

MINUTES OF A REGULAR VOTING MEETING OF THE
FAIRFIELD PLANNING COMMISSION
APRIL 13, 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, and Gwen Ritchie. Motion to excuse Doug Robertson carried unanimously.

MINUTES OF THE PREVIOUS MEETING

The minutes of the March 9, 2022 meeting were approved.

OLD BUSINESS

NEW BUSINESS

Final Development Plan for PUD – Freddy's Frozen Custard & Steakburgers Restaurant – 625 Kolb Drive

An application has been submitted for a final development plan to construct a Freddy's Frozen Custard and Steakburgers Restaurant on approximately one acre of land in the northeast corner of the Meijer parking lot, adjacent to Kolb Drive. The property is currently a part of the Meijer-Gilmore Planned Unit Development (PUD) that was approved in 1995 to construct the Meijer store. Erin Lynn, Planning Manager, stated that the location is approximately 500 feet from S. Gilmore Road. She questioned whether the applicant is concerned about the lack of visibility from S. Gilmore Road, especially since there is no ground sign planned. The new restaurant will remove approximately 90 parking spaces from Meijer's parking lot. There are two entry points to access the restaurant; one near Kolb Drive, and one near the Meijer store. There is pedestrian access planned to access the sidewalk on Kolb Drive. The restaurant parcel will have curb and grass added along the property lines to differentiate it from the parking lot, and landscaping will be added along Kolb Drive and the north side of the lot. The building will be mostly brick.

Jonathan Evans, with Evans Engineering, was in attendance on behalf of the developer, Plaza Street Partners. DJ Steakburgers is the franchisee and they are looking to expand in this region. Meijer has excess parking available and is offering outlots for development. Mr. Evans has seen the conditions of approval and agrees with them. There was discussion regarding the visibility of the parcel from S. Gilmore Road. Greg Kathman, Development Services Director, stated that he is concerned that they may decide in the future that there is a lack of visibility and they may want to put out a lot of temporary signage. Mr. Evans stated that the restaurant does a very good job of getting involved in the community in which they are located, so people will know where they are. They are not concerned about visibility or lack of signage at this time. If in the future they decide they need signage, they must get approval from the Planning Commission. Ms. Ritchie asked if the location of the restaurant would impede truck traffic to Meijer. Ms. Lynn stated that the drive aisles are not impeded by the restaurant. Mr. Medler asked if a crosswalk

to Meijer was planned in the parking lot. Freddy's is not planning to install a new one for this project, but there are already multiple from the Meijer parking lot.

Mr. Lepsky referenced the staff summary and noted that the Fairfield Forward Comprehensive Plan was taken into consideration in this development.

Scott Lepsky, seconded by Don Hassler, motioned to approve the final development plan with the following conditions:

1. The proceeding terms and conditions of approval shall be codified in a Development Agreement to be executed by the franchisee, developer, property owner and the city.
2. Approval is for a Freddy's Frozen Custard and Steakburgers restaurant only, unless otherwise approved by the Planning Commission.
3. If construction does not begin within one year of City Council approval, then the Final Development Plan approval is void. Any future development will be required to follow the approval process outlined in Chapter 1191 of the Planning and Zoning Code.
4. A lot split will be required to create the one-acre site. A copy of the recorded document shall be submitted to the city prior to issuing a building permit.
5. Numerous easements, including access and utility, shall be recorded with copies submitted to the city prior to obtaining a building permit.
6. An irrigation system shall be installed and operated for landscape beds and grass areas. The irrigation plan is subject to approval by the City of Fairfield Staff Technical Review Committee.
7. All shrubs shall be at least 24 inches tall at the time of planting and noted on the landscape plan.
8. The proposed landscaping shall conform to the following requirements and noted on the landscape plan: Remove and replace dead plant material and apply appropriate herbicides/pesticides as required. The landscape beds are to be kept free of weeds and the mulch within the beds is to be seasonally replaced and maintained. Plant replacement shall occur within 30 days after plant(s) die, provided that in the event the plant(s) die during the period of October-February, plant replacement shall occur no later than the immediately following month of April and must conform to the approved landscape plan. If plantings are not replaced or maintained as stated above within 30 days of written notice by the City, the City will contract the work and assess the cost of the work plus \$100 administrative fee as a lien on the owner's property taxes in accordance with standard property maintenance procedures adopted by the City.
9. All rooftop mechanical units shall be screened from view on all sides of the building.
10. All signage shall conform to the C-2 Zoning District sign requirements. No additional signage is permitted without PC approval.
11. Screening for all dumpsters shall be constructed of the same brick and/or stone material used on the building.
12. All utilities serving Freddy's shall be located underground.
13. The parking lot shall either be repaved or resealed and striped per the approved plan.
14. New parking lot lights shall be angled at 90 degrees so as to shine lighting downwards.

