

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

The Fairfield Township Trustees held a Public Hearing Reference Case No. FTZC21-3C NVR, Inc. (Ryan Homes) 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 7:39 PM.

ROLL CALL

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

Mr. Barbieri, Law Director – Similar to FTZC21-2C Hearing 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 FTZC21-3C NVR, Inc.
YES – Mrs. Hartkemeyer, Mr. McAbee, Mrs. Berding

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

LOCATION:	Hamilton-Middletown Road (S.R 4) A0300-023-000-066, A0300-023-000- 063, A0300-023-000-083
CURRENTLY ZONED:	B-2 General Business District
REQUEST:	Zone change from B-2 to R-PUD- Residential Planned Unit Development District

SITUATION OF PROPERTY

The subject property is located on the north side of Hamilton-Middletown Road (State Route 4) and northwest of the intersection of State Route 4 and State Route 4 Bypass (Att. 1), situated between Creekside Drive, Indian Meadows Drive and Reigart Road. The subject property is comprised three parcels totaling 37.665 acres. The subject parcels are all currently zoned B-2, General Business District. Properties to the north are zoned R-2, properties to the west are zoned B-1, properties to the east are zoned R-1 and B-2, and properties to the south are zoned B-PUD (Att. 2).

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DESCRIPTION OF REQUEST

The applicant has submitted a Preliminary PUD plan and is requesting a zone change from B-2 (General Business District) to R-PUD (Residential Planned Unit Development District) on three parcels that are comprised of a total of 37.665 acres.

FINDINGS OF FACT

The Preliminary PUD for the Walden Springs subdivision includes 62 duplexes on 124 residential lots on the 37.665 acres. The proposed lots would have a minimum square footage of 5,000 sq ft, front yard setback would be 30 ft (from back of curb), side yard setbacks would be 6' and 0 ft (0 ft applies to common lot lines only), and rear yard setback would be 5 ft. The proposed open space is 42.4% (16.00 acres) which exceeds the minimum 25% requirement. The development is a cluster subdivision that integrates open space throughout the development. In addition, proposed open space includes a dog park, a water quality basin east of Indian Meadows Drive, a 50 ft buffer along the public roads to the west, south, east, as well as a 50 ft buffer along the existing residential development to the north. The landscape plans show the inclusion of street trees placed halfway between each home and the curb, on both sides of the street throughout the development. The landscape plan also shows landscaped gateways at both of the site's entrances, on Indian Meadows Drive and Creekside Drive. The proposal shows the existing natural vegetation remaining along Hamilton-Middletown Road. The vegetation in this area is unmanicured and is comprised of invasive honey suckle and many other low value trees. Plans show 5 ft wide sidewalks on both sides of the internal streets. In addition, the applicant is requesting a waiver for sidewalks along Hamilton-Middletown Road.

Walden Spring – R-PUD Proposed Lot Information

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

The development plan states that construction would be completed in 2 phases over a period of 4 years. Butler County Water and Sewer will provide public utilities to the site. Water mains have been stubbed on the east and west sides of the property. Public sanitary sewer runs through the middle of the development, portions of the sewer will need to be relocated for the development. Both water and sewer utilities are of adequate size and have capacity available to serve this development. The applicant stated that

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private streets will be constructed in accordance to Butler County Engineers' Office standards and will contain curb and gutter.

Butler County Planning Commission

The Butler County Planning Commission has recommended approval of the proposed zone change for Walden Springs with comments. The 12 comments provided by Butler County are provided below (in black font). The text in blue font indicates the applicant's general response to each of the comments.

