

**RECORD OF PROCEEDINGS
PUBLIC HEARING HELD JULY 28, 2021**

The Fairfield Township Trustees held a Public Hearing Reference Case No. FTZC21-2C; MI Homes of Cincinnati Wednesday, July 28, 2021, at the Administration Building, 6032 Morris Road, Fairfield Township, OH 45011. Meeting was called to order by Mrs. Berding, Trustee Chairperson, at 7:00 PM.

ROLL CALL

Mrs. Hartkemeyer	Present
Mr. McAbee	Present
Mrs. Berding	Present

PLEDGE OF ALLEGIANCE

Mr. Barbieri, Law Director - This public hearing was never closed. It is continued in progress.

Motion made by Mrs. Berding, second by Mrs. Hartkemeyer to continue in progress, from July 14, 2021, the Public Hearing regarding FTZC21-2C MI Homes of Cincinnati, Ohio.

YES – Mrs. Hartkemeyer, Mr. McAbee, Mrs. Berding

- Oath given by Mr. Barbieri, Law Director
- Mr. Ken Geis – Zoning Staff Report:

LOCATION:	Liberty-Fairfield Road – north of State Route 4 A0300-019-000-013, A0300-019-000- 028, A0300-020- 000-021, A0300-020-000-022, A0300-020-000-023, A0300-020-000-0024, A0300-020-000-039 & A0300-020- 000-033
CURRENTLY ZONED:	A-1 Agricultural District
REQUEST:	Zone change from A-1 to R-PUD- Residential Planned Unit Development District

SITUATION OF PROPERTY

The subject property is located in the northeast portion of Fairfield Township. The property is located on the west side of Liberty Fairfield Road, north of Tonya Trail, south of Fairfield Falls Drive (Att. 1). The property is comprised eight parcels totaling

**RECORD OF PROCEEDINGS
PUBLIC HEARING HELD JULY 28, 2021**

67.404 acres. The subject parcels are all currently zoned A-1, Agricultural District. Properties to the north are zoned R-PUD and A-1 and include the Fairfield Falls subdivision, property to the west are zoned R-PUD and A-1 and include the approved Timber Hill Subdivision and Butler County MetroParks property, property to the south are zoned B-PUD and B-2, property to the east is located in Liberty Township and are zoned R-PUD and includes the Reserves at Elk Pointe subdivision.(Att. 2).

DESCRIPTION OF REQUEST

The applicant has submitted a Preliminary PUD plan and is requesting a zone change from A-1 (Agricultural District) to R-PUD (Residential Planned Unit Development District) on eight parcels that are comprised of a total of 67.404 acres.

FINDINGS OF FACT

The Preliminary PUD for the Timber Trails subdivision includes 137 single family residential lots on the 67.404 acres. The proposed lots would have a minimum square footage of 8,680 sqft, lot frontage would be a minimum of 62 ft, front yard setback would be 30 ft, side yard setbacks would be 5ft and 10 ft, and rear yard setback would be 30ft. The proposed open space is 30.2% (20.38 acres) which exceeds the minimum 25% requirement. The proposed open space includes two pocket parks, a walking path, entrance gateway on Liberty-Fairfield, an open space buffer to the south, and a large natural area on the west side of the development. The majority of the open space is located in the western area in the vicinity of the stream which contains steep topography. The landscape plan shows the inclusion of street trees on both sides of the street throughout the development as well as a series of 3 ft tall landscaped berms along Liberty Fairfield Road. The proposal includes 5 ft wide sidewalks on both sides of the proposed streets. In addition, the applicant is requesting a waiver of sidewalks along Liberty Fairfield Road.

Timber Trails – R-PUD Proposed Lot Information

Lot Frontage	Front Yard Depths	Side Yard Widths		Rear Yard Depth
		One	Both	
62 ft.	30 ft.	5 ft.	10 ft.	30 ft.