Motion carried 6-0.

Concept Plan for PUD – Mercy Health Mixed-Use Development – Mack Road

An application has been submitted for a concept plan for a mixed-use development located at the northeast corner of Mack and South Gilmore Road. The property is currently zoned B-1, Institutions and Office District. Bon Secours Mercy Health is proposing a nine-acre development consisting of a single story 30,000 square foot medical office building, a 4,125 square foot restaurant with a drive-thru, and an 8,400 square foot multi-tenant retail building with a drive-thru. All of the buildings will be single-story. Ms. Lynn reminded the Commission that PUD approval is a two-step process; the concept plan and final development plan. Each individual proposed building will require approval from the Planning Commission as part of the final development plan process. The site was discussed. The property is relatively flat and slopes down from the hospital parcel. The Future Land Use plan calls for Office Use in this area. The adjacent parcel to the north also specified Office Use, before they received Planning Commission approval for residential use. A PUD zoning classification allows for flexibility in the design of the site and it is the only zoning district that allows mixed-use developments. The Fairfield Forward Comprehensive Plan recommends mixed-use development in this corridor. Ms. Lynn stated that the three buildings should be planned and designed as a unified development in terms of landscaping, signage, pedestrian connections, and lighting. There are three access points planned for the development; a right in/right out on Mack Road, a full access intersection on S. Gilmore Road, and an internal connection to the hospital property. A sidewalk connection to the hospital along the service road is also requested by staff. City-led traffic improvements from Resor Road to Flaig Drive are planned for 2024. These improvements include adding another southbound thru lane and sidewalk construction. A southbound left turn lane into this new development is also proposed. The applicant was required to have a traffic study performed as part of this submission. This study determined the best locations for the planned curb cuts. Flaig Drive is directly across from the proposed S. Gilmore Road curb cut; this configuration may encourage traffic to cut across from Flaig Drive into the development. Pavement markings will be included to advise traffic to make only right or left turns onto S. Gilmore Road. Mr. Kathman stated that ODOT was also involved in the study because traffic and safety are major concerns of staff. Ms. Ritchie indicated that she recalled discussion that additional curb cuts to the site would not be necessary, since this was a planned Mercy expansion and that traffic would be connected via a service drive to the traffic light on Mack. She stated that the Commission was told that there would not be another connection to South Gilmore. Mr. Kathman disputed that the Commission was told this. He stated there was early thought that a service drive connection could be made near the signalized intersection, but the engineers found the grades, detention areas, and stacking distance limitations made this not feasible so the connection needed to go up and around an existing building before coming down into the new site. Mr. Kathman noted that at the time the residential project was approved, there was discussion that Mercy was interested but there was no plan. Ms. Ritchie then indicated that she would have desired that the residential and commercial developments would have shared one entrance to South Gilmore rather than separate entrances. Mr. Lepsky recalled that there were thoughts batted around when this was in the early conceptual phases, but these were loose general thoughts because there was no plan submitted at that time.

Jose Castrejon, a landscape architect with McGill Smith Punshon, was in attendance and

spoke. He stated that it was their goal to present a comprehensive development for their client, that includes open space, connectivity, and complementary mixed-uses. He said he thinks that this plan meets the goals and objectives referenced in the Fairfield Forward plan. The development will encourage hospital employees and patrons to visit the development and agreed that the sidewalk to the hospital that staff requested was appropriate. Parking was discussed. The current plan shows less than the recommended amount of parking spaces for the medical office, and more than double for the retail building. Mr. Castrejon stated that he has a lot of experience with these types of developments and feels strongly the spaces shown for this type of medical office is the correct amount that is needed. More parking spaces for the retail provides flexibility for marketing purposes. Adjustments may be made as they move forward.

