

**FAIRFIELD TOWNSHIP  
RESOLUTION NO. 19-85**

**RESOLUTION TO APPROVE, AS RECOMMENDED BY THE FAIRFIELD TOWNSHIP ZONING  
COMMISSION, THE REQUESTED ZONE CHANGE BY SWE, LLC  
AS SET FORTH IN ZONING CASE NO. FTZC19-3C.**

**WHEREAS:** SWE, LLC, on May 21, 2019, filed an application for a rezone of property from A-1, Agricultural District to B-PUD, Business Planned Unit Development District, for purposes of development opportunities; and

**WHEREAS:** The Butler County Planning Commission met and heard this case, FTZC19-3C, on June 11, 2019 and voted to recommend approval of the requested zone change from A-1 to B-PUD with comments; and

**WHEREAS:** The Fairfield Township Zoning Commission met and heard this case, FTZC19-3C, on June 19, 2019 and voted to recommend approval of the requested zone change from A-1 to B-PUD with conditions; and

**WHEREAS:** The Fairfield Township Board of Trustees held a Public Hearing on July 10, 2019 to consider the change requested by SWE, LLC, Case No. FTZC19-3C; and

**WHEREAS:** The Fairfield Township Board of Trustees set the condition to require the applicant to restrict construction traffic to enter and exit the site utilizing Princeton Road; and

**WHEREAS:** The Fairfield Township Board of Trustees set the condition to require the applicant to restrict construction start time to begin no earlier than 7:30 am and end to not later than 7:30 pm; and

**NOW, THEREFORE, BE IT RESOLVED,** by the Trustees of Fairfield Township, Butler County, Ohio, as follows;

**SECTION 1:** The Board of Trustees, does hereby approve as recommended by the Fairfield Township Zoning Commission, the requested SWE, LLC Case No. FTZC19-3C, and approves the zone change for the subject property, incorporating the Staff recommendations in Exhibit "A".

**SECTION 2:** The Trustees of Fairfield Township do hereby dispense with the requirement that this resolution be read on two separate days, pursuant to RC 504.10, and do authorize the adoption of this resolution upon its first reading.

**SECTION 3:** This resolution is the subject of the general authority granted to the Board of Trustees through the Ohio Revised Code and not the specific authority granted to the Board of Trustees through the status as a Limited Home Rule Township.

**SECTION 4:** That it is hereby found and determined that all formal actions of this Board concerning and relating to the passage of this Resolution were taken in meetings open to the public, in compliance with all legal requirements including §121.22 of the Ohio Revised Code.

**SECTION 5:** This resolution shall take effect at the earliest period allowed by law.

**Adopted:** July 30, 2019

**Board of Trustees**

Shannon Hartkemeyer:

Joe McAbee:

Susan Berding:

**Vote of Trustees**

Yes

Yes

Yes

**AUTHENTICATION**

This is to certify that this is a resolution which was duly passed and filed with the Fairfield Township Fiscal Officer this 30 day of July, 2019.

**ATTEST:**

Shelly Schultz  
Shelly Schultz, Fairfield Township Fiscal Officer

APPROVED AS TO FORM:

*L. E. Barbieri*

Lawrence E. Barbieri, Township Law Director



**STAFF REPORT  
FAIRFIELD TOWNSHIP BOARD OF TRUSTEES  
PUBLIC HEARING**

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**CASE:** FTZC19-3C

**APPLICANT:** SWE, LLC

**OWNER:** First Church of the Nazarene

**LOCATION:** 6590 Walden Pond Circle  
Parcel ID A0300-026-000-088

**CURRENTLY ZONED:** A-1 Agricultural District

**REQUEST:** Zone Change from A-1 Agricultural District  
to B-PUD Business Planned Unit Development

**DATE:** July 10, 2019

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**SITUATION OF PROPERTY**

The subject property, 6590 Walden Pond Circle, is located at northeast corner of the intersection of Princeton Rd and Gilmore Rd (att. 1 and att. 2). The property is currently zoned A-1 Agricultural District and is currently comprised of one parcel A0300-026-000-088 that is 5.0 acres (att. 3 and att. 4). The applicant has initiated a lot split process with the appropriate agencies. The new parcel will be 1.0 acres and will be located in the southwest corner of the property. The new 1.0 acre parcel will abut the following: A-1 directly to the north and east, R-2 (Suburban Residence District) to the west, and B-PUD (Business Planned Unit Development) to the south (att. 5).