1. Walden Springs Drive & Lane should be constructed 28-ft in width. Travertine & Layton Court, Calistoga Circle and north end of Walden Springs Drive/Court can be constructed at 25-ft AND restrict parking on side of street containing watermain. Applicant has met with staff from Fairfield Township (Fire Dept., Public Works Dept., Zoning Dept.) and staff from Butler County (Engineer's Office, Planning Dept.). Upon further review, Butler County is supportive of all streets being constructed at 25 ft width. None of the other Departments have any objections to the 25 ft with, as long as parking is restricted on the side of the street containing the watermain.
2. Lots 121 and 122 do not have road frontage. Applicant has addressed this comment in the revised plans.
3. Provide sidewalks along Indian Meadows Drive and Reigart Road on open space parcel. Applicant has included this sidewalk in the revised plan the Indian Meadows Drive sidewalk in the revised plan. Applicant is not interested in installing walks along Reigart Rd due to lack of connectivity.
4. Provide internal pedestrian connection between Travertine and Calistoga. Applicant has added a connection as requested in the revised plan.
5. What landscape plans are envisioned for open space along Reigart Road? Will this lot be maintained by the HOA? Applicant has added landscaping to the in the area of the water quality basin. Applicant will submit more detailed landscape plans when Final PUD plan is submitted.
6. Comply with Ohio Environmental Protection Agency (OEPA) National Pollutant Discharge Elimination System (NPDES) Permit for Storm Water Discharges Associated with Construction Activity. Applicant has indicated that they will comply with comment.
7. Submit a preliminary drainage report per Section 4.07 of the Subdivision Regulations. Applicant has indicated that they will comply with comment.
8. 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

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that they will comply with comment.

9. Note the HUC 12 Receiving waters on plat. Applicant has indicated that they will comply with comment.

5. What landscape plans are envisioned for open space along Reigart Road? Will this lot be maintained by the HOA? Applicant has added landscaping to the in the area of the water quality basin. Applicant will submit more detailed landscape plans when Final PUD plan is submitted.

6. Comply with Ohio Environmental Protection Agency (OEPA) National Pollutant Discharge Elimination System (NPDES) Permit for Storm Water Discharges Associated with Construction Activity. Applicant has indicated that they will comply with comment.

7. Submit a preliminary drainage report per Section 4.07 of the Subdivision Regulations. Applicant has indicated that they will comply with comment.

8. 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.

9. Note the HUC 12 Receiving waters on plat. Applicant has indicated that they will comply with comment.

10. Plat will need basement note-> high water table. Applicant has indicated that they will comply with comment.

11. Extend sewer to upstream boundary to Reigart Rd, across water quality basin property. Applicant has indicated that they will comply with comment.

12. 30' san sewer easement required on lot fronting Reigart Rd. 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 conditions, the request for a Zone Change from B-2 (General Business 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.

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2. Walden Springs Drive & Lane should be constructed 28-ft in width. Travertine & Layton Court, Calistoga Circle and north end of Walden Springs Drive/Court can be constructed at 25-ft AND restrict parking on side of street containing watermain. *Applicant has met with staff from Fairfield Township (Fire Dept., Public Works Dept., Zoning Dept.) and staff from Butler County (Engineer's Office, Planning Dept.). Upon further review, Butler County is supportive off all streets being constructed at 25 ft width. None of the other Departments have any objections to the 25 ft with, as long as parking is restricted from parking on the side of the street containing the watermain.*
3. Remove existing scrub and deciduous vegetation along Route 4 and replace with HOA maintained berm and evergreen buffer to provide a visual and sound buffer from Rt. 4. *Applicant has updated buffer to include mounding and new vegetation where existing vegetation is not worth salvaging. Applicant will submit more detailed landscape plans when Final PUD plan is submitted.*
4. Continue sidewalks on east side of Indian Meadows Drive and connect to existing sidewalk. *Applicant has included this sidewalk in the revised plan.*
5. Continue sidewalk along Reigart Rd. near proposed Water Quality Basin #1. *Applicant is not interested in installing walks along Reigart Rd due to lack of connectivity.*
6. Enhance landscaping and aesthetics of the parcel where the proposed Water Quality Basin #1 is located. *Applicant has added landscaping to the in the area of the water quality basin. Applicant will submit more detailed landscape plans when Final PUD plan is submitted.*
7. Increase areas of active open space, parks, trails, gathering areas, etc. Add a connection from Travertine Court and Calistoga Circle. *Applicant has added a connection as requested in the revised plan.*
8. Turning radius in the development shall meet the fire vehicle specifications shown in attachment. *Applicant has met with Fire Chief and reviewed turning radius specs. Fire Chief has expressed satisfaction with the plans as it relates to turning radius.*
9. Utilize street trees within the development. *Applicant has plans that show trees planted in the front yard of each lot.*
10. All utilities should be placed underground. *Applicant has indicated that all utilities will be placed under ground.*
11. Hydrants should be installed with 5" Stortz Fittings instead of the Threaded connection on the steamer fitting - *Applicant has indicated that they would include the fittings as described.*

