OLD BUSINESS

NEW BUSINESS

Bar 4 Lounge - Conditional Use – 6679 C Dixie Hwy

Slides were shown of the site, the façade of the space and the floorplan. The applicant, Shanae Revels, spoke regarding the Conditional Use. She is proposing an age 30 and up crowd with bands on the weekend. She will have jazz, funk, and R & B music. There will be bar food; there is a full kitchen with a fryer and a hood. She wants to be open four days a week, including Friday and Saturday night. The submitted business plan was discussed. There will be a dress code, which would not allow tennis shoes, white t shirts or hats. She will have security inside and armed security outside of the bar.

Mr. Woeste asked about Ms. Revels bar experience. She stated that she has been a bartender and a bar manager, but has never owned a bar. There was discussion regarding the liquor license application. They have applied for a D3 license, which allows only spirituous liquor sales until 1 am. This license is currently pending. There are no D5 licenses available, but they are on the list for one. There was discussion on the location of the proposed bar. The former tenant, Memories Bar, attracted a young crowd. She plans to attract an older crowd. Mr. D'Epifanio noted that the type of music they offer has a lot to do with the type of crowd they attract.

Detective Kevin Mack, with the City of Fairfield Special Investigations Unit spoke. He provided the Commission with a report of his findings and recommendations for Bar 4 Lounge (attached). When Sgt. Lagemann spoke to Ms. Revels initially, she stated that her brother would be part owner of the bar. She later stated that she would be the only owner, and her brother would be an advisor. She also admitted a total lack of experience in the bar business. She has signed the lease, with no contingency on obtaining a liquor license. She applied for the liquor license under Total Quality Management, which is only six months old. According to the landlord, she does not lease a space at the address she provided. The unit number she gave is actually adjacent to a space that her brother rents. She plans on having security inside the building and armed security outside the building. Her brother, Michael Turman, is a silent partner of a bar in Alabama, Club Magic, which he visits every weekend. He is not listed as owner on their liquor license. Club Magic has had several violations, ranging from underage consumption and possession, to not purchasing alcohol from a legal source. It is a promotor driven club and it also appears that Club Magic has had exotic dancers in the bar. Mr. Turman stated

to Det. Mack that he signed the lease for the Dixie Hwy. property and will assist in day to day operations at the bar. He will advise his sister, due to her lack of knowledge in the bar business. Mr. Turman admitted to them that he spoke to the owners of Bargas and Wise Guys about purchasing their liquor licenses. He noted that in January of 2017, Wise Guys bar will lose its lease and they are looking to relocate somewhere in Fairfield. Wise Guys is also in the process of having their liquor license revoked, which will open up another D5 license. The police department had advised them they could relocate their license out of the City if they found another location.

The landlord of the building at 6679 Dixie Hwy advised Det. Mack that she recommended Ms. Revels get permission from the City to open a bar before signing the lease. Det. Mack noted that other bars in the area have tried to open and cater to an older crowd; Club Aviator and Place to Be, and were not successful. Mr. Woeste asked if the Police Department had an official recommendation. Det. Mack indicated that the Police Department does not support the opening of the bar.

Tim Bachman, Development Services Director, stated that he wanted to make it clear that they are not Memories, but that particular location has issues. Parking was a major issue when Memories was operating. Det. Mack said that the majority of customers for this location park in the back of the building, but on busy nights, the parking "spills" over into the front parking lot, the Dixie Deli parking lot and other neighboring businesses' lots. The next morning, the neighboring businesses had to clean up the mess left behind; garbage, condoms, etc. Det. Mack said he thought the problems were due to the site itself and the operation of the business. There was discussion on the occupancy of the space. Their occupancy is 174 people; there are 51 parking spaces in front of the property and around 15 behind the building. The adjoining businesses were generally closed when the bar was busy.

Security at Memories was discussed. Security was not relaying information to the owners of the business. Memories was the only bar in Fairfield that had armed outdoor security. It was discovered that some of the security personnel should not have been in possession of a firearm. Neither City of Fairfield, nor the Butler County Sheriff's office allows off duty security for liquor establishments.

There are two establishments in line for the next D5 license; Ms. Revels and Skyline Chili, with Skyline being the first in line. Mr. Woeste asked how successful he thought the bar would be without a D5 license. Det. Mack indicated that he thought there was no chance they would succeed.