**DESCRIPTION OF REQUEST**

The applicant is currently requesting a zone change from A-1 (Agricultural District) to B-PUD a Business Planned Unit Development on the newly split/consolidated 1.0-acre parcel located at 6590 Walden Pond Circle.

**FINDINGS OF FACT**

The applicant previously requested a zone change to a B-1 (Neighborhood Business District) on April 17 of this year (case FTZC19-2C) on the same 1 acre of property. This request was denied by the Fairfield Township Zoning Commission. The applicant has represented that the intended user would be Sherwin-Williams. Some concerns that were discussed at the previous case included: BCEO will not permit a new driveway access to Princeton or Walden Ponds,

Commercial access across church property has the potential to affect the churches tax exempt status, some of the principally permitted uses, and the proximity to the church. Both the township and the county encouraged the applicant to work with adjoining property owners to coordinate site development to improve shared services such as drainage and access.

At the public hearing of case FTZC19-3C on June, 19, 2019 the Fairfield Township Zoning Commission heard the applicant's current zone change request. The Zoning Commission passed a resolution recommending approval of the applicants zone change request subject to the applicant complies with two conditions.

1. Require landscaped parking lot medians as shown in the proposed drawing.
2. Allow the Business Planned Unit Development to be approved waiving the minimum three (3) acre requirement.

#### **Relevant Sections of the Fairfield Township Zoning Resolution**

13.3.2 The Zoning Commission may explicitly impose special conditions relating to the Planned Unit Development with regard to the type and extent of public improvements to be installed, as well as to landscaping; development, improvement and maintenance of common open space; and other pertinent development characteristics.

#### **13.4 CONDITIONS FOR APPROVAL OF THE PRELIMINARY PUD PLAN.**

13.4.1 Upon receipt of the report of the Fairfield Township Zoning Commission, the Board of Fairfield Township Trustees shall study and review the proposed PUD applications and Preliminary PUD plan to (1) see that all requirements have been satisfied and (2) ascertain that the following specific conditions are full met:

13.4.2 That the PUD District is in conformance with the Land Use Plan for Butler County, The Butler County Thoroughfare Plan, and the Land Use Plan for Fairfield Township.

13.4.3 That the total density and/or lot coverage proposed for the development does not exceed the maximum density or lot coverage allowed for the Planned Unit Development as a whole.

13.4.4 That the use(s) proposed will not be detrimental to present and potential surrounding uses, but will have a beneficial effect, which could not be achieved under other zoning districts.

13.4.5 That the areas proposed shall be used only for those uses permitted under these provisions and the usual accessory uses.

13.4.6 That the internal streets and primary and secondary roads that are proposed shall interconnect with the surrounding existing primary and secondary road network as designated on the Butler County Thoroughfare Plan.

13.4.7 That the minimum common open space area(s) has been designated and shall have duly transferred to a legally established Homeowner's Association, commercial management group or they have been dedicated to Fairfield Township as herein provided.

13.4.8 That the Preliminary PUD Plan is consistent with the intent and purpose of this Resolution, to promote public health, safety and general welfare of the residents of Butler County.

### **13.5 BOARD OF FAIRFIELD TOWNSHIP TRUSTEES ACTION.**

13.5.1 If, from the facts presented, the Board of Fairfield Township Trustees are unable to make the necessary findings, the application shall be denied. Approval of the Preliminary PUD Plan shall be limited to the general acceptability of the land uses proposed, proposed general density levels and their inter-relationship and shall not be constructed to endorse precise location of uses, configuration of parcels or engineering feasibility which are to be determined in the subsequent preparation of the Detailed Site Development Plan(s).

Approval of the Preliminary PUD Plan shall constitute the creation of a (separate R-PUD or B-PUD) Planned Unit Development Zoning District. (In taking action, the Board of Fairfield Township Trustees may deny the Preliminary PUD Planned or may recommend approval of said plan subject to specified modifications.)

13.5.2 At the time of adopting any resolution establishing an R-PUD or a B-PUD District, the Board of Fairfield Township Trustees shall make appropriate arrangements with the applicant which will ensure the accomplishment of the public improvements and reservation of common open spaces as shown on the approved Preliminary PUD Plan.

