

MINUTES OF A REGULAR VOTING MEETING OF THE

FAIRFIELD PLANNING COMMISSION

December 9, 2009

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

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

Deborah Rhees, seconded by Jeff Holtegel, made a motion to excuse Dan Murray. Motion carried 6 - 0. (Mr. Murray arrived shortly after roll call.)

MINUTES OF THE PREVIOUS MEETING:

The minutes of the previous meeting, held November 11, 2009, were approved as submitted.

NEW BUSINESS:

Design Review Committee Item – New LED Gas Panel Sign – Marathon – 5040 River Road

Tim Bachman explained that due to the location of this business, approval from Design Review, Planning Commission and the Board of Zoning Appeals was needed for this sign. The lower panel will be removed and replaced with a new LED gas panel sign. The applicant stated that the sign structure itself would not be modified.

Scott Lepsky, seconded by Jeff Holtegel, made a motion to approve the new LED gas panel sign for Marathon at 5040 River Road as submitted. Mr. Bachman reminded the applicants that the paper signs they removed from all of the windows were not permitted. The applicants agreed to leave them down.

Motion carried 7 – 0.

Conditional Use Application – Plumbing Business – 5990 Winton Road

Tim Bachman stated the applicant wishes to locate his business in the former drive thru on Winton Road, north of Mack Road. Slides were shown of the building and areas were pointed out where repairs are needed. Mr. Kevin Schneider, applicant, stated he is a resident of Fairfield and part owner of a small, family owned plumbing business which employs three people. If approved, they will purchase this property and move their office and day to day operation to this location. Their hours would be 8:00 a.m. until 6:00 p.m., Monday thru Saturday. They will offer plumbing fixtures and parts for customers that can do their own installation/repair or they also offer service repairs for those who cannot. Their two service trucks, a ½ ton pick up truck and a 1 ton work van, can be stored inside. Mr. Bachman stated this property abuts a day care and residential so nothing should be stored outside.

Jeff Holtegel asked if parking would be sufficient for a small retail business. Mr. Bachman replied the site was designed for a drive thru. Employees could possibly park in the back leaving 1 or 2 spaces in front for the retail sales. When the building was constructed, the City approved a joint curb cut for this piece and the property to the south. No further curb cuts should be granted.

Deborah Rhees asked if Mr. Schneider intended to use the existing building signage. He replied they hadn't looked into signage yet. The existing signs might work or they may want to construct a new sign closer to Winton Road.

Jeff Holtegel, seconded by Don Hassler, made a motion to approve the Conditional Use for a plumbing business at 5990 Winton Road with the understanding that the common curb cut on Winton Road will remain as before (no other curb cuts will be permitted) and there will be no outside storage of any kind.

Motion carried 7 – 0.

Application for Concept P.U.D. Approval – Patterson Place – Patterson Drive

Tim Bachman stated the application is for redevelopment of property on Patterson Drive. Approval would be in concept only and a list of possible conditions were put at the Commissioners places for consideration. The use designated for the multi-story building as affordable senior housing has been questioned since Monday nights Public Hearing. Jeff Chamot, Neyer Properties, stated Neyer's plan is to move forward with an application for tax credits from the State of Ohio. The building will be constructed in phases with the left half and common area (center) being built first. It will be three stories with a total of 120 units. The total cost will be \$18million; the patio homes will be in addition to that. The tax credit program is through the State of Ohio Housing Finance Agency. This agency is who Neyer will apply to for the tax credits and work with. It is part of their mission to provide decent, affordable housing for seniors. The building will be for seniors only, age 55 and up. A restrictive covenant (mandated by the State of Ohio Housing Finance Agency) will also be recorded against the property requiring senior residency should Neyer be awarded the tax credits. Mr. Chamot explained that Neyer will apply for the tax credits, the Ohio Housing Finance Agency would provide a certain amount of tax credits and Neyer would take those tax credits out to the market and sell them to an investor. The investor applies the credits against their income and the money they put into the project becomes the equity in the project. The reason the State does this is in return, the rent levels are restricted to a maximum amount and the income level of the people living there is also restricted. The State requires a minimum of 20% of the project will be occupied by people who have income levels at or below 50% of the average moderate income level for Butler County (around \$25,000). The maximum rent levels will be approximately \$650 for a one bedroom and \$775 for a two bedroom. Water and cable will be included in the rent.

