

**MINUTES OF A REGULAR VOTING MEETING OF THE**  
**FAIRFIELD PLANNING COMMISSION**  
**FEBRUARY 27, 2019**

Scott Lepsky called the Regular Meeting of the Fairfield Planning Commission to order. Members present: Scott Lepsky, Dean Langevin, Bill Woeste, and Dale Paullus. Motion to excuse Don Hassler, Terry Senger, and Brian Begley carried unanimously.

**MINUTES OF THE PREVIOUS MEETING**

The minutes of the previous meeting, held February 13, 2019 were approved unanimously.

**OLD BUSINESS**

**NEW BUSINESS**

**Conditional Use – Type A Home Daycare – 5502 Chesapeake Way**

The applicant is requesting conditional use approval to operate a Type A home daycare out of her residence at 5502 Chesapeake Way. The home is located in a single family neighborhood, surrounded by other residences. The back yard of the home has a privacy fence around the perimeter. The applicant is already operating a Type B day care from this location. Erin Lynn, Planning Manager, discussed the differences as defined in the Ohio Revised Code between Type A and Type B daycares. Type B permits 1-6 children with one staff member. A state license is not required unless they are receiving public funding and conditional use approval is not required per the State of Ohio. Type A permits 7-12 children with a minimum of two staff members. A state license is required, along with conditional use approval. Type A daycares are well regulated by the state in many areas, such as curriculum, meals, health and safety, square footage, and the inside of the home. The state defers inspections of the home to the local Building and Zoning and Fire Departments. The house floor plan was discussed. The applicant intends to use part of the main floor as well as some of the lower level for childcare purposes. Mr. Woeste asked how many kids she planned on watching, because the application says 16, but Type A daycares only permit 12. Ms. Lynn replied that it is a good question for the applicant.

Reverend Bruce Ford, a representative for the applicant was in attendance. Coumba Diouwara, applicant, was in attendance and spoke. She is from West Africa and has been in Fairfield for 10 years. She has been operating a Type B daycare from her home for the last 4-5 years. Her husband, who is retired, assists with the childcare. She has two children of her own that live in the home, ages 9 and 14. She said the state allows Type B daycares to have a total of 6 kids per

shift and permits two shifts per day. She currently watches a total of 10 children in two shifts; 6 kids from 6 a.m. to 3 p.m., and 4 kids from 3 p.m. to 9 p.m. On Saturdays she watches 6 children. The children range in age from 7 months to 3 years old during the week, and four school age children and two toddlers on the weekend. Because the Type A daycare allows a total of 12 children at one time, she plans to have just one shift from 6 a.m. to 6 p.m. She decided to pursue the Type A daycare at the request of Butler County, because of her qualifications and there is a need in the community. She would also like to watch her grandchildren, but can't because she would exceed the limit of children she is currently able to care for. Mr. Woeste stated that though she only intends to have one shift of 12 children, she would be permitted to have 2 or more shifts of 12 at any given time. He said he has to consider what she would be able to do, not just what she says she is going to do.

John Horan, 5501 Chesapeake Way, was in attendance. He stated that in general, the items he was concerned about were covered and the questions he had have been answered, particularly the hours of operation, unless something came up at a later date. He was concerned that if she were approved for the Type A, there would be no going back. Mr. Lepsky said a conditional use approval would allow additional shifts, even if she says she plans to have only one. Mr. Woeste pointed out that if she moved, the next person could potentially do the same thing. He said he has to consider the whole picture.

Ann Rita Horan, 5501 Chesapeake Way, was in attendance. She said she is not fond of the idea of the continuance of the daycare use if the applicant moved. She also wants to be assured that the children will only be out in the fenced in area and inside the home and that they wouldn't be playing in the front yard. Ms. Lynn stated that the state regulations require the children to be in a fenced in area. Reverend Ford told the Commission that the daycare licenses are not transferable. Unlike most conditional use approvals that run with the land, this type of use would be different because anyone who wants to operate one would have to start from ground zero. It is possible, but not plausible, that the next person who moves into the home would also have this type of daycare. The reason the Commission has not likely had many of these applications submitted is because the regulations in Ohio have changed in the past 18 months, requiring Type A daycares to be approved at the local level.

Ms. Diouwara addressed the Commission. She stated that the neighbors have known about her daycare for 5 years. The kids are kept inside and in the back yard and are frequently taken offsite to the park or library. She has a private back yard and she respects her neighbors. There are no issues with traffic, because her husband picks up all but two of the children who attend the daycare. Mr. Langevin stated that he thinks that the neighborhood will be overburdened. Mr. Woeste said he drives on the street all the time, and he doesn't think the property is big enough

for this type of use. Mr. Langevin said he is not concerned with the size of the home; he is concerned with the number of children. Mr. Langevin said 6 children at one time is ok, but 12 could be a problem. Mr. Lepsky stated that there may be a need for this type of facility, but approving this one here would set precedent and he is concerned about the number of children. There was discussion and clarification of the term “center” in relation to daycare operations. A center refers to 13 children or more in a shift.

Scott Lepsky, seconded by Dean Langevin, motioned to deny the conditional use application. Motion carried 4-0.

#### Dedication Plat – Right of Way Dedication – Portions of Gray Road and River Road

A roundabout is planned for the intersection of Gray Rd. and River Rd. for Marsh Park and for a bike path. The roundabout is intended to slow traffic in this area. In order to facilitate this project, portions of both Gray Rd. and River Rd. need to be dedicated to the City. The City owns all of the property that is being dedicated.

Scott Lepsky, seconded by Bill Woeste, motioned to approve the dedication plat. Motion carried 4-0.

#### **REPORTS/STUDIES/GENERAL DISCUSSION**

Dale Paullus reported the golf course clubhouse remodel is slated to be done by March 1. The dog park is behind schedule due to the weather, but there has been work done the last couple days this week. The Parks staff is putting together a learning center at Huffman Park. The two properties on River Rd. adjacent to Marsh Park are now City owned.

Bill Woeste reported that a new police office was sworn in at the last meeting. Tom Urban, CEO of Mercy Hospital will be retiring at the end of the month. The Fischer Group is adding 100 new jobs in the near future.

Motion to adjourn carried unanimously.