13.5.3 TIME LIMITS AND EXTENSIONS. The Preliminary PUD Plan shall become null and void unless within three (3) years of Final PUD Plan for the first section of the planned unit landholding has been formally approved by the Zoning Commission in accordance with the conditions for approval specified in Section 13.6 and 13.8 and unless the final Subdivision Plan, where applicable, shall have been recorded in the Office of the Butler County Recorder.

13.5.4 A request for an extension of time limit or the minor modification of the Preliminary PUD Plan may be approved by the Fairfield Township Trustees. Such approval shall be given upon a finding of the purpose and necessity for such extension or minor modification and evidence of reasonable effort toward the accomplishment of the Preliminary PUD Plan, as well as the recommendation of the Fairfield Zoning Commission.

13.5.5 Should any PUD Plan become null and void as provided in Section 13.5.3, the subject PUD Zoning will revert back to the previous zoning district, subject to the provisions of Section 13.5.4

### **13.6 FINAL PUD PLAN APPROVAL PROCEDURE.**

13.6.1 Once the R-PUD or B-PUD Zoning District and the Preliminary PUD Plan have been approved by the Fairfield Township Trustees, the owner/developer(s) shall proceed with the preparation of the detailed Final PUD Plan(s). The detailed Final PUD Plan(s) must be reviewed and approved by the (Planning Director) Zoning Commission prior to the issuance of any zoning certificates by the Zoning Inspector.

### **13.B B-PUD PLANNED UNIT DEVELOPMENT DISTRICT.**

**13B.1 PURPOSE.** Business-Planned Unit Development District (B-PUD) is intended to provide a permissive and alternative zoning procedure for commercial and/or industrial development in the Township. The B-PUD shall be used as an option in areas of the Township with access to a primary or secondary thoroughfare. The projects are allowed to take advantage of shared parking, cluster building sites, reduced curb-cuts and unified signage. The BPUD District shall be developed in accordance with an approved overall preliminary PUD Plan and subsequently detailed final PUD Plan for each section of the total landholding. The planning and development of the Planned Unit Development shall be



carried out in such a manner as to have minimum adverse effects on the natural features and environment of the planned unit tract and its surrounding areas. Planned Unit Development typically features varied setback lines and "cluster" type site planning whereby provisions for maximum overall lot coverages are established to permit creation of usable common space without jeopardizing the overall intent of the Zoning Resolution or the public health, safety and welfare.

**13B.2 PRINCIPAL PERMITTED USES.** Any retail and/or services uses including but not limited to, grocery or other food stores, drug stores, barber shops, beauty salons, bakery goods, dry cleaning and laundry pick-up stations, business and professional offices and the like, supplying commodities or performing services.

13B.2.1 Restaurants, including drive-in restaurant, bars, cocktail lounges, night clubs, theaters, bowling alleys, billiard parlors and other similar establishments.

13B.2.2 Financial institutions, including drive-in institutions. Manufacturing and research facilities that are permitted in the M-1 District.

13B.2.3 Nursery Schools and Child Care Facilities.

13B.2.4 Office Uses.

13B.2.5 Office for Medical and Allied Health Care.

13B.2.6 Commercial Entertainment.

13B.2.7 Theaters.

13B.2.8 Hotels/Motels.

13B.2.9 Animal Hospitals, Veterinary Clinics, Kennels.

13B.2.10 Building Material and Retail Lumber Yards.

13B.2.11 Commercial Recreation.

13B.2.12 Outdoor Advertising/Billboards.

13B.2.13 Laboratories.

13B.2.14 Hospitals.

**13B.2.15 CONDITIONAL USES REQUIRING BOARD APPROVAL**

13B.2.15.1 Adult Entertainment Uses and Facilities defined in Section 4.0110 thru 4.0126, subject to the special provisions of Article 23.05 thru 23.0502.

**13B.3.4 COMMON OPEN SPACE.** There shall be reserved, within the tract to be developed on a planned unit basis, a minimum percentage of land area of the entire tract for use as common open space. This minimum percentage of land area shall be 20% for all tracts. This common open space shall not consist of isolated or fragmented pieces of land, which would serve no useful purpose. Included in this common open space may be such uses as pedestrian walkways, parkland, open areas, drainage ways, and other lands of essentially open character, exclusive of off-street parking area and street right-of-way. Maintenance of this common space shall be the responsibility of the commercial management entity of the development and/or the developer.

#### **FAIRFIELD TOWNSHIP VISION PLAN**

Based on the Existing and Future Land Use Maps from the Fairfield Township Vision Plan the subject property land use was classified as Public / Semi Public. It is the opinion of the staff, that the property was classified Public/ Semi Public for Future Land Use due to the current use of the property as a church (att. 6 And att. 7).

