

**Fairfield Township Board of Trustees**  
**Public Hearing**  
**Tuesday, April 20, 2021**

The Fairfield Township Trustees held a Public Hearing Reference Case No. FTZC21-1C; Johnson’s Grocery – A & P Inc. for a rezone change from R-1 to B-PUD-Business Planned Unit Development District on Tuesday, April 20, 2021 at the Administration Building, 6032 Morris Road. The Hearing was called to order by Mrs. Berding, Board Chairperson at 7:00 PM.

**Mrs. Berding**, I move that we nominate Noelle Sizemore as Clerk Pro Tem, second by Mrs. Hartkemeyer.

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

**ROLL CALL:** Noelle Sizemore, Finance Manager

Susan Berding, Trustee Chairperson	Present
Shannon Hartkemeyer, Trustee Vice Chairperson	Present
Joe McAbee, Trustee	Present

**PLEDGE OF ALLEGIANCE**

**Motion** made by Trustee Berding, second by Trustee Hartkemeyer to open the public hearing for Case No. FTZC21-1C; Johnson’s Grocery – A & P Inc. for a rezone change from R-1 to B-PUD-Business Planned Unit Development District.

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

**Oath given by Law Director**

**Zoning Staff Report – Zoning Administrator**

**SITUATION OF PROPERTY**

The subject property, 4001 and 4005 Hamilton Mason Road, is located on the south side of Hamilton Mason Road, east of Merlin Road and west of Ashwood Knolls Drive (Att. 1). The property is comprised two parcels totaling 4.08-acres. The parcels are currently zoned R-1, Suburban Residential District. Properties to the north, east, and west of the subject property are zoned R-1, property to the south is zone A-1 (Agricultural District) (Att. 2).

**DESCRIPTION OF REQUEST**

The applicant has submitted a Preliminary PUD plan and is requesting a zone change from R-1 (Suburban Residence District) to B-PUD (Business Planned Unit Development District) on two parcels that are comprised of a total of 4.08 acres.

**FINDINGS OF FACT**

Johnson’s Grocery is an existing non-conforming use that has been in existence as store

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since before the enactment of the Fairfield Township Zoning Resolution. In 1984, the property was granted conditional use for a 12 ft by 58 ft addition to expand the residence and general store. The applicant has indicated that the current structure has become inefficient and outdated. The current layout does not have a designated ingress and egress, customers are currently able to enter and exit the site anywhere along the entire frontage.

In 2020, the applicant submitted an application to the Board of Zoning Appeals (BZA) for a conditional use certificate which included many of the improvements outlined in the current Preliminary PUD. Upon review of the plans, the staff and the applicant agreed that it would be more appropriate to have this plan go through the zone change process.

The applicant's plan includes the construction of a 4,164 square foot single story retail building which includes 1,000 square feet reserved for a drive thru (Att. 5). The proposed location of the building would be setback approximately 75 feet from the right of way per the thoroughfare plan and 126 feet from the center of Hamilton Mason Rd, 104.2 feet from the eastern property line and approximately 52 feet from the western property line. The new building would be composed primarily of brick and stone veneer on all four sides. In addition, the façade will include aluminum and glass on the west, south and east elevations (Att.6). Lighting plans include 2 (two) carriage lights on 6' tall poles along Hamilton Mason Road, 2 (two) RSX LED flood lights used in the vicinity of the parking lot, and 8 (eight) LED wall pack lights on the building. Ingress and egress improvements in the plan includes the elimination of the current undefined entrance to be replaced by one lane designated for entering the site and two turning lanes for exiting the site. Parking lot plans include 19 (nineteen) standard parking spaces and 2 (two) handicap accessible parking spaces. The plan includes the removal of the existing building after the completion of the proposed building. Plans include the installation of approximately 350' of 6 ft. tall privacy fence. Landscaping improvements are planned throughout site including a landscaping around the monument sign, in and around the detention basins, additional trees, and a landscaped berm containing five Norway Spruce along the western property line. The plan shows 27% common open space, which exceed the required 25%. Included in the open space is an intentional and usable area comprised of picnic tables.