Dan McCarthy, Mercy Health Vice President of Real Estate, was in attendance. He said he views this corner as a gateway for Mercy Health, as well as for the City of Fairfield. Mercy Health is a Catholic-based, non-profit entity. They will be very choosy about the retailers and tenants that they will allow so as to protect their image in the community. Mercy Health believes in a healthy work/life balance and they want to make the development an attractive place for their staff to patronize as well. There was discussion regarding the distance of the retail building to the corner of Mack and S. Gilmore Roads. The location of the building does not appear to impede visibility. Specific details relating to the placement of the buildings on site will be addressed with the Final Development Plan approval. Ms. Ritchie said Mercy indicated that they wanted to encourage walkability to the development but there is not a sidewalk or connection point shown on the concept plan to allow employees of Cincinnati Financial to access on the south side. She asked if they intended to add two restaurants to the site, because there is a drive-thru shown in the retail building. She said Fairfield Forward also mentions other non-retail uses for this corridor. Mr. McCarthy stated that mixed-use includes both retail and restaurants.

Kert Radel, Fairfield Chamber of Commerce President and CEO, was in attendance. He stated that he was there not only represent the Chamber, but also as a City of Fairfield resident. He said he would like to see this vacant site developed. This parcel is a gateway to the City and Mercy Health is a good community partner. Restaurants are welcome; there are a lot of fast food restaurants in town and he would welcome a sit-down restaurant too.

Mr. McCarthy stated that they agreed to all of the conditions of approval, except for number 1 and 16. Regarding number 1, he said they want fast-food restaurants removed from the list of prohibited tenants. He is concerned about not being able to freely market the building, because this restriction will hamper offers from prospective tenants and also limit the valuation of the offers received. Regarding number 16, he said they want to change the timing of the sidewalk installation to take place at the time of final submission of the buildings and site plan, so that the grades are taken into consideration. He is also afraid that while construction of the restaurant and retail building is taking place, the sidewalks would be destroyed and have to be replaced. Ms. Ritchie stated that she was interested in making the uses more restrictive like the uses in the C-1 zoning district. She does not want to see or allow fast food restaurants to be located at this development. Type of restaurants at this site were discussed. Mr. McCarthy stated that they would not submit for the final development plan until they had a good idea of who the user was

for each building. He said they can tighten the rules on users at that time. Mr. Medler asked if they were to remove the fast food restaurant from the list now, are they tied to that or can the Commission add them back in at the time of the final development plan submission? Steve Wolterman, Law Department, stated that a defined user can be added at the time of the final development plan submission. Ms. Ritchie asked why the building was so far back and the parking so close to the corner of Mack and S. Gilmore Roads. Mr. McCarthy stated that the corner was the gateway to the entire Mercy Health development, including the hospital. They want the signage and landscaping at the corner to highlight the project. A building on the corner would dilute that effort.

Scott Lepsky, seconded by Don Hassler, motioned to approve the concept plan with the following conditions:

1. Uses permitted in the C-2 Zoning District are permitted except for the following:
self-service laundries, dry cleaning and laundry pick-up, variety and dime stores including discount stores, motor vehicle service and/or fuel dispensing facilities, pawn shops, check cashing services, payday and vehicle title loans and bail bonds, unless such uses are specifically approved by the Planning Commission.
2. No additional curb-cuts or driveway approaches are permitted, except as shown on the approved concept plan.
3. Access and utility easements will be required within the development if the site is developed as separate lots.
4. The proposed drive-thrus shall only be approved in concept only. Any drive-thru will be considered at the time the Final Development Plan is submitted for approval.
5. All utilities are to be located underground.
6. The proposed retention basins shall contain a mechanism for aeration so the ponds do not become stagnant.
7. A sidewalk shall be constructed connecting the site to the hospital campus.
8. All signage shall conform to the C-2 Zoning District sign requirements. All ground sign bases shall be coordinated in style and design.
9. The monument sign at the corner of Mack and South Gilmore Roads shall include a significant landscape design to enhance the corner and corridor. A landscape plan shall be submitted and approved by the city prior to sign installation. Landscaping shall be installed at the time of sign installation.
10. The existing tree groves located along the north property line that are being used as part of the required buffer shall be maintained. If any time this vegetation is removed, it shall be replaced with evergreen trees six feet tall at the time of planting.
11. The entire development shall be required to have an irrigation system for all landscape beds and grass areas. The irrigation plan is subject to approval by the City of Fairfield Staff Technical Review Committee at the time each lot is developed.