**Public / Semi-Public**

"The Public / Semi-Public land use classification identifies those areas that have existing public based land uses and facilities. These include Township and County facilities such as fire station stations, the Township Administration building, and other facilities owned and used by a public entity. The ideal location for these uses includes where they currently reside, as well as along major arterials or collectors or where they meet the future needs of Township residents." (Fairfield Township Vision Plan)

**STAFF RECOMMENDATIONS**

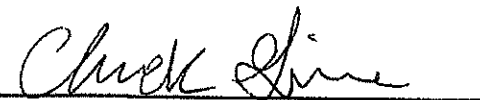
The zone change to a B-PUD on the property if approved would not be an endorsement of the precise location of uses, configuration of parcels or engineering feasibility which are to be determined in the subsequent preparation of Detailed Site Development plans. The approval at this stage shall be limited to the general acceptability of land uses proposed and general density. With only 1 acre coming before the Board, it will be challenging to address some of the concerns raised by County and Township staff.

It is the staff's opinion that to more adequately address issues raised by the Township and County as well as the conditions set by the zoning commission, the entire 5-acre parcel currently owned by the church should be included in the zone change to a B-PUD. By including the entire parcel, the Zoning Commission's second condition, allowing the PUD by waiving the minimum three-acre requirement would no longer be necessary. Both the applicant and the property owners are have represented that they are in favor of this change.

If the property is rezoned to B-PUD and the Preliminary PUD is ultimately approved by the Fairfield Township Board of Trustees, the applicant would then be required to provide detailed Final PUD plans to be reviewed and approved though the same process as the Zone Change.

The Fairfield Township Trustees have the opportunity to set conditions during the process to address concerns, ingress egress issues, and the proximity to existing churches. Therefore, based on the findings of fact, the Fairfield Township Zoning Resolution & the submitted proposal, staff makes the recommendation to approve the request to change the property to a B-PUD and approve the Preliminary PUD Plan with the following conditions.

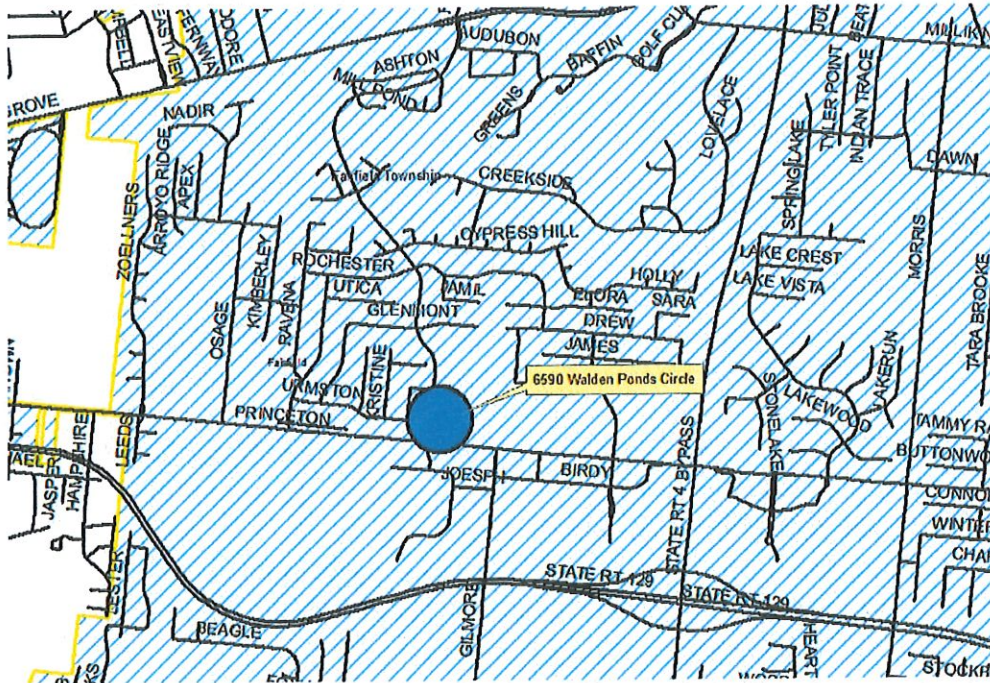
1. Require landscaped parking lot medians as show in the proposed drawing. (Att. 8)
2. Require landscaped buffers between the proposed commercial site and the existing church properties.
3. Have applicant include the entire 5-acre parcel into the zone change.