Jeff Holtegel asked if there would be provisions to prohibit a unit from being rented to a person who would have several others living with them. John Clemmons stated the federal government prohibits discrimination against families in housing except if the project is classified as a senior project. Families or people who have children cannot be discriminated against in renting unless the facility is

for senior citizens only (55 and older). The senior aspect should also be made a condition of the P.U.D. if approved. There could be exceptions to this if a senior has a younger spouse but a younger child should not be permitted to reside there. Tim Bachman added this is an independent facility so there should be no care givers either. Mr. Chamot said they have not pursued financing on the patio homes yet so the State's "seniors only" mandate might not be in place. Neyer however still intends the patio homes be for seniors only. Tim Bachman told the Commission that his office has received many calls from existing Fairfield residents who are interested in this project. It may not be beneficial to limit the income for the patio home phase. There are design recommendations proposed for the patio homes that would market them to the senior lifestyle (ranch style homes only, homeowners association, etc). If Neyer partners with St. Mary's for the patio home portion, the project will probably be publicly financed and the age restriction will be tied to the financing. This can be addressed when Final P.U.D. application is filed. Neyer has been contacted by several developers who are interested in building the patio homes due to market interest. Mr. Holtegel expressed his concern that the patio homes would also be for low income individuals. Mr. Hassler added there is public skepticism that this project is subsidized and will be similar to Section 8 housing. Tim Bachman replied the public needs to be educated that this is senior housing, it is not Section 8 or a Butler County Housing Authority project. Jeff Holtegel stated he would like to see a higher end project and Mr. Bachman replied another developer had looked at the site for a senior project. They were concerned with adjacent properties to the north and south and felt residents paying full market price did not want to see Heritage Glen or the water plant. Mr. Holtegel was concerned that the property would deteriorate because of the perception of being low income or subsidized. Mr. Chamot stated the income restriction does not take into consideration a persons assets. A market study was conducted and it showed this facility will serve a lot of existing Fairfield residents; there is a need for this type housing. St. Mary's has several of the projects and will ultimately end up owning this facility. Neyer still owns the retail center and doesn't want to do anything that might damage its market value.

Tim Bachman informed the Commissioners that the State's application for the tax credits is due in March. Although development details will be addressed during the Final P.U.D. review, the "use" issue needs to be resolved now.

A slide of the proposed elevation was shown to the Commission. Mr. Bachman stated the final design will be addressed during the Final P.U.D. submission. In the proposed conditions of approval, bump out balconies that are visible from three sides are to be discouraged. Staff would like to see affordable housing offered without looking too affordable.

Deborah Rhees asked about St. Mary's long term commitment to this project and Mr. Chamot stated there is a 15 year compliance period as part of the tax credit. At the end of the 15 years, St. Mary's would be able to purchase the property for the remaining debt. Ms. Rhees was concerned about St. Mary's long term commitment when the property starts needing capital improvements put back into it. Mr. Chamot replied the Ohio Housing Finance Agency is very strict in the operating and capital improvement reserves that are set up at the beginning of the project and funded through the 15 year period.

Jeff Holtegel questioned the financing and Mr. Chamot stated Neyer's roll will be developing the property, construction management of the project and selling the land to the investor that purchases the tax credits. St. Mary's would then be the managing entity once the building is finished. For phase one, six to seven million dollars will be purchased in tax credit equity. Additional grants can be applied for that would cover one to one and one half million dollars of project cost. The balance left to actually finance would be roughly a million dollars. Scott Lepsky asked if St. Mary's had other projects containing both the multi-story building and detached housing. Mr. Chamot replied they do but he was not sure if they still owned or managed the detached housing.

Deborah Rhees, seconded by Terry Senger, made a motion to approve the application for Concept P.U.D. for Patterson Place submitted by Neyer Properties with the stipulation that the proposed conditions of approval drafted by Tim Bachman, dated December 9, 2009 be made part of the approval.

John Clemmons cautioned the Commission that providing this type of housing is a public policy of the State and Federal Government. The Commission needs to be careful thinking of just the end occupants of this project. If denied, it has to be based on density or another zoning issue. Mr. Lepsky replied that design has not really been considered since this is just a Concept application. The 20 Year Plan that was recently passed, called out the need for and development of affordable senior housing. The Commission is trying to move forward cautiously since this is a prime piece of downtown real estate. Mr. Holtegel brought up a similar application for senior housing on Woodridge Boulevard that the Commission turned down. Mr. Bachman pointed out that the Woodridge P.U.D. had already reached maximum density and the proposal was to add approximately 100 additional units. This project though, will be the first new building in the redevelopment of the Patterson area and could impact future improvements planned for Neyer's retail center on Patterson.

Motion carried 6 – 1; Don Hassler dissenting. Later in the meeting, Mr. Hassler stated he could not support this project due to the density being so high and the affordable senior housing should be a two story building, not three.

Conditional Use Grant Extension – Metropolis Teen Club – 125 Cincinnati Mills Drive

Tim Bachman stated this application is renewed yearly by the Commission. There was an incident recently regarding a private party which the applicant has addressed in his letter to the Commission. Mr. Mike Strait, applicant, said they are seeking renewal for the Sunday evening teen nights at Metropolis. Teen nights will be held on Sundays preceding a non-school day (through the summer, winter/spring breaks and Monday holidays). There have been 18 – 20 teen nights per year with only a few minor incidents. These incidents were handled by staff and the off-duty officers. Metropolis employs 25 – 45 persons depending on the time of year.

