

MINUTES OF A REGULAR VOTING MEETING OF THE

FAIRFIELD PLANNING COMMISSION

January 9, 2013

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

Members present: Scott Lepsky, Don Hassler, Jeff Holtegel, Bob Myron, Mark Morris, Tom Hasselbeck and Bill Woeste.

MINUTES OF THE PREVIOUS MEETING:

The minutes of the previous meeting, held December 12, 2012, were approved as submitted.

NEW BUSINESS:

Conditional Use Application – Special Events – Mi Hacienda – 3220 Dixie Hwy.

Slides of the property were shown. Erin Donovan informed the Commission the current property owner, Mr. Zendejos, purchased the parcel the bar is located on and three adjacent parcels a year or two ago. The bar continued to operate as Brewsky's until the business was sold to Mr. Zendejos. Mr. Zendejos renamed it to Mi Hacienda and decided he wanted to hold special events similar to Neuvo Rodeo. The city required Neuvo Rodeo to obtain Conditional Use approval for their events and placed special conditions on that approval.

Ms. Britanna Bonilla, 226 Mainring Street, informed the Commission she is not the owner but is speaking on his behalf. Mr. Zendejos does speak English but felt Ms. Bonilla could better answer questions the Commission may have. Mr. Zendejos was in attendance.

Ms. Bonilla stated they are seeking approval to have bands perform one to two nights a week at the nightclub. The age is 21 and up. Most of the bands will come up from Mexico and perform. Tickets are sold in advance and also at the door. They have had 10 – 15 events so far. The nightclub was not attracting many patrons until they started having these events. The facility is open Friday thru Sunday with most of the events occurring on Sunday evenings. Hours are from 9:00 p.m. until 2:30 a.m. Some events have drawn the maximum capacity the facility can accommodate (approximately 700 people). The events have been through a third party promoter.

Ms. Bonilla was asked about security and she said they have four security personnel. For the larger events, more security is brought in. Ms. Donovan asked if the security is hired through a professional security company and was informed it is not. Ms. Donovan then asked about parking and was told it is sufficient even when they max out capacity. The bingo hall is no longer in business and the only other user is the auto repair shop in the back of the building.

Ms. Bonilla said the nightclub does not have a kitchen but they offer snacks and there is a truck out front where tacos are sold. To be in compliance with the liquor license, some type of food has to be offered.

Sgt. Pete Lagemann, Fairfield Police Department, stated in mid-July, he was informed the business had been sold so he met with the new owner. Mr. Zendejos does speak English and understands what has to be done with the nightclub. Mr. Zendejos owns RZ Autos across the street and as business started to slow, he purchased the nightclub to supplement his income. At the time he purchased it, the nightclub was busy. Business also fell at the nightclub so he hired a promoter to bring bands in. There was an incident in mid-October where the police did their routine check at closing time and found the band still playing and alcohol still on the tables although it had been removed from the bar. Typically, the promoter will get whatever is collected at the door and the bar gets the alcohol sales. On this occasion, the band was really late to start so the promoter was trying to get them to play late to compensate. Mr. Zendejos was not at this event. When the officers asked to speak to the owner of the club, no one knew who he was. Sgt. Langmann explained to Mr. Zendejos he is on the liquor permit and is responsible for all actions within the bar. Since the October incident, Mr. Zendejos has been more involved with the operation of the bar.

Sgt. Lagemann stated off-duty officers have been allowed to work the events. The Police Chief does not let the officers work the bars but does allow them to work the special event centers. As the special events increased at Mi Hacienda, the Chief has stated off-duty officers would only be permitted to work one or two events per month. Since Nuevo Rodeo had to get the Planning Commission's approval for their special events, the Police contacted Development Services to discuss whether Mi Hacienda should also get approval. There have not been a lot of problems when there is a large crowd – minor fights, etc. They have not really settled in on security and a few other items. The Police Chief is concerned with the same issues that were discussed with Nuevo Rodeo that there be an age limit set, restriction on how many events they can have, a security plan using professional, trained security people and a requirement that there be one security officer for a set number of patrons.

Discussion occurred regarding the age limit of patrons. At Nuevo Rodeo, children 15 and up are permitted to attend some of the events tailored towards families. The Chief is concerned with underage drinking with the younger patrons. Most places are 21 and up so there isn't a problem with the younger patrons consuming alcohol. Mi Hacienda has stated the age limit will be 21 and up. Sgt. Lagemann said parking has not been a problem. The novelty shop that was there has closed as well as the Bingo Hall. Mr. Holtegel expressed his concern with parking should another business with evening hours locate in the building. He asked how many parking spaces would be needed and was told in this case, parking would be based on the buildings square footage.

