

Fairfield Township Zoning Commission Minutes
February 15, 2017
Time: 7:00 PM

MINUTES

Call to order at 7:00 P.M. by Michael Berding.

ROLL CALL:

Robert Wilking	Absent
Michael Berding	Present
Peter Bohrofen	Present
Cheryl Leadbetter	Absent
Mark Staudigel	Absent
Greg Philpot	Present
Jason Austerman	Present

PLEDGE OF ALLEGIANCE was honored

Mr. Berding asked the audience to please remain standing if they are testifying in this case. He asked "Do you swear that the testimony you are about to give is true so help you God?".

Motion made by Peter Bohrofen, second by Greg Philpot to approve the November 16, 2016 minutes. All in favor.

Case is FTZ C17-1C with connection of application filed by David Oaks, CESO for a major change to a final PUD plan.

STAFF REPORT

Ms. Kimberly Lapensee stated that the applicant is requesting

TIMELINE OF EVENTS:

DESCRIPTION OF REQUEST

Ms. Lapensee went through the staff report.

The applicant is requesting revised PUD approval for the re-development of lot 8798, to modify the approval recently given for five (5) multi-family buildings of three (3) units each, for a total of 15 units. They are requesting that this area be revised to allow for 12 single family lots. The

new homes would be detached dwelling units. The project is located on the south side of River Ridge Drive. The developer only built one multi-family three (3) unit building on the property.

SURROUNDING ZONING & SITUATION OF PROPERTY

The surrounding zoning is residential and agricultural to the west and south. There is also a subdivision to east in Liberty Township across Liberty Fairfield Road. Commercial uses are further to the south on both sides of Liberty Fairfield Road.

FAIRFIELD TWP. ZONING CODE REQUIRES THE FOLLOWING FOR APPROVAL OF A FINAL PUD PLAN:

13.8.2 That the proposed detailed Final PUD Plan(s) for the individual section(s) of the overall R-PUD or B-PUD District are in conformance with the approved Preliminary PUD Plan, and the Land Use Plan Map and text of Butler County.

- The current proposal is not consistent with the original case # FTZC 12-5C because they are decreasing the density of the development.

13.8.3 That each individual unit of the development can exist as an independent unit, which is capable of creating an environment of sustained desirability and stability, or that adequate assurance will be provided that such objective can be obtained.

- The project will include 12 new single family homes that are consistent with the southern portion of the development.
- The general construction will be consistent with what is already established in this neighborhood.

13.8.4 That any part of the Planned Unit Development not used for structures, parking and loading areas, or streets, shall be landscaped or otherwise improved; or if approved by the Fairfield Township Zoning Commission, left in its natural state.

- The total open space calculation for the site is 16.128 acres or 37.6% of the site which is more than the required open space requirement of 20%.
- The area completely surrounding the development will be left in its natural state which is wooded.

13.8.5 That any exception from the standard resolution requirements is warranted by the design and amenities, incorporated in the detailed Final PUD Plan(s), in accordance with the adopted policy of the Fairfield Township Zoning Commission and the Board of Fairfield Township Trustees.

- None

13.8.6 That the internal streets and thoroughfares proposed are suitable and adequate to accommodate the anticipated traffic within and through the development.

- There are existing streets in the development.

13.8.7 That the Final PUD Plan(s) is consistent with the intent and purpose of this Resolution to promote public health, safety and general welfare of the residents of Fairfield Township, Butler County.

- This final plan is consistent with the intent to promote the general welfare of the residents of Fairfield Twp. The current builder plans to lower the density of the current development.

13R.2 Principal Permitted Uses – One family detached dwellings.

13R.4 Design Standards – All lots are a bit smaller than what is required in the R-4 District. The setbacks and square footage is as follows:

- Width – 56'-0" compared to 55'-0" in the R-4 District.
- Front Yard – 25'-0" compared to 25'-0" in the R-4 District.
- Sides – 5'-0" each compared to 8'-0" and 18'-0" total.
- Rear – 15'-0" compared to 35'-0" in the R-4 District.
- Square footage – average 5,656 sf compared to 6,500 sf in the R-4 District.
- These lots are compatible with what is already being built or is already built across the street. The only difference is that there is a 0'-0" rear yard setback due to the open space directly behind those lots.

13R.4.1 Minimum Lot Area and Maximum Density – These new lots will be less than what was allowed previously. The current plan allows for five (5) additional 3 unit buildings for a total of 15 units. The developer is asking to reduce that to 12 units. All units will be detached from each other.

13R.4.1.5 Maximum Density – Max density cannot exceed 12 dwelling units per acre. The Gross acreage of the entire property is 42.915 acres. There are 118 previously approved units. The original development was approved for 2.75 units per acre. The new density will be 115 units which will lower the density to 2.68 dwelling units per acre. The revised area is 2.130 acres in size.

13R.4.2 Yards – Please see 13R.4 Design Standards above.

13R.4.3 Common Open Space – The developer does not plan to change the open space that was originally approved for this development. The open space will remain at 16.128 acres or 37.6%.

COMPLIANCE WITH THE FAIRFIELD TOWNSHIP VISION PLAN:

The parcel(s) proposed are contained within the area identified as Planned Residential.

STAFF RECOMMENDATION:

Based on the findings of fact & submitted proposal, Staff recommends approval of these proposed changes to the original R-PUD plan with the following conditions:

1. All applicable findings and conditions of case # **FTZC12-5C** shall remain in effect and are required for Final PUD approval.
2. Sidewalks shall be provided for all lots along River Ridge Drive.
3. All new houses shall have the same standard building requirements as the other single family homes in the Block A portion of the development.

ACTION REQUIRED:

In accordance with Section 13.8.1 through 13.8.7, the Fairfield Twp. Zoning Commission shall approve, modify or deny the plan(s) on the basis of; (1) that all requirements have been satisfied, and (2) finding that any specific conditions are fully required.

APPLICANT PRESENTATION

David Oaks, Liberty Fairfield LLC, 8534 Yankee Street, Dayton. Mr. Oaks stated that when the economy took a turn for the worst, they purchased the property from Dixon Builders. Mr. Oaks stated that they are single family builders and they sold the lots to Ryan Homes who has built-out the majority of the subdivision. He stated that he is here tonight to ask the board permission to convert the multi-family units on the south side of River Ridge Drive to single family units. Mr. Oaks pointed out those lots on the map. He stated that are four (4) buildings to the west of the existing three unit building and one (1) unit to the east.

Mr. Bohrofen asked what the rear yard setback will be for this development? Mr. Oaks stated that there will be 15'-0" feet in the rear plus there is a 24'-0" open space area between these lots and the existing lots behind them.

COMMENTS FROM PUBLIC/BOARD

Dennis Davis, 5297 River Ridge Drive, stated that he lives across the street in one of the single family ranch homes. He said he was told that Ryan Homes was going to build ranch homes only, but two story homes are currently being built down the street.

Mr. Berding read into the record a letter from Connie Lienberger. It is attached to the minutes. Ms. Lienberger is not in favor of allowing the change to single family as she was told the same thing by Ryan Homes that the remaining lots would be ranch style homes.

Mr. Oaks stated that he understood the concerns from the neighbors but he does not want to change any requirements for building standards; he simply just wants to change the units from multi-family to single-family which will reduce the density of the subdivision.

Marion Pedota, 5321 River Ridge, stated that they thought they were building in a senior community. She asked Mr. Oaks what the average cost of the houses will be for the new units? Mr. Oaks stated \$250,000. She asked what the aesthetics of the houses will be? Mr. Oaks stated that they will be similar to the other homes in the subdivision. They will have brick/stone in the front and will be either a ranch or two story house. Ms. Padodo asked if the purchasers of these new properties will be informed of the HOA conditions which will be part of Block A? Mr. Oaks stated yes, all purchasers will be told as they are part of the packet for the sale of the house.

Mr. Davis stated that he was concerned about utilities and how they would be configured. Ms. Lapensee explained how they would have to replat the lots into single-family lots and will have to add more utility boxes and water taps in front of the lots. She explained that there are now 5 utility boxes and water/sewer taps in front of each three unit building. They will have to move the boxes so that they are shared between 2 properties and add more taps (one for each house).

Mr. Philpot stated that we can only look at the zoning for this property. They have no authority over HOA regulations.

Mr. Kane Berger, 5345 River Ridge, stated that he purchased his house in October of 2016 and it is a ranch style house. He was also told that the remaining properties would be ranch style in nature.

Mr. Berding asked Ms. Lapensee if the Board was able to regulate ranch style vs two story homes? Ms. Lapensee stated no. The Board only has the ability to regulate density and traffic patterns.

Ms. Goldie Plant, 5353 River Ridge, stated that she has lived in her house for 10 years. She stated that she was told that they would sell to as many seniors as possible. She objects to two story houses being built. She disagrees from an aesthetic point of view.

Mr. Bohrofen asked if there was any loss in value of her home over the last 10 years? Ms. Goldie stated just a bit.

Jessica Doxsey, 5287 River Ridge Drive, stated that she was seeking clarification on what type of model homes they will be building. Mr. Oaks explained that they will be the same ranch and two story homes that are already located in the neighborhood.

Crystal Barger, 5345 River Ridge Drive, stated that she strongly disagrees with two story homes being built in the remaining acreage of the subdivision. She stated that this area was marketed as single story homes. She said she understands that the Township can't regulate aesthetics but she would like to see the lots larger than what the developer has proposed.

Mr. Berding stated that the Board cannot prohibit the developer from building two story homes attached or detached in the township. They can only regulate the density of the development which would be less if they approve this application.

Mr. Davis asked about the utilities again and how they would all work. Ms. Lapensee explained and showed him on a map where the boxes would be located.

Melissa Troup, 5286 River Ridge Drive, stated that he bought her home one year ago. She said she was never told it would be for senior housing. She stated that she understands everyone's thoughts, but she prefers that it just be developed. She said that she is tired of all the junk, trash and debris on the lot and she just would like to see homes built here.

Mr. Berding asked if anyone else would like to speak against or for the application? There was no one so he closed the Public Hearing.

Mr. Berding stated that he wanted to thank everyone for coming tonight and bringing their comments forward for the Board to hear. He thanked everyone for being civil to each other.

Mr. Bohrofen asked if we could increase the setbacks? Ms. Lapensee stated that we could, but then the builders would be forced to build up in height to get the square footage needed to sell the house. He stated that we cannot regulate HOA requirements. Mr. Philpot stated that they would be required to follow the HOA standards already in place for this particular section of the subdivision.

Mr. Davis had questions about square footage and the building pads.

Mrs. Doxsey asked about whether or not each home would be able to build a deck and what the rear yard setback would be in this district? Ms. Lapensee stated that the developer is proposing a 15'-0" foot rear yard setback and our zoning regulations allow a deck to encroach into the setback by a total of 8'-0" feet so there could potentially only be 7'-0" feet from the deck to the rear property line plus the additional 24'-0" feet of open space in between her house and the two houses that would be in her side yard. Her side yard setback is 5 to 8 feet for a total of 36 to 39 feet between the structures (which is more than the 10'-0" feet in side yard setbacks).

Mr. Oaks stated that if they can't get their change in the PUD, then they will be forced to put the property back out onto the market and someone else will come in and build 3 family units. Mrs. Roxie asked why can't they just build nothing on this property? Mr. Oaks stated that 19 lots have

been available for 5 years and only 2 lots have sold. All other lots in the subdivision have been built out over the last 5 years.

Melissa Troup asked if the remaining property could be sold to the other homeowners? Mr. Oaks stated that he would put together a price and what he would make and let them know.

DELIBERATION

Mr. Greg Philpot made a motion to approve the change to the Final PUD plan with the following conditions:

1. All applicable findings and conditions of case # **FTZC12-5C** shall remain in effect and are required for Final PUD approval.
2. Sidewalks shall be provided for all lots along River Ridge Drive.
3. All new houses shall have the same standard building requirements as the other single family homes in the Block A portion of the development.

Mr. Michael Berding seconded the motion.

ROLL CALL:

Robert Wilking	Absent
Michael Berding	Yes
Peter Bohrofen	No
Cheryl Leadbetter	Absent
Mark Staudigel	Absent
Greg Philpot	Yes
Jason Austerman	Yes

PUBLIC COMMENTS

No comments.

Adjourn:

Motion to adjourn by Mr. Bohrofen second by Mr. Austerman.

All in favor, Aye.

Meeting adjourned at 8:41 P.M.

Michael Berding, Chairperson

Kimberly Lapensee, Secretary to the Board