Mr. Strait stated that Sgt. Sprague compiles a yearly report of calls to Metropolis. From December 2008 until now, there were 19 teen nights with slightly under 16,000 customers and 7 incidents. This number is down from December 2007 thru November 2008 where they had 12,500 customers and 11 incidents. On Tuesday, November 24, 2009, Metropolis was closed for a private family birthday party. There was suppose to be approximately 80 people, adults and kids. On a teen night, adults are Planning Commission Meeting Minutes

not permitted into the club unless escorted by a staff member. The woman who booked the party wanted to be sure the presence of adults would not be an issue. Someone sent a text message to the different schools stating there was a free teen night at Metropolis. Mr. Strait called the Fairfield police and asked for road units when the teens started arriving for the "free event".

Metropolis has had approximately 125 private parties during the past five years. After the incident on November 24th, the policy for booking private parties has been revised. Private parties will only be held in a portion of the nightclub during normal business evenings (Thursday, Friday and Saturday) with a minimum age limit of 18. If someone would want to book a private party on Monday, Tuesday or Wednesday, they could do so provided all patrons are 21 and older.

Deborah Rhees stated she was impressed by the way Metropolis has handled the City's concerns with the teen night. The yearly renewal is beneficial in that it keeps an open line of communication between the club owners and the City. Mr. Dailey expressed his concern that there could be another incident like what happened on November 24th. Tim Bachman reported the Police Department's position is that Metropolis was not at fault with the events of November 24th and are in favor of renewing the Conditional Use Permit for another year. The policy changes Metropolis is making regarding private parties does not impact the Teen Night.

Deborah Rhees, seconded by Don Hassler, made a motion to renew the Teen Night Conditional Use Permit for Metropolis at 125 Cincinnati Mills Drive for another year. The original conditions of approval still apply.

Motion carried 7 – 0.

Conditional Use Grant Modifications – El Habanera, 6435 Dixie Highway

Tim Bachman stated that George Jones, the new manager of the facility, is requesting the hours be extended from 11:00 p.m. until 2:30 a.m. The Police Department has requested this Conditional Use not be extended. There have been problems between the Police and El Habanera. The Police have been there on three occasions and there were problems. The Police Department is of the opinion that the manager of El Habanera is not going to abide by the conditions placed on the approval of the grant. Mr. Jones is new to the operation and there has been miscommunication regarding the change in management.

Mr. George Jones stated he did not have full understanding of what they were allowed to do. Each time the police officer asked that stop something, they did. He met with Tim Bachman to discuss what they were permitted to do under the state liquor license and under the conditions of the Conditional Use Grant. El Habanera is an ethnic restaurant and they are going to also offer American food. There is a Latino organization that gives salsa lessons and has dances. The problem has been with the hours. The first time the officers came, there was a private party going on. They were told that they needed to apply to have the hours extended. The restaurant will not change and private parties will still be booked. Each time the officers stopped was for a different issue and Mr. Jones complied.

Terry Senger expressed concern with extending the hours until 2:30 a.m. Tim Bachman replied the liquor license terminates at 2:30. Previously, the Commission has allowed the entertainment aspect to last until 2:00 a.m. The Conditional Use Grant for entertainment at El Habanera is approved until 11:00 p.m. Patrons can stay after 11:00 but the entertainment aspect needs to stop at 11:00.

Tim Bachman also brought up the issue of the cars for sale in the parking lot. He informed Mr. Jones they need to be removed. This also should be a condition of approval.

Jeff Holtegel, seconded by Deborah Rhees, made a motion to approve the Conditional Use Grant Modification for El Habanera with the following conditions:

1. Hours will be extended from 11:00 p.m. to 2:00 a.m. for entertainment.
2. The cars for sale in the parking lot will be removed.
3. The Grant expires September 21, 2010 unless applicant applies and receives a renewal.

Motion carried 7 – 0.

Fischer Homes Elevation Clarification – The Randolph Tudor = 6069 Edmorr

Mr. Bachman explained there is a design element on some of the Fischer Homes that needs to be clarified. The plans call for wavy siding which staff thought would be hardi-plank. Cedar siding was installed. Mr. Giles Patterson of Fischer Homes has told us they cannot get hardi-plank in the wavy siding. There are several plans that have areas on the façade designated as wavy siding. Mr. Patterson thought the cedar siding was approved when the Commission approved the elevations.

Mr. Bert Huffer, 5973 Emerald Lake Drive, stated that Ryan Homes told their customers the front façade of all the homes would be brick or stone. There might be a small amount of siding visible from the front of the homes but only in areas where brick or stone could not be used. With the Fischer Homes, a lot of the brick and stone is being lost. Mr. Huffer submitted pictures for the Commission to view showing the decrease of the stone and brick on the Fischer Homes. Mr. Bachman reminded Mr. Huffer that these elevations have already been approved and are not open for discussion. Fischer Homes however, is changing their 2010 product line and new elevations or elevations being modified will be submitted to the Commission in January for review.

Deborah Rhees, seconded by Jeff Holtegel, made a motion to approve the cedar siding on the Randolph Tudor home, 6069 Edmorr and the other elevations as presented to the Commission (Hayden, New Interim Design, Stanton and Blackstone).

Motion carried 7 – 0.

Appointee to the O.K.