Mr. Myron asked if security has been discussed with Mr. Zendejos. Sgt. Lagemann replied no; it's gone from having the off-duty officers to recently informing them they need to hire their own security for a lot of the events. Butler County and Fairfield Township will likely follow what Fairfield is doing. Nuevo Rodeo has a couple events per month. It's not a requirement that the off duty officers provide security; they only ask for the officers when they know they hired a group that will draw a large number of people. A condition of their approval was they had to have professional security guards. Erin Donovan read the conditionals of approval for Nuevo Rodeo that weren't site specific. They included (1) Conditional use was approved for 6 months only. They were required to come back before Planning Commission for review and extension. (This was lifted after their 6

month review.) (2) No teen nights and (3) Security plan had to be submitted and approved by the Police Department and Development Services Department. The plan submitted required one security guard per 100 patrons with a certain percentage of the guards being able to speak Spanish. A copy of the security plan can be given to Mr. Zendejos to follow. Mr. Morris added Nuevo Rodeo was also going to open for private birthday parties which Ms. Bonilla stated they would not offer.

Mr. Holtegel asked about the outside lighting and was informed it is adequate.

The Commission discussed the number of events being held at both event centers. Nuevo Rodeo offers the big band events 2 to 3 times per month with the other weekends being rented out for parties, receptions, etc. They can also have other smaller band events where children would be permitted. Mr. Holtegel asked if Mr. Zendejos would be alright if the Commission limited their events to no more than 8 per month. Sgt. Lagemann reiterated the Chief's concern of not having events 3 times per week.

Mr. Lepsky asked if Mr. Zendejos would be agreeable to having the events only on Friday, Saturday or Sunday as a condition of approval. Ms. Bonilla stated they were. Mr. Lepsky then asked about the age limit and Ms. Bonilla replied they actually would like the age to be 18 and up. Sgt. Lagemann stated if the age limit is 18 and up, the owners will have to come up with a plan to assure no underage drinking. Mr. Lepsky added this should be part of the security plan that needs to be submitted and approved. The Commission asked the applicant to submit a plan within 14 days.

Mr. Holtegel asked if the bar could open other days of the week and was informed it could; special events however would be limited to Friday, Saturday or Sunday.

Ms. Donovan reminded the applicant that when the used car lot was approved for the building north of Mi Hacienda, a condition of approval was that no cars be parked off that lot. There are a few cars on the Mi Hacienda lot that need to be removed.

Jeff Holtegel, seconded by Scott Lepsky, made a motion to approve the conditional use for Mi Hacienda with the following conditions:

1. The Conditional Use is granted for a six month term. At the end of six months, the Conditional Use shall be reviewed by the Planning Commission for continuation (could be additional six months, one year, etc.);
2. Security plan to be submitted to Development Services Department for review and approval. The plan must be submitted within 14 days from this date (can be preliminary but needs to move forward);
3. No teen nights. It is to be posted as 18 and older. No one under 18 is allowed in.
4. No parking of vehicles for sale, in need of repair or disabled in front of the building. The two vehicles that are there now need to be removed.
5. No more than eight events can be held per month. The Police Department needs to be notified a minimum of 48 hours in advance of any event.
6. The special events are to be held on Friday, Saturday or Sunday only. The hours will be between 9:00 p.m. and 2:30 a.m.

Mr. Holtegel asked if the applicant was agreeable with the conditions. Ms. Bonilla stated they were.

Motion carried 7 – 0.

Replat – Koch Foods Property – 4100 Port Union Road

Erin Donovan stated Koch Foods has purchased additional property to the north which will be combined with their existing property for a total of approximately 28 acres. Two private drainage easements will also be vacated through this process. This replat will create the additional acreage needed for the future expansions proposed by Koch Foods. A public water main is also being moved east from Koch’s property to the adjacent lot owned by DCT.

Don Hassler, seconded by Bob Myron, made a motion to approve the Replat for Koch Foods at 4100 Port Union Road as submitted.

Motion carried 7 – 0.

Being no further business, the meeting adjourned.

Scott Lepsky, Chairman

Peggy Flaig, Clerk