

**MINUTES OF A REGULAR VOTING MEETING OF THE**

**FAIRFIELD PLANNING COMMISSION**

**April 22, 2009**

Jerry Dailey, Chairman, called the Regular Voting Meeting of the Fairfield Planning Commission to order.

Members present: Jerry Dailey, Jeff Holtegel, Deborah Rhees, Diana Bailey, Scott Lepsky, Terry Senger and Don Hassler.

**MINUTES OF THE PREVIOUS MEETING:**

The minutes of the previous meeting, held April 8, 2009, were approved as submitted.

**NEW BUSINESS:**

**Subdivision Plat Approval – Seward Pointe Subdivision, Block "B"**

Tim Bachman explained the plat shows one lot containing over 30 acres with .4685 of an acre being dedicated as roadway right of way. It is zoned M-2 and is located along Seward Road, north of Symmes Road. The Takumi site was carved out of this piece and this is the balance of the farm. Seward Road is being upgraded and as a part of this upgrade, right of way was needed in front of this property. The City is extending a sanitary sewer north in exchange for the right of way.

Deborah Rhees, seconded by Jeff Holtegel, made a motion to approve the Seward Pointe, Block "B" subdivision plat for Bunnell Hill consisting of 30.1059 acres of which .4685 acre is being dedicated as right of way. The property is zoned M-2.

Motion carried 7 – 0.

**Design Review Committee Item – T-Mobile Wireless Solutions – 5174 Pleasant Avenue**

The minutes of the Design Review Committee meeting were contained in the Commissioner's packets. T-Mobile will be locating in the strip center next to Snap Fitness and Little Caesars on Pleasant Avenue. There was discussion about two elements of the sign. The first was color which the Committee felt was too bright and recommended that it be changed to a red/burgundy (Pantone 220) color. Also, the owner of the center was to submit a letter recognizing the amount of signage T-Mobile was proposing which only left 25 s.f. of signage for the last tenant.

Mr. Bryan Blankenship of Bryte Signs, submitted a letter to the Commission from the owner of the strip center acknowledging the remaining signage after T-Mobile installs theirs. He also submitted a letter from T-Mobile's attorney stating they are not happy with the recommended color change and ask that the colors remain as submitted. Mr. Blankenship said those depicted are the corporate colors. Mitch Rhodus told the Commission that the Design Review Committee did feel that the Rhodamine Red was too bright and suggested they use it as just an accent color. There have been instances where corporate colors were submitted and changed to meet the D-1 criteria (Captain D's was used as an example) and there have been other times where corporate colors were approved.

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Deborah Rhees mentioned how the signage and building colors for Taco Bell were changed through the Design Review Committee process.

Mr. Blankenship was instructed to have T-Mobile submit different colors they would be comfortable with for consideration by the Planning Commission.

Jeff Holtegel, seconded by Don Hassler, made a motion to table this item until the additional colors are submitted.

Motion carried 7 – 0.

### Concept and Final Development Plan – Pleasant Meadows Planned Unit Development

Tim Bachman reviewed a list of questions that were submitted and responded to by the applicant. (Memo to the Planning Commission dated April 22, 2009 made a part of these minutes.) Jeff Holtegel asked if there was a representative from the County MRDD and was told there was not. Mr. Maynard, explained that his firm, Empowering People, is the applicant for this process. They work in conjunction with the county. The superintendent of the county board has offered her support to this process. The County MRDD does offer support services such as investigating incidences if someone is in the hospital, Q.A., etc. The Ohio Department of MRDD is the direct oversight agency. Empowering People was awarded the rights to this operation through an RFP put out by the Ohio Department of MRDD. Empowering People is responsible for arranging the land purchase for the new group homes, not the State or County.

Deborah Rhees asked how the individuals are selected for placement in the group homes. Mr. Maynard replied there is an assessment process where they are approved to live in this environment. Daily programs are provided for the individuals such as dressing, bathing, money skills, etc. The operating agency for the homes is responsible for locating individuals for their facility. This can occur through contact with family members, MRDD referrals, other agency referrals, etc.

Jerry Dailey stated Empowering People become the official Licensee on July 1, 2008. He asked if that was for the facility being applied for this evening. Mr. Maynard explained that was for the facility on Kolb Drive. Beds will be taken from the Kolb Drive facility and located in the group homes. There are 102 beds on Kolb Drive and when 16 are relocated to the group homes, the Kolb Drive facility will have 86. The overall number of people served will not increase. Empowering People is licensed for 102 individuals. If approved, this facility will be licensed for 16 and the Takota Trails facility reduced to 86. Mr. Hassler asked why individuals are being moved and Mr. Maynard stated it was mandated by the Ohio Department of MRDD. Individuals also do better in a private setting. The Kolb Drive facility was built in 1982. This is a requirement as part of the process that the Kolb Drive facility be downsized (mandated by ODMRDD). The facility is over 90% occupied.