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12. Prohibit construction traffic from utilizing Creekside Drive. *Applicant has indicated that they will comply with condition.*
13. Prohibit construction traffic and vehicles from utilizing the Tri-City Church's parking lot (3027 Creekside Drive). *Applicant has indicated that they will comply with condition.*
14. Produce previous traffic impact study or waiver from the Butler County Engineers Office for an additional study. *Butler County is not going to require a traffic impact study and stated that "existing infrastructure on Creekside and Indian Meadows is more than adequate to handle proposed development."*

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

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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 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).

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 COMMENTS

Based on the staff's review of the submitted plans, it appears that the applicant's proposal has taken surrounding property owners' feedback and concerns into consideration. The plan's inclusion of a 50' buffer along the existing development to the north is an example of that. The applicant has made an effort to address all of the comments and conditions recommended by the Butler County Planning Commission and

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the Fairfield Township Zoning Commission. To further protect the value and safety of future residents, the recommendation was made that the existing scrub and invasive vegetation along Hamilton-Middletown Road be removed and replaced with an HOA maintained vegetated buffer/berm/fence combination. The recommendation was also made to continue sidewalks on both sides of Indian Meadows drive which the applicant has addressed on the revised plans. Landscape plan to improve aesthetics for the area around the water quality basin, also to be maintained by the HOA, were included in the revised plans. To further embrace the intent of the Fairfield Township Vision Plan, staff would also like to see an increase of active open space within the development. One major point of concern mentioned by Butler County pointed had to do with the proposed 24' wide private roads within the development. County Staff stated that the roads should be constructed "28-ft in width. Travertine & Layton Court, Calistoga Circle and north end of Walden Springs Drive/Court can be constructed at 25-ft AND restrict parking on side of street containing watermain." The township is concerned with how this may impact access for emergency vehicles. As mentioned previously in the report, the applicant has met with staff from Fairfield Township (Fire Dept., Public Works Dept., Zoning Dept.) and staff from Butler County (Engineer's Office, Planning Dept.). Upon further review, Butler County is supportive off all streets being constructed at 25 ft width. None of the other Fairfield Township Departments have any objections to the 25 ft with, as long as parking is restricted from parking on the side of the street containing the watermain. The township is concerned with how this may impact access for emergency vehicles.

The zone change to a R-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 reviewed in the subsequent preparation of the Detailed Site Development Plan to be reviewed as part of the Final PUD process. If the property is rezoned to R-PUD and the Preliminary PUD is ultimately approved by the Fairfield Township Board of Trustees, the applicant will then be required to seek approval of the Final PUD plan.

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.

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○ **Presentation by Applicant – Ms. Etta Reed, Bayer Becker and Mr. Paul Coors of Ryan Homes**

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○ **Comments from Public**

Clifford Dean – The intersection of Millikin Road and Creekside Road and Route 4 there are no changes being made at this time. When you try to turn left on Millikin Road towards Hamilton there is no turn arrow, and you can't get through because of traffic coming out of Creekside. This only happens occasionally. Now with all the extra residential traffic coming out of there in the morning it may cause a problem turning left. Could we get a turn light there and have Ryan Homes pay for it? Maybe even a left-turn lane on Creekside. A question was asked about residential and rental properties. Would this be a HOA issue about how much would be rental? Rental has been detrimental to this area. Can rental be restricted to 20%?