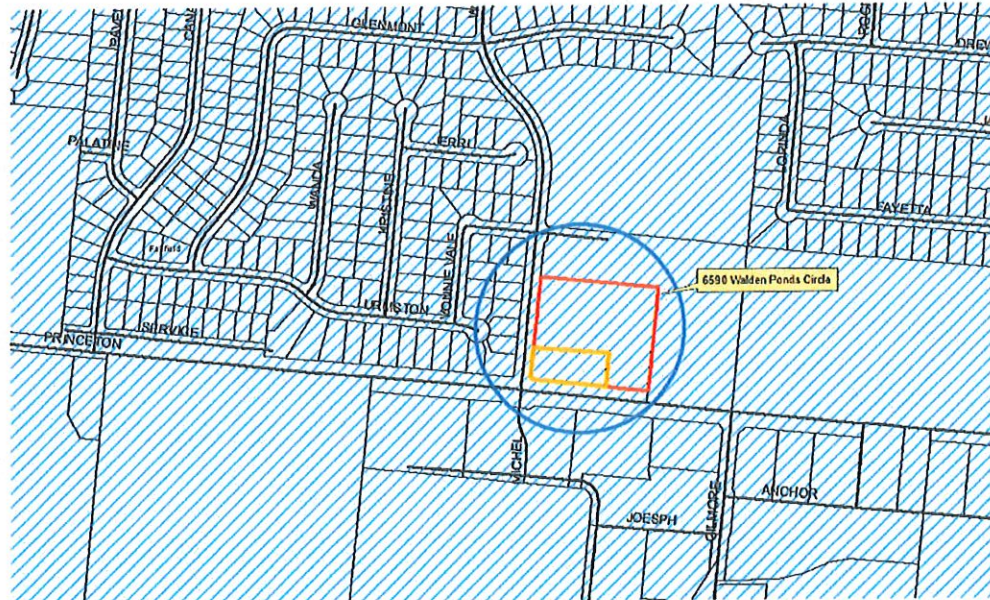
**Chuck Goins**  
**Zoning Administrator, Fairfield Township**