The proposal includes the 6 lots located in the southwest corner of the property, these lots are to be connected to the future Timber Hill Development to the west. The development plan states that construction would be completed in 4 phases over a period

RECORD OF PROCEEDINGS PUBLIC HEARING HELD JULY 28, 2021

of 6 years. Proposed primary access to the site will be provided approximately 1,365 linear feet north of Tonya Trial and secondary access is proposed at Wesley Way. Butler County Water and Sewer will provide public utilities to the site. Connections to public water will be made at Liberty-Fairfield Road, Wesley Way and on the south end of Fairfield Falls development. Public sanitary sewer can be connected into at the north end of the development. Both water and sewer utilities are of adequate size and have capacity available to serve this development.

Butler County Planning Commission

The Butler County Planning Commission has recommended approval of the proposed zone change for Timber Trails with comments. The 18 comments provided by Butler County are provided below (in black font). The text in blue font indicate the applicant's general response to each of the comments.

1. Adjacent PUD (Timberhill) needs to be revised to allow connection to White Pine Lane. *Applicant will revise Timberhill as needed.*
2. Construct roadway connection to Wesley Way before development of 40th lot. *Applicant will install second emergency access off of Liberty Fairfield Road during first phase to satisfy the second access connection recommended by Butler County.*
3. No access to Liberty Fairfield for Lots 1-3, 120-131. Consider a larger berm along Liberty-Fairfield to match east side of road. *Applicant has revised berm and will provide more detail when Final PUD plan is submitted.*
4. Stream buffer is required on both sides of all blue line streams. Ensure that sufficient buildable area remains on adjoining lots (20, 26-30, 37-39, 42-46). *Applicant has indicated that they will comply with comment.*
5. Recommend pedestrian connection from White Pine Lane to rest of the subdivision. *Applicant has indicated that the grade is too steep to provide pedestrian connection.*
6. Developer to restripe Liberty-Fairfield Road as necessary for dedicated NB turn lane. *Applicant has indicated that they will comply with comment.*
7. Ditch and berm improvement plans for main thoroughfare are to be submitted at the same time the subdivision construction drawings are. Improvement plan must meet the standards of the Butler County Thoroughfare Plan *Applicant has indicated that they will comply with comment.*
8. Submit a preliminary drainage report per Section 4.07 of the Subdivision Regulations. *Applicant has indicated that they will comply with comment.*
9. Comply with NPDES Permit for Storm Water Discharges Associated with

**RECORD OF PROCEEDINGS
PUBLIC HEARING HELD JULY 28, 2021**

Construction Activity. *Applicant has indicated that they will comply with comment.*

10. Steep slopes (12% or greater) are present near cul-de-sacs of White Pine (Road A), Burroughs Ct, Appalachian Ct., and Superior Ct. A geotechnical foundation report/recommendation for lots located on steep slopes should be submitted. *Applicant has indicated that they will comply with comment.*

11. High water table is present in portion of development. *Applicant will place a note on the record plat indicating high water table as appropriate.*

12. Existing ponds to be utilized as storm water facilities must meet requirements of Subdivision Regulations, 5.08 (H). To determine if existing pond meets requirement mentioned, provide a report to BCEO. Developer may need to repair or reconstruct pond to current standards. *Applicant has indicated that they will comply with comment.*

13. Provide BCEO & township with a cul-de-sac detail showing typical utilities (sanitary MH, fire hydrant, storm CB, streetlight) with driveway aprons. Township may want to consider reconfiguration of lots and/or limiting width of driveways within PUD to better accommodate snow removal and maintenance. *Applicant has provided detail to Butler County and Fairfield Township Departments. The Fairfield Township Public Works Supervisor indicated that the cul-de-sacs would take additional time to clean but is capable of addressing as needed. Applicant will work with Public Works Department on final details, including placement of fire hydrant, storm basins, and streetlight.*

