

**MINUTES OF A REGULAR VOTING MEETING OF THE**  
**FAIRFIELD PLANNING COMMISSION**  
**MARCH 9, 2022**

Scott Lepsky called the Regular Meeting of the Fairfield Planning Commission to order. Members present were: Scott Lepsky, Don Hassler, Marty Medler, Missy O'Brien, Matt Davidson, Doug Robertson, and Gwen Ritchie.

**MINUTES OF THE PREVIOUS MEETING**

The minutes of the January 26, 2022 and February 9, 2022 meetings were approved.

**OLD BUSINESS**

**NEW BUSINESS**

**Conditional Use – Motor Vehicle Service Facility – Strickland Brothers – 800 Nilles Rd.**

An application has been submitted for conditional use approval to operate a motor vehicle service facility in the D-1 zoning district. The building was built as a quick lube oil change in the 1980s. Jiffy Lube operated there for several years, then Pfefferle operated a quick lube business there until 2018. Erin Lynn, Planning Manager, stated that the property has been vacant since 2018, and has been on the market since then with little interest, possibly due to the design of the building and limited use capability. The lot is narrow and irregularly shaped and the back half of the property is located in the flood zone, with Pleasant Run Creek running through this portion of the property. None of the building or parking lot is located in the flood zone. A motor vehicle service facility was a permitted use in the D-1 zoning district until 2019, when the code was changed to make them conditional uses. Last year, AAMCO, a transmission repair shop, was given conditional use approval by the Planning Commission to operate. The applicant ended up not opening the business. The current site was discussed. Ms. Lynn stated that the parking lot needed to be sealed and striped and landscaping is desired at the front along Nilles Road to screen the parking lot. The signage package and building colors will be heard by the Design Review Committee next week. They are proposing to paint the building grey, with blue and white accent stripes. Mr. Hassler asked if the colors complied with the comprehensive plan. Ms. Lynn said they comply with the Downtown design guidelines; the comprehensive plan does not address colors.

Beth Godfrey, with The Keith Corporation, was in attendance and spoke. The Keith Corporation is the preferred developer for Strickland Brothers and will be the landlord at this location. Strickland Brothers is a chain of quick lube facilities originating from North Carolina that is expanding nationwide. This particular location will be operated by franchisees Jody and Dan Whalen, who will be signing a 15-year lease with The Keith Corporation. If at any time the franchisees wish to pull out of the deal during this process, The Keith Corporation will not purchase the property. Hours of operation vary by location, but are generally Monday-Friday

8:00 am to 7:00 pm, Saturday 8:00 am to 5:00 pm, and Sunday 10:00 am to 5:00 pm. There are no plans for outdoor storage of any kind.

Mr. Lepsky asked if design guidelines similar to Village Green should be incorporated into this building, for example brick wrap or an updated monument sign. He stated that now may be an opportunity to incorporate the design elements discussed in the Fairfield Forward plan. Greg Kathman, Development Services Director, explained that the D-1 zoning district regulations state that if 33% of the visible exterior is substantially changed, it must comply with the current D-1 design guidelines. Mr. Kathman stated that the applicant could choose not to paint the building. He said he thinks it's better that they are proposing a fresh coat of paint and the other items they are upgrading, rather than no upgrades at all. Mr. Lepsky asked if this type of use is the highest and best use for this particular location, located in the town center. Ms. Lynn stated that the Fairfield Forward plan doesn't address specific uses; it refers to the zoning code and the uses permitted in each zoning district. She stated that as they move forward with the zoning code rewrite, changes relating to uses can be addressed, but currently the D-1 zoning district allows a motor vehicle service facility as a conditional use. Mr. Wolterman said he doesn't think that the zoning code update will change the types of uses in the town center, but it is possible.

Dale Paullus, Second Ward Councilman, was in attendance and spoke. He referenced the storage units that were recently built in D-1. He stated that there was an existing storage building at that location that does not comply with current regulations. The new building was required to have brick on the sides that were visible to the public. Ms. Ritchie said she thinks that the proposed use is better than a vacant building. She asked the other Commissioners if the look of the building or the use of the building was the main concern. Mr. Lepsky said he was concerned about both, the look and the use. He is hoping for a higher end look for the buildings in the D-1 zoning district. Mr. Kathman discussed the use of the building. He said the building has been vacant since 2018. The department has received calls and questions about the building, but there has been no interest other than automobile uses. It is a small lot, the parking is restricted, and there has not been any interest in redeveloping the site. He said he thinks it is difficult to deny the use; as it is listed as a conditional use in the zoning code. Mr. Robertson asked what items the Design Review Committee reviews. At their meeting next week, they will review the exterior; colors, signage, and landscaping and they review building materials when a new building is constructed. Ms. Lynn stated that the Commission must decide if they feel that changing paint colors is a substantial change; in the past, other businesses have not been made to comply with the design guidelines relating to building materials when they simply painted the building. Mr. Hassler said he would like to see brick wrap on the building. He stated that if the Commission approves the submission as is, they won't be able to make them come into compliance when the code is changed in the next few years. Ms. Lynn said they will be grandfathered like the rest of the surrounding buildings in the area.