FTZC19-1C: Attachments

Attachment 1

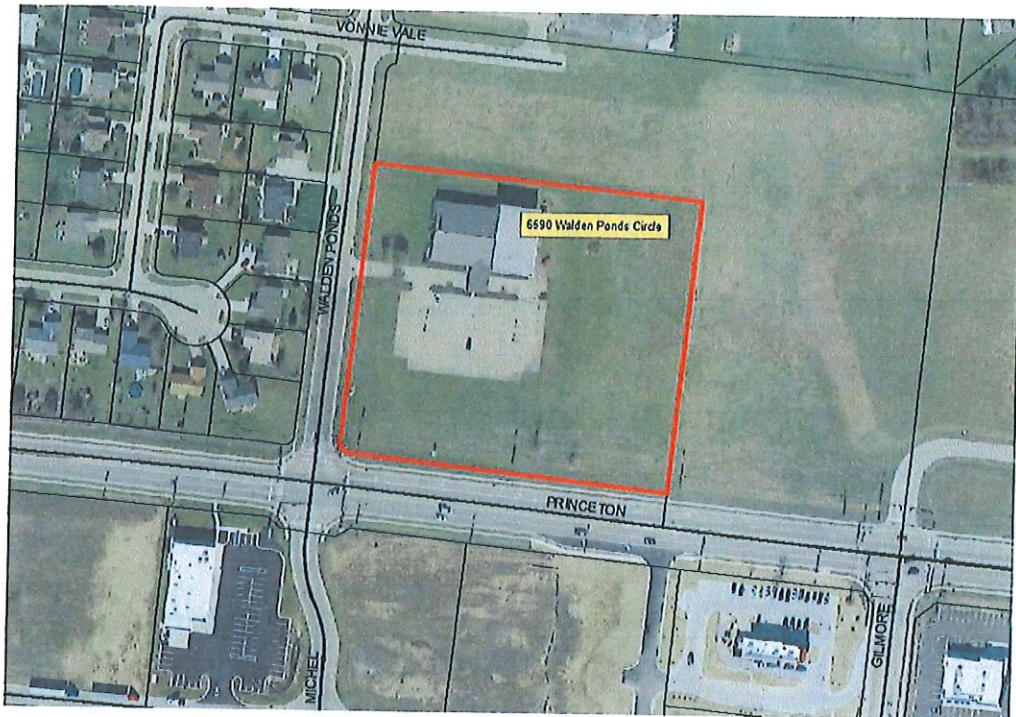


Attachment 2

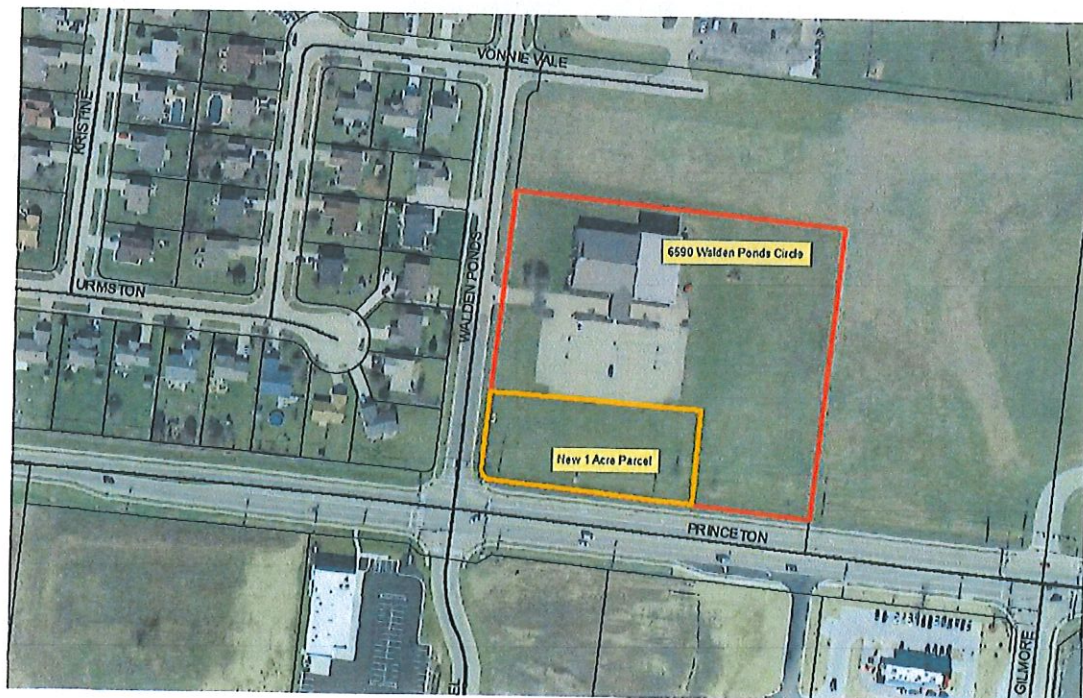




**Attachment 3 (Current Parcels)**

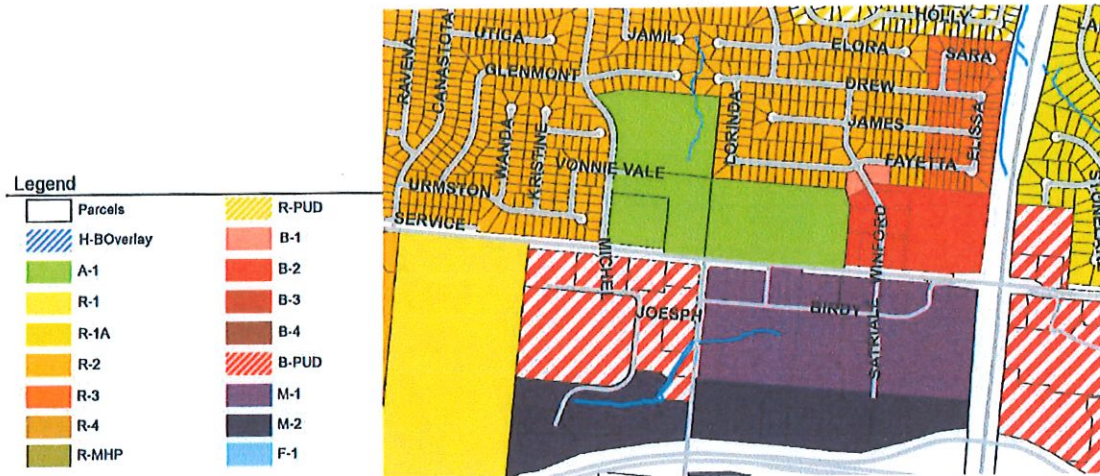