14. Existing homes need to abandon any existing septic tanks with permits and inspections from Health District. Any existing private water wells need to be abandoned by a private water contractor with Health District inspections. *Applicant has indicated that they will comply with comment.*

15. Provide access easement for Detention Basin 3 and retention basin 2. *Applicant has indicated that they will comply with comment.*

16. Sewer upsizing from 12" to 15" on west boundary line. *Applicant has indicated that they will comply with comment.*

17. Water looping required. *Applicant has indicated that they will comply with comment.*

18. Lift station fees will apply to this development. *Applicant has indicated that they will comply with comment.*

Fairfield Township Zoning Commission

The Fairfield Township Zoning Commission held a public hearing on June 16, 2020 at the Fairfield Township Administration Building. The Zoning Commission made the recommendation, to the Fairfield Township Board of Trustees, to approve, with

RECORD OF PROCEEDINGS PUBLIC HEARING HELD JULY 28, 2021

conditions, the request for a Zone Change from A-1 (Agricultural District) to R-PUD (Residential Planned Unit Development). The Conditions Recommended by the Fairfield Township Zoning Commission are below. (Conditions recommended are in black font and the applicants' general response to each condition are in blue).

1. Incorporate comments submitted by the Butler County Planning Commission- *Applicant has indicated that they will address the comments submitted by Butler County.*
2. Plans should indicate who is responsible for the maintenance of the vegetation, berms, and fence along Liberty-Fairfield Road - possibly through an easement to be maintained by HOA. *-Applicant has included an HOA easement in the area mentioned.*
3. Increase height and length of berms located on Liberty Fairfield. *Applicant has made changes to berm. Final detailed landscaped plans will be provided during Final PUD.*
4. Would like to see an increase in active open space (parks, trails, gathering areas, etc.) within the development. Potential pedestrian connection/trail connecting to white pine lane to access the park. *-Applicant has added an unpaved walking trail to the plan connecting Burroughs Court to Superior court.*
5. Creation of an emergency connection that would be fenced off from general traffic on Wesley Way to be approved by the Butler County Engineer's Office, Fairfield Township Fire Department, and Fairfield Township Zoning Department. *- Applicant is willing to install access point as described.*
6. All utilities should be placed underground. *- Applicant has indicated that all utilities will be placed under ground.*
7. Hydrants should be installed with 5" Storz Fittings instead of the Threaded connection on the steamer fitting. *- Applicant has indicated that they would include the fittings as described.*
8. Remove the non-traditional double cul-de-sac on Superior Court and Burroughs Court to ease snow removal and create more space for snow to be placed. *- Applicant has provided detail to Butler County and Fairfield Township Departments. The Fairfield Township Public Works Supervisor indicated that the cul-de-sacs would take additional time to clean but is capable of addressing as needed. Applicant will work with Public Works Department on final details, including placement of fire hydrant, storm basins, and streetlight.*
9. Require applicant to produce a traffic impact study. *- Applicant will produce traffic impact study when Final PUD plan is submitted.*

**RECORD OF PROCEEDINGS
PUBLIC HEARING HELD JULY 28, 2021**

10. Require applicant to submit a drainage study. *Applicant will produce drainage study when Final PUD plan is submitted.*

Relevant Sections of the Fairfield Township Zoning Resolution:

616. R-PUD PLANNED UNIT DEVELOPMENT DISTRICT

PURPOSE. The Residential-Planned Unit Development District (R-PUD) is intended to provide a permissive and alternate zoning procedure for residential development and housing. The Planned Unit Development District shall be used only when a relatively large landholding under unified ownership is planned and developed as a unit 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, dwelling types and “cluster” type site planning whereby provisions for maximum overall “gross” density 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.