Randy Newton – What assurance do we have this area won't become a rental area?

Paul Coors, Ryan Homes – We are looking to sell to a targeted audience, such as retirees. We are not looking for any big buyer to come in and make these rentals. This would be drafted in the HOA documents and capped in the documents of 15% - 20%. We are looking to sell to a single buyer.

Ron McWhorter – The developer said they met with residents where their properties butted up to this. We never received notification to meet with the developer. We never had a conversation. We don't need rental property coming in here. Are these going to be presold? I would still like to see zero rental properties. We don't need that in the Township. I'd like to see a privacy fence built at the bottom of this buffer.

Ryan Homes – They will be presold.

Dan Watkins, Tri City Church of God – Our question is also about capping the rental property. The last meeting when we were here we talked about construction traffic. We've had a lot of issues with big truck on our parking lot.

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Etta Reed, Bayer Becker - We have no problem telling construction traffic to not go on private property.

Glenn Gammell – 25 years ago on Reigart Road my neighbors and I opposed the zoning on Reigart Road. We had referendums and lawsuits. We agreed to a compromise. This current development gives us more of what we wanted in the first place 25 years ago. I think this development will work and my neighbors and I support it.

Mrs. Hartkemeyer - In terms of the rentals, the intent is not to build this as a rental subdivision? The intent is to be owner occupied. There will be no rental office? The main focus here is to be owner occupied. Then you are ok with putting in a clause we don't want rentals and no capping that.

Ryan Homes – This is correct. There will be a model home to sell out of, but this will be for individual buyers.

Mr. McAbee -I'm not in favor of rentals at all. They must be owner occupied. The rentals change the atmosphere. I hope that we will make this zero rentals and owner occupied. I saw the pictures and the wraps look like a decent amount. We would like to see more all the way around. I like the idea of the fence. I think the subdivision could use a nice privacy fence. We have a couple streets in the Township and those people don't want to be on a private street. How long does the road last? When the curb and gutter have to be replaced that's a lot of money. What is the HOA fee going to be each month?

Ryan Homes - We have a combination of shaker siding and stone. We have 15% - 20% wrap. A 4' wrap so to speak. A vinyl product is all the way around. Each garage is a standard two car garage.

Etta Reed, Bayer Becker - I'm not sure the fence is going to provide a visual screen.

Mrs. Hartkemeyer - At the closing can you make a point this is going to be a private street?

Ryan Homes - We would do this at point of sale. This would be a disclosure that you are purchasing a home on a private drive.

Ron McWhorter -This seems like a hard sell for the demographics you're looking for.

Ryan Homes - We do a market research for this area and the demographics. We are priced to the market. We do not change our product once it is approved by the Board.

Ron McWhorter - What is the time frame for this; beginning to end?

Ryan Homes – About 4 years.

Dan Watkins - Is this going to be a 55 plus community? Is this going to be maintenance free? Is the HOA going to provide this?

Ryan Homes - There will be an age target market. The HOA will provide maintenance; snow removal and grass cutting. Streetlights will be installed by Duke Energy and they will be electric.

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Motion made by Mrs. Berding, second by Mrs. Hartkemeyer to close public hearing at 8:21 PM.

All in favor.

Motion made by Mrs. Berding, second by Mrs. Hartkemeyer to adjourn at 8:21 PM

All in favor.

ROLL CALL

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

Minutes submitted by:

Shelly Schultz, Fiscal Officer

Susan Berding, Trustee Chairperson

Shannon Hartkemeyer, Trustee Vice Chairperson

Joe McAbee, Trustee