On February 9, 2021, the Butler County Planning Commission heard the case and recommended approval of the proposed zone change and preliminary PUD plan and included 22 comments pertaining to land-use, access and circulation, exterior appearance, storm water and site drainage, septic system.

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On March 17, 2021, the Fairfield Township Zoning Commission heard the applicant's case and voted to recommend approval of the proposed zone change and preliminary PUD plan and included 12 conditions outlined on the resolution that was voted on.

Relevant Sections of the Fairfield Township Zoning Resolution:

**617. B-PUD PLANNED UNIT DEVELOPMENT DISTRICT.**

**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 thoroughfares. The projects are allowed to take advantage of shared parking, cluster building sites, reduced curb-cuts and unified signage. The B-PUD 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.

**617.1 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.

**617.2 DESIGN STANDARDS.**

**(b) YARD REQUIREMENTS.** The perimeter of the lot shall maintain a minimum of fifty (50) feet for side and rear yard setback requirements. A minimum of twenty (20) feet is required between unattached buildings, and a minimum of fifty (50) feet is required between residential zoning districts and all commercial buildings. No structure shall be allowed closer than twenty (20) feet from a public right-of-way.

**STAFF RECOMMENDATIONS**

Johnson's Grocery has been a part of the character of the area for decades. Though the current building has served the community well it is the opinion of the staff that the

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expansion of this use into a new, larger, updated building is considered an improvement to the aesthetics, site, and a potential improvement to the services the business provides. It appears that attention and consideration have been given to the existing, neighboring homes which include the incorporation of privacy fencing, a privacy berm and new trees being planted on the east and west side of the property. As mentioned in the report, the plans also include improvements to stormwater management, and to access to and from the property. In order to protect the character of area now and in the future staff has provided list of conditions that should be considered as part of the B-PUD approval.

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 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 B-PUD and the Preliminary PUD is ultimately approved by the Fairfield Township Board of Trustees, the applicant will then seek approval of the Final PUD plan. If the Final Plan is approved the applicant will be able to proceed only with the general layout and approved uses outlined in the plan. If at some point in the future the property owner would like to substantially change the use, density of the development, or the layout of the property the owner would be required to seek approval by the Fairfield Township Board of Trustees for the changes.

Based on the findings of fact, the Fairfield Township Zoning Resolution & the submitted proposal, staff makes the recommendation to **approve with conditions** the request to change the property to a B-PUD.

**ACTION:**

The Fairfield Township Trustees shall either approve, approve with conditions, or deny, the applicant's request for a zone change from R-1 to B-PUD.

Should the Trustees **approve** the applicant's request, the following conditions recommended by the Zoning Commission should be considered:

1. Any major change in use and/or layout of the property will require Board approval.
2. Applicant shall meet all federal, state, and local requirements including those outlined by the Butler County Planning Commission.
3. Prohibit any automotive fuel sales now or in the future.
4. Meet the 25% Common Open Space Requirement excluding land within the proposed public right of way.