Scott Lepsky asked for clarification regarding questions 4. If 16 beds are moved from Takota Trails, and the new number of residents set at 86, how does that work with regards to the article published December 22, 2007 where MRDD Director Christina Herr stated that half of the beds at Takota

Trails would be relocated to 8 unit group homes after a new agency takes over the center. Mr. Maynard stated they will be moving 16 individuals into the group homes which are the only anticipated ones in Butler County. The occupancy at Takota Trails will also further be decreased as they move into further steps. Mr. Lepsky stated there will still be around 30 residents that will need to be placed into the 8 unit group homes according to MRDD. Mr. Lepsky also had an article from December 21, 2007 which detailed a federal suit filed against the Fairfield Center with bullet point #4 stating appoint an entity to operate the Fairfield Center and downsize with eventual closure. Mr. Maynard stated they are looking at other locations to achieve the downsizing but this discussion is for the 16 beds being proposed. Mr. Maynard said he believes the lawsuit had been thrown out of court but possibly is going through an appeal process. It was Mr. Lepsky's belief that the case had been upheld by the 6<sup>th</sup> District Appellant Court. Mr. Maynard stated the agreement for the Takota Trails facility is that it will be downsized, not closed, and they are licensed for 102 individuals in this area. The end result for the Takota Trails facility is targeted to serve 54 individuals.

Mr. Hassler asked if the Pleasant Avenue site could be expanded for additional homes if it is approved. Mr. Maynard replied MRDD recommends 16 beds for any off site location and does not see any more than 16 beds coming near this property. Tim Bachman explained that through the P.U.D. process, the number of beds and type of clientele can be stipulated. Any change to conditions of approval has to go back before City Council and the Planning Commission.

Staffing of the buildings was discussed. Mr. Maynard stated staffing is based on the individuals needs but for both buildings, there would be 2 – 4 staff members 24 hours a day unless all of the residents are out for training, at work, etc. Staff members are trained but nurses, social workers, etc., are licensed with the State of Ohio. Mr. Lepsky asked in the licensed agents are part of the 2 – 4 staff members on site or supportive staff. Mr. Maynard replied they will assist staff. Mr. Maynard envisions each home having a home manager which who oversees the operation of the home and a qualified mental retardation professional on site.

Tim Bachman asked about the supervision of the homes and Mr. Maynard stated that in the intermediate care facilities, the individuals would not be capable of going out unassisted. Mr. Holtegel asked about family visitation and Mr. Maynard replied the homes will be open 24/7 for family visitation. Mr. Holtegel asked about security and Mr. Maynard stated the homes would have locks and alarms.

Site issues were discussed. Tim Bachman stated he hoped that the buildings could be shifted to move them further away from the residential but when he placed topo on the site plan, the land drops to quickly to move the buildings unless they had a walk out lower level. Mr. Roger Nash, Architect, stated that the buildings proposed are single story. With ADA compliance, single story buildings work the best. Mr. Nash handed out a site plan that had topography on it that he obtained from the City's G.I.S. layer. Mr. Bachman asked if they tried any other layouts and Mr. Nash said they had, they didn't want to get the buildings to close however. There is the possibility of rotating a building to try to get it a little further from the northwest corner of the site.

Deborah Rhees brought up the proposed curb cut onto Pleasant Avenue. She asked about the possibility of accessing Ambassador Dr. Mr. Nash said it was his understanding that Ambassador is

a private drive so easements would have to be obtained. Tim Bachman stated that Ambassador Drive is actually in a platted easement that was done in 1986. It is a public easement and the road was suppose to be dedicated to the City which did not occur due to the developer going bankrupt and the property going through foreclosure. The City is looking at finishing the street and accepting it. Staff recommendation would be to use Ambassador Drive. Jerry Dailey asked if Ambassador Drive would be impacted if Pleasant Avenue is widened. Tim Bachman replied Pleasant Avenue has a right of way of 100'. Staff will have to research the distance from Pleasant to Ambassador.