616.2 DESIGN STANDARDS.

(c) **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 space. **The minimum percentage of land area to be reserved shall be 25%. 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, golf courses, bridle paths, drainage ways, swimming pools, clubhouses, tennis courts, and other lands of essentially open character, exclusive of off-street parking areas and street rights-of-way. Ownership of this common open space either shall be transferred to a legally established Homeowners Association or be dedicated to Fairfield Township and proper legal documents necessary for such transfer or dedication shall be approved by the Fairfield Township Trustees. Common open space that includes clubhouses, golf courses or other recreational facilities may remain in private ownership. However, size of such areas shall be determined by the Fairfield Township Board of Trustees. If accepted by the Township, all areas except for any open space areas so donated which are in excess of the minimum requirements approved hereunder shall be

**RECORD OF PROCEEDINGS
PUBLIC HEARING HELD JULY 28, 2021**

restricted to open space uses.

615.4 BOARD OF FAIRFIELD TOWNSHIP TRUSTEES ACTION.

(a) 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 construed 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.)

Fairfield Township Vision Plan

The Future Land Use Map shows the proposed property reserved as Business Planned Unit Development (B-PUD). It should be noted that a lot to the east was recently approved to be changed to R-PUD (Timber Hill subdivision).

Recommended Residential Design Guidelines (excerpts)

- Utilize cluster subdivisions as the preferred design option particularly where a substantial proportion of open space generates more compact lot layouts.
- **At least 20% of the gross land area should be active open space**, which may include parks or recreation areas, trails, public squares, etc. Recommended natural resource protection of wetlands, floodplains and natural habitats is in addition to this 20% open space.

STAFF RECOMMENDATION

Based on the findings of fact, the Fairfield Township Zoning Resolution, the Fairfield Township Vision Plan & the submitted proposal, staff makes the recommendation to **approve, as recommended by the Zoning Commission**, the request to change the property to a R-PUD.

- **Presentation by Applicant – Mr. Tom Lofquist**, MI Homes of Cincinnati, LLC
The active open space will be 23%. Total open space of 30%. In addition to this plan, we added some additional buffering along the Liberty-Fairfield road side. Walking trail has been added and the retention area with fountains have been added.

**RECORD OF PROCEEDINGS
PUBLIC HEARING HELD JULY 28, 2021**

○ **Comments from Public/MI Homes**

Clifford Dean – Are there any properties with wells and septic systems. If there are, who pays for this removal.

MI Homes - Developer would pay for charges.

Clifford Dean - Does the developer pay for any retention and detention ponds? Who is responsible after the homes are built?

MI Homes - That would be the responsibility of the HOA.

Clifford Dean – Are the walking trails and fishing pond private?

Mr. McAbee – Yes, I believe they will be.

Etta Reed, Bayer Becker – All the ponds are retention ponds and they will be wet. Butler County Engineering will not be responsible for the maintenance. They do maintain wet ponds. The HOA will be responsible.

Kane Barge - I am for the community. But the Board did make a couple suggestions. Is the drainage study part of the approval and also the traffic study?

Etta Reed, Bayer Becker - The traffic study has been scoped. This will be submitted in the final PUD. The drainage study is very similar.

Mr. McAbee - What about the noise from Liberty-Fairfield Road?

MI Homes - The mounds will be on the rear of the lots.

Mr. McAbee - There should be some percentage of wrap. There should be a minimum requirement to protect the value and maintenance. I would like to see more stone or masonry. I would like this in the agreement. MI homes has agreed to wrap the homes.

Motion made by Mrs. Hartkemeyer, second by Mrs. Berding to close public hearing at 7:39 PM.

All in favor.

ROLL CALL

Mrs. Hartkemeyer	Yes
Mr. McAbee	Yes
Mrs. Berding	Yes

**RECORD OF PROCEEDINGS
PUBLIC HEARING HELD JULY 28, 2021**

Minutes submitted by:

Shelly Schultz, Fiscal Officer

Susan Berding, Trustee Chairperson

Shannon Hartkemeyer, Trustee Vice Chairperson

Joe McAbee, Trustee