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5. Applicant shall modify entry to ensure adequate apparatus access that meets the design criteria provided to the applicant and subject to the approval by the Fire Chief.
6. All site lighting shall be directed downward, with no light source visible from road.
7. Façade and design guidelines shall be included approved by the Township Trustees including the following.
8. Applicant shall screen all of the exterior utility units.
9. Monument sign shall have piers utilizing stone and brick material consistent with building and shall not exceed 6 ft in overall height, shall be externally illuminated, and meet all guidelines Zoning Administrator.
10. The applicant will continue to operate during the hours listed below:
  - a. 6AM - 9PM during winter hours
  - b. 6AM - 10PM during summer hours
11. Improve landscaping plan, including additional planting along the east and west property lines, to be approved by the Zoning Administrator.
12. Applicant shall satisfy all access and circulation issues mentioned in the Butler County Staff Report prior to the submittal of the Final PUD, including the following:
  - a. The internal circulation and parking lot layout seems confusing and potentially excessive. We recommend the applicant consider reconfiguring the circulation to provide clearer access routes, consolidate impervious area, and eliminate potential vehicular conflict points.
  - b. Handicap parking looks awkward. Recommend spaces stay in alignment with adjacent parking spaces, with sidewalk and curb ramp to remain in front of parking stalls.
  - c. Although passenger vehicles are shown queuing for drive-thru, a turning radius template has not been provided verifying radius is adequate for a passenger vehicle. A turning template should also be provided for vehicle exiting drive-thru to verify there isn't a conflict with adjacent parking stall. Consider also providing truck templates based on anticipated delivery vehicle size to ensure adequate access.
  - d. In general, the proposed driveway location seems appropriate; however, sight distance along Hamilton-Mason Road must be verified prior to Final PUD.
  - e. Provide right-of-way dedication per the County Thoroughfare Plan, across frontage of all PUD parcels.

**PRESENTATION BY APPLICANTS**

- ❖ Ketan Patel
- ❖ Binal Patel
- ❖ Carl Hartman, Agent

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**PUBLIC COMMENTS**

**Doug Crawford**, 6622 Springmeadow Dr. - I've been visiting the store there since the mid-70's and has always been a great place. It's a great home-town grocery. I think the Township needs to retain this type of business. The new owners have done so much with the store. The inventory has always been great. We need to keep this in the Township.

**Gary Wreathmeyer**, 3880 Hamilton-Mason Rd. – I live almost across the street from the store. There is a light issue problem now. When you put a bigger building there the lighting issue will be even more. Why can't we keep the small-town grocery store? We have Speedway on Tylersville and UDF. I've been here since 1997 and it's been a peaceful little road. Why do we need to change the whole community? If you want to fix it do a facelift.

**Dan McBride**, 3775 Riverdowns Ct. – Since the Patels took over it has improved so much. What about the runoff where I live?

**Mr. McAbee** - I'm disappointed that we're not hooking into sanitary sewers.

**Mrs. Berding** - I think that would be cost prohibitive to the Patels. Are you saying we can find money elsewhere?

- ❖ **Carl Hartman, Agent** – Presented petition of 500 signatures to Trustees in favor of project.

**Motion** made by Mrs. Berding, second by Mr. McAbee to close public hearing at 8:00 P.M.

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

RESOLUTION TO APPROVE, AS RECOMMENDED BY THE FAIRFIELD TOWNSHIP ZONING COMMISSION, THE REQUESTED ZONE CHANGE BY A & P INC. AS SET FORTH IN ZONING CASE NO. FTZC21-1C #21-60

Resolution to approve, as recommended by the Fairfield Township Zoning Commission, the requested zone change by A & P Inc. as set forth in zoning case no. FTZC21-1C.

**Mr. McAbee** - I would like us to hold this vote for a week until we have some more information especially on the sanitary sewer.

**Mrs. Berding** - To me the sanitary sewer is not a deal stopper. Are funding options available?

**Mr. McAbee** – Let's get some prices on the sanitary sewer.

**Mrs. Berding** - So we will hold on voting for the resolution for now? We need to vote on this in 20 days.

**Mr. McAbee** - Let's plan on voting at the next meeting April 28<sup>th</sup>.

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**Motion** made by Mrs. Berding, second by Mrs. Hartkemeyer to adjourn at 8:10 P.M.  
YES – Mrs. Berding, Mr. McAbee, Mrs. Hartkemeyer

Minutes submitted by:

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Shelly Schultz, Fiscal Officer

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Shannon Hartkemeyer, Board Chairperson

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Joe McAbee, Trustee

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Susan Berding, Trustee

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