Jennifer Meyer, General Manager of McDonalds, spoke. She asked the Commission to be cautious in allowing another bar at this particular location. When Memories was open, McDonalds had to clean up garbage from their lot every morning. People would be having sex on the sidewalk while their drive thru was open. Business at this location was down 6% while Memories was in operation and sales are up 25% since they closed. Car windows in McDonalds parking lot were busted out and there were numerous calls made to the Police Department. There were fights, employee's cars damaged and cars towed. If Bar 4 Lounge is allowed to open, they need a good security plan and really need to target the 30 and over crowd.

John Clemmons, Law Director, spoke. He indicated that when Memories was open, the Dixie Deli parking lot would be completely full and would spill over into the condo parking lot behind the strip center. People were caught having sex inside cars and outside the building, urinating and defecating on and around the building, parking directly against the building, preventing someone from opening the back door, etc. These issues went on for several years until they were stopped. Wise Guys bar has the same types of issues occurring. He stated that other bars have catered to the 30 and up crowd and did not succeed. He believes Mr. Turman is too close to the business; first he was a consultant, then he wasn't. They have been back and forth with the truth. He does not believe this business will succeed. He encouraged the Commission to deny the Conditional Use.

There was discussion on other bars in Fairfield. The most successful bar catering to the 30 and up crowd is Rick's Tavern. They have been there for many years and the owners had several years of experience in the bar business.

Shenae Revels spoke. They have a security plan; there will be 2 indoor security people and 2 outdoor security people. Regarding cleaning up, Mr. Turman has a successful cleaning business. They service the Performance Auto dealers, and others. Blue Rock Investments, owners of the subject property, also owns the strip mall to the right of McDonalds and gave them permission to park there too. She indicated that the Wise Guys crowd is not the crowd she is looking for.

Michael Turman, the applicant's brother, spoke. He is only a small percentage, silent partner in Alabama; he doesn't have control over what happens there. He reminded the board that they are not Memories; they deserve a chance to prove themselves. They are not catering to a young crowd, and he doesn't think that they will attract that kind of crowd. He thinks they will be successful.

There was discussion regarding the D5 liquor license. Mr. Woeste asked what their plan was if they did not obtain a D5 license. They are trying to find someone willing to sell them a beer license. They have applied for all of the licenses, but they have to wait for the population count to go up in August.

Mr. Hasselbeck spoke. He believes their intentions are good; they just chose a location with a bad history. He doesn't think the dress code will be followed. Society has changed. He will be voting no.

Mr. D'Epifanio said he hates to judge them on a previous owner, but he has the utmost respect and confidence in Det. Mack and Mr. Clemmons recommendations. Mr. Woeste commented that he wants to see businesses succeed in Fairfield, and he just doesn't think this one will, considering all of the information they have received this evening.

Don Hassler, seconded by Ron D'Epifanio, motioned to deny the Conditional Use application. Motion carried unanimously.

Modification of Development Agreement- The Cove of Village Green
Preliminary Plat – The Cove of Village Green

The applicant was not in attendance for either of the Cove applications. It was suggested they both be tabled until the next meeting.

There was brief discussion on the proposed fences. The proposed layout of the fences was shown. It was noted that the fences were not going to be uniformly installed because of the utility easement and space issues. The neighbors didn't like the development at the beginning; they will not like this change. With fencing, the common space will look like public space. It was suggested they look at invisible fencing. The proposed privacy fence along the west property line was also briefly discussed. They are looking to fence the sparse area closest to the road.

Tom Hasselbeck, seconded by Don Hassler, motioned to table both applications. Motion carried unanimously.

REPORTS/STUDIES/GENERAL DISCUSSION

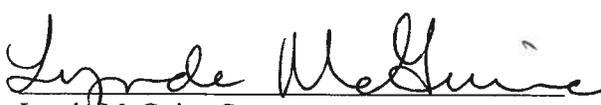
Bob Myron reported that the Environmental Commission interviewed candidates recently. The Fairfield Farmer's Market opens on April 20.

Bill Woeste reported that there is a Joint Public Hearing on Monday, March 28 to discuss the proposed Starbucks at Stockton Station.

Being no further business, the meeting adjourned.



Scott Lepsky, Chairman



Lynda McGuire, Secretary