**Attachment 4 (Approximate New Parcels)**

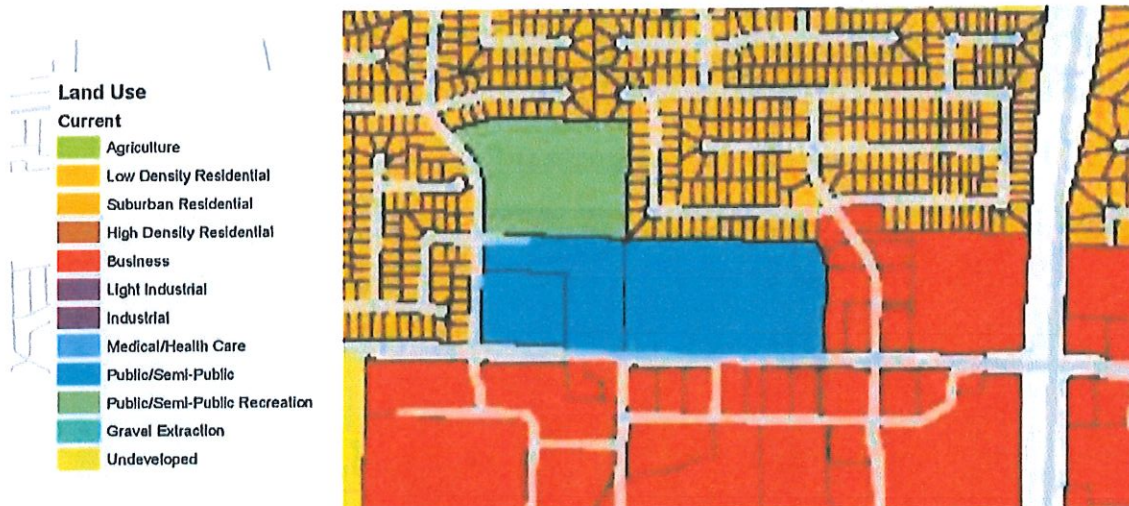




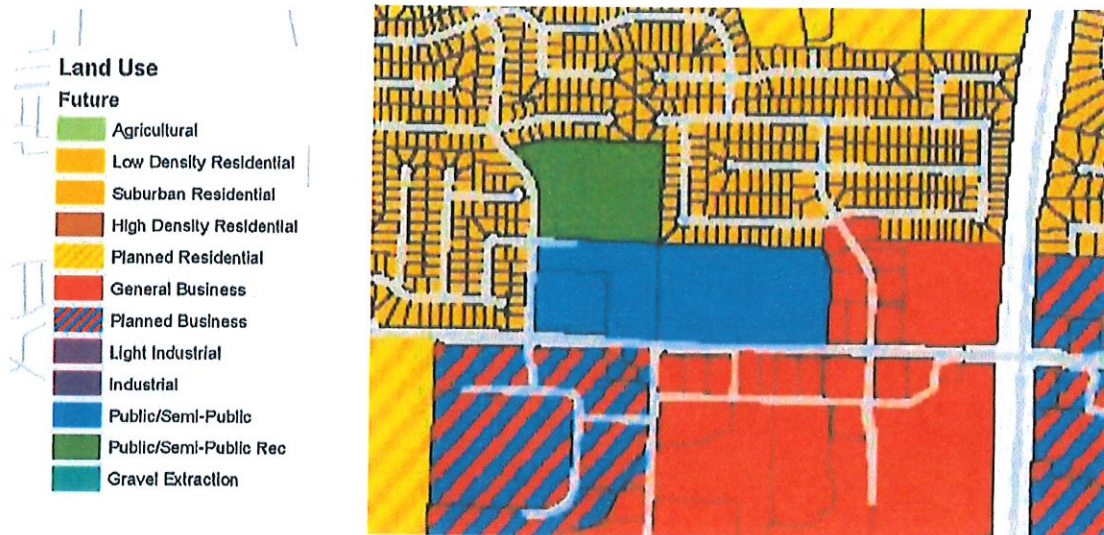
### Attachment 5 (Zoning Map)



### Attachment 6 (Current Land Use)



## Attachment 7 (Future Land Use)



## Attachment 8 (Recommended landscaped medians)