Ms. Godfrey stated that the proposed investment costs are around \$150-200K, not including the purchase of the property. The franchisees are investing a lot of money into the property. Mr. Kathman asked at what point the city would be inhibiting the property owner's rights if there are so many restrictions placed on the approval that it is not economically feasible to sell. Steve Wolterman, Law Director, stated if conditions of approval make the building too expensive to

operate, then the city is essentially “taking” the building and infringing on the landowner’s rights. Ms. O'Brien stated that less than a year ago, AAMCO proposed a less attractive option, and this discussion did not take place. She said the building has been vacant for years and she would rather see something go in the building rather than a vacant building. She said as a community member she thinks that this proposal looks much better than what it looks like now.

Mr. Davidson said he just realized that he has a conflict of interest and excused himself for the remainder of the meeting. Motion to excuse carried unanimously.

Ms. Ritchie asked if the HVAC units were located on top of the building and if they are screened or not. She said she is more concerned about that than if there is brick added to the building. There was discussion if the units can be seen from the street view. The units may be seen from across the street, but not right in front of the business.

The conditions of approval were discussed. Ms. Godfrey would like condition number 1 changed to exclude the Whalen’s names and to change it to “Strickland Brothers or another instant oil change facility”. She would also like to add a condition that if this deal falls through, they are not responsible for painting the building or any improvements to the property. There was discussion regarding including the name of the facility in the conditions. Mr. Lepsky said that the Planning Commission has started including names in the conditions of approval, because of issues with past conditional use approvals and out of town landlords in terms of property maintenance and compliance with the conditions of approval.

There was discussion regarding aesthetic upgrades. Mr. Medler asked the applicant that if aesthetic upgrades are requested, can they possibly come back in two weeks to the next meeting to discuss. Mr. Kathman stated he would like to consult with Lee Rosato, Building Official, to see how physically and economically feasible it would be to install brick onto split block. Ms. Godfrey said she doesn’t know how much more money the franchisee’s budget would allow for additional work to the building; building costs are very high right now and finding someone to perform the labor challenging as well.

Missy O'Brien, seconded by Gwen Ritchie, motioned to approve the conditional use request, with the following conditions:

1. The conditional use is only for a Strickland Brothers 10 Minute Oil Change or another instant oil change facility and shall not be transferable without obtaining Planning Commission approval.
2. The applicant shall obtain a certificate of occupancy from the Fairfield Building Division prior to occupying the building.
3. The applicant shall obtain approval from the Design Review Committee for all exterior changes to the building and signage.
4. The parking lot shall be seal-coated and striped per the approved drawing. All vehicles, both employees and vehicles waiting to be serviced, shall be parked in those spaces. The striping shall be completed prior to receiving a certificate of occupancy.
5. No outdoor storage of any items, including vehicle parts, is permitted.

6. All service work is to occur inside the building.
7. Any dumpster proposed shall be located behind the building and screened with privacy fencing on all sides in accordance with the Fairfield Zoning Code.
8. The proposed bushes at the street shall be a minimum of 24 inches tall at the time of planting. All ground cover shall be mulch. Hardscape is not permitted per the Planning and Zoning Code, except for what is existing.
9. If the applicant does not purchase the property, then the approval by Planning Commission is null and void.
10. Landscaping shall be installed and seasonally maintained in the existing planter boxes that are located adjacent to the front of the building.

Motion carried 4-2, Don Hassler and Scott Lepsky dissenting.

Ms. Lynn informed the applicant that someone needs to attend the Design Review meeting next week that can answer questions regarding design and signage.

### **REPORTS/STUDIES/GENERAL DISCUSSION**

Erin Lynn reported that there will be two public hearings on March 28 at 7:00 pm for a final development plan for Freddy's Frozen Custard & Steamburgers Restaurant in the Meijer parking lot on Kolb Drive, and a concept plan submitted by Mercy Health for a mixed-use development for office, retail, and a restaurant, on the corner of Mack and South Gilmore Roads.

Mr. Lepsky asked for an update on the mall redevelopment. Mr. Kathman said an industrial developer has an option to purchase the property with the land owner. There have been preliminary conversations between the city and the developer about the project, but nothing has been formally submitted. The developer took it upon themselves to apply directly to the Butler County Land Bank for demolition grant money that is available from the State of Ohio while it was available. The developer is aware that there is a rezoning process and public hearings involved with both Fairfield and Forest Park as a part of redeveloping the property. Mr. Lepsky stated that discussions should be held and the highest and best use of the property should be a priority.

Motion to adjourn carried unanimously.

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Scott Lepsky, Chairman

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Lynda McGuire, Secretary