A landscape plan has not been submitted but one will be reviewed in detail if this project is approved. Landscaping should make sense as far as screening the different adjacent properties. Tim also asked about site lighting. Concern is with lighting going off this site onto adjacent properties. Mr. Nash stated they would use residential type of lighting. The long driveway will have to be lit with possibly 6' tall posts and coach light fixture. They are not as easy to control though as shoebox fixtures. Jeff Holtegel stated they would probably have to submit a foot candle plan.

Tim Bachman stated the Commission also has to compare this proposal with Fairfield's Land Use Plan. The property is currently zoned C-1 which is a pretty restrictive zone. C-1 areas are supposed to service neighborhoods and be a buffer to stronger commercial. The Lane Use Plan was approved in 2005 and calls for this property to remain C-1. The Land Use Plan states "Neighborhood Commercial is designed to provide for the shopping needs of nearby residents. These are small in scale and should be limited to uses that similarly are small in scale. Most of the uses acceptable in this land use are permitted in the C-1 Zoning District. Traffic generation and conflicts with surrounding residential areas must be kept to a minimum." Goal number 3 of the Lane Use Plan states "Have a land use pattern that eliminates the close proximity of incompatible uses."

Regarding the economic impact of the project, Tim Bachman reviewed a breakdown of the surrounding businesses and their price per acre based on assessed value through the Auditor's office (attached and made a part of these minutes). Tim asked if the property would be tax exempt and was informed that it would not be. Mr. Nash also informed the Commission that the construction cost for both buildings would be approximately \$900,000.

Mr. Tom Teppe, attorney for the applicant, stated the land will be owned by a for profit company so real estate taxes will be paid. It is up to the Auditor to determine the value of the buildings on which the property tax will be based. Also, residential is a permitted use in the C-1 zone so a single family home could be constructed there which would pay far less property tax than other uses.

Lastly, in order to meet the 45 day requirement for a recommendation back to City Council, either a decision is needed this evening or a special meeting called.

Ray McDaniel, 249 Palm Springs Drive, told the Commission he has a daughter that resides in a group home. There is constant care by 2 – 4 staff members and the residents cannot leave the property without supervision.

Linda Hamner-Hellman, 3 Suffolk Court, stated her sister is a resident of Takota Trails and has been since 1983. There is a lot of misunderstanding regarding the residents of facilities such as Takota Trails. She is a teacher and has worked with multiple handicapped children. Laws are in place now so that every child is afforded an education. Many of these children will end up in facilities such as Takota Trails. The public needs to understand that these are people who deserve to have a quality life and work at a potential that they are able to handle. These people are not mentally ill; many are are profoundly retarded. These people need to be treated with respect and understood.

Mr. Hassler stated that the Commission is only considering whether this is the correct site for this facility. The Commission has compassion for the residents, children and adults, at Takota Trails. Mr. Maynard clarified it is not their intent to have children at this facility. Normally, residents are over the age of 18.

Millie Owens, 1612 Oak Valley Court, expressed concern for the residents of the facility with the steep grades and the neighborhood children entering the group home property. Something other than landscaping is needed – a fence or a wall.

Doug Connelly, 18 Carousel Circle, felt there is a better place to put these buildings other than this site. More research should be done for a better property. He has worked with MRDD people and this is not about the residents but the location of the project.

Donna Abraham, 33 Carousel Circle, questioned what the accreditation would be for these homes. Also, would the balance of this property be rezoned? Mr. Maynard stated the homes would be licensed through the Department of MRDD and certified through the Department of Health. Each group provides a yearly survey of these facilities. Tim Bachman added the balance of the property will remain C-1.

Peggy Potts, 5292 Frieda Drive, has a brother and two sisters at Takota Trails. Since last weeks meeting, she found out there is a group home on Happy Valley Drive. Ms. Potts visited the home and spoke with the gentlemen residing in the home. Two doors down is Fairfield Education which is a pre-school. The woman at Fairfield Education stated she has not had any problems with the residents of the group home. The next door neighbor of the group home has never had any problem with the home. The residents of this proposed facility will not pose any threat to the Goddard School.

Tim Bachman explained the fencing proposed for the two homes. The site plan shows an enclosed recreation area for both buildings. Mr. Nash stated the enclosed area captures all exits with the exception of the front door. Mr. Nash also said that appropriate sites for these homes are not that easy to find. They generally do better as a transitional use between residential and commercial. Jerry Dailey asked about the land being owned by a different entity and Mr. Maynard stated it was part of the RFP that the land be purchased and then leased to Empowering People. Jerry asked if the lessee and lessor are part of the same corporation and Mr. Maynard replied they are not. The landlord will be Fairfield Realty LLC.