Recommended Transportation Related Conditions of Approval:

12. The right-in/right-out proposed for Mack Road shall be built to Butler County standards to effectively discourage improper left turns.
13. The access drive on South Gilmore Road shall be constructed as a driveway with a concrete apron behind a depressed curb. The drive profile slope should be used to create visual cues, encouraging slower entry if drivers choose to continue across from Flaig Drive. This

driveway will need to be modified to comply with the City's South Gilmore Road Improvement project and coordination will be required with the developer's engineer to minimize duplicating efforts.

14. Both Flaig Drive and the new driveway shall be required to have clear pavement markings directing vehicles to turn left or right, with lane use signs to match pavement markings. The intent will be to discourage cross-traffic as much as possible. Signage and pavement markings shall be coordinated with the City of Fairfield Public Works Department.
15. A southbound left turn lane on South Gilmore at the full-access driveway is required. The developer should remove the existing markings and paint this left turn lane for the development. The City will repave and extend this turn lane with the South Gilmore Improvement project in 2024.
16. The developer shall be responsible for the cost and installation of the sidewalk along South Gilmore Road pending approval of the Final Development Plan.
17. Right of way shall be dedicated that is consistent with the approved Preliminary Right of Way Plans for the South Gilmore Improvement project. The concept plan shall be revised to show this dedication and to show the proposed sidewalk on South Gilmore Road located within the right-of-way.

Motion carried 5-1, Gwen Ritchie dissenting.

Conditional Use – Nehemiah Church – 6572 Sosna Drive

An application has been submitted for conditional use approval to operate a church in the C-3A zoning district. The 25,000 square foot building on the property is two-story and only contains two tenants, Kable Staffing and DeCoach Rehab, which is a counseling center. The rest of the building is vacant. The church is proposing to locate on the first floor in a 2,300 square foot space, which will contain a 1,300 square foot sanctuary. There are over 100 parking spaces provided for the site; the church is only required to have 17 spaces. Ms. Lynn stated that there are multiple property maintenance violations on this property, including trash and debris, weeds and overgrowth, and the apron and parking lot pavement are in major disrepair. The Public Works Department has temporarily patched the apron, because it was causing the curb to crumble. Mr. Hassler asked who was responsible for fixing the curb. The landlord is responsible for permanently fixing the curb and has been sent a violation letter.

Clarisse Nyam, pastor of Nehemiah Church, was in attendance. Roger Nyam, their logistics person, was also in attendance. They are planning to work with the landlord to address the complaints and violations on the property. Mr. Nyam said the church members will be taking care of cleaning up the landscaping. He said they believe they can positively contribute to the community. Prior to leasing this space, they were holding services in their home. They currently have 25 members and are growing. This is their first permanent location. Hours of operation are Sundays from 10:00 am to 12:30 pm. The other businesses in the building are open Monday-Friday, so there will not be any issues with parking. All of their activities, like choir practice, will also take place on Sundays. They will not offer any daycare services, but plan to have a program for the children while service is in session. They plan to install signage in the future, and will be working with staff to determine what is permitted.

Scott Lepsky, seconded by Matt Davidson, motioned to approve the conditional use, with the following conditions:

1. The applicant shall obtain a building permit from the city prior to making any interior renovations.
2. The applicant shall obtain a certificate of occupancy from the city prior to occupying the building.
3. No choir practice or band practice shall occur during weekday business hours, Monday – Friday, 8:00 AM – 5:00 PM.
4. All overgrowth and weeds located in the landscape beds and elsewhere on the property shall be removed prior to occupying the building.
5. The westernmost curb-cut shall be repaired per city specifications prior to occupying the building.
6. No childcare or daycare activities are permitted on site.

Motion carried 6-0.

Dedication Plat – Prologis - 3820 Port Union Rd.

A dedication plat has been submitted for the purpose of dedicating .258 acres of right of way. The property is located on the northeast corner of Bypass 4 and Port Union Road. A 144,000 square foot speculative warehouse is being built on this property.

Scott Lepsky, seconded by Matt Davidson, motioned to approve the dedication plat as submitted. Motion carried 6-0.

REPORTS/STUDIES/GENERAL DISCUSSION

Greg Kathman stated that a presentation on Economic Development was given to City Council on Monday night. It was an oversight that Planning Commission was not invited to attend. He plans to give an abbreviated version of the presentation at the next Planning Commission meeting.

Motion to adjourn carried unanimously.

Scott Lepsky, Chairman

Lynda McGuire, Secretary