Bill Roth, 1622 Oak Valley Drive, felt the location is not appropriate for the group homes. He asked if there was a standard size for the group homes in Fairfield. Tim Bachman explained the definitions of group and family homes per Fairfield's ordinances. One permits 6 residents and under and the other allows 6 to 12 residents. There have been changes to the Ohio Revised Code though that allow a 6 unit or lower to circumvent local zoning. There are several group homes in the community that are permitted under State Law. Mr. Roth expressed his concern with the high power overhead lines, ravines, etc. that are in close proximity to this site. Mr. Roth visited Takota Trails and stated there is room to build these homes on that property. Several police calls have been made to Takota Trails, formally Fairfield Center, ranging from vandalism, assault to homicide. Group homes like this are needed but he did not feel this is an appropriate location.

Lynn Whitaker, 1780 Calumet Way, stated she is the Director of Nursing at Takota Trails. There are wonderful people that live there. She worked at a larger facility where they tried to get the residents out into the community and were thrown a lot of road blocks from people not knowing what to expect when a group home moves into a community. The residents will be supervised.

Josh Morris, 11939 Black Hawk Circle, stated he is the administrator for the workshop they attend. His mother worked with these individuals when he was in grade school. He has been with MRDD people all of his life. It would be the American dream for these individuals to have a facility like this in which to stay.

The Commissioners expressed their concerns which included, safety issues accessing Pleasant Ave., lighting plan, landscape plan, no change in future use regarding clientele being served, and upholding the Land Use Plan.

John Clemmons stated staff will need to check the connectability of Ambassador Drive and stated this should be worked through before making it a condition of approval for the Pleasant Meadows P.U.D. Due to time restrictions and the resolution of Ambassador Drive, Mr. Clemmons suggested a special meeting be held on May 6<sup>th</sup>.

Jeff Holtegel, seconded by Terry Senger, made a motion to have this item at a Special Voting Meeting on May 6, 2009 at 7:00 p.m. Motion carried 7 – 0.

Jeff Holtegel, seconded by Diana Bailey, made a motion to table this item. Motion carried 7 – 0.

#### Replat – Lot 13408 – Stockton Station

Don Hassler, seconded by Terry Senger, made a motion to add this item to the agenda. Motion carried 7 – 0.

Tim Bachman explained this lot has an easement on the west side which is 10' wide. The adjacent lot also has a 10' wide easement; when combined, they form a 20' wide 100 year drainage route easement. This lot has been sold and the builder is asking that 2' be taken off the 10' easement, reducing it to 8'. A minimum opening elevation has also been established on this lot so if a lot of water runs through the easement, the lowest opening should be high enough that water could not  
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enter the home. Tim also stated there is a 24" storm pipe that is located in this easement. Mr.

Bachman spoke with our Public Works Department and they were okay with reducing the easement to 8' on the one side.

Jeff Holtegel, seconded by Scott Lepsky, made a motion to approve the replat of new lot 13054 in Stockton Station reducing the 10' easement on the west side of the lot to 8' as depicted on the drawing submitted.

Motion carried 7 – 0.

### Comprehensive Plan

Tim Bachman stated he is hoping to present the revised Comprehensive Plan to City Council in June. Three sections are being presented to the Planning Commission this evening for review. Erin Donovan explained the Comprehensive Plan is a long range planning tool for the City's use. Ms. Donovan started with the Utilities section and said Fairfield provides most of the city's utilities. The water and wastewater plants do not have any major improvements planned. In fact, the wastewater plant operates under capacity. Maintenance of the actual sewer lines will continue.

Regarding the Schools section, Ms. Donovan explained that the City is ranked 458 out of 612 school districts state-wide and will only receive 25% in state funding for the total cost of construction of new facilities.

Sustainability was not a chapter in any of the City's previous Comprehensive Plans. This chapter was presented to the Parks and Recreation Board and they passed a Resolution of support. This chapter basically addresses environmental factors such as air quality, health and safety issues, energy conservation, green buildings and recycling.

Tim Bachman added that Neyer is the leader in LEEDs buildings. Their Keystone building is realizing 40% savings through efficiencies.

Ms. Donovan asked the Commissioners to review the three chapters submitted and get back with her pertaining to any changes or corrections.

Being no further business, Don Hassler, seconded by Jeff Holtegel, made a motion to adjourn. Motion carried 7 – 0.

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Jerry L. Dailey, Chairman

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Peggy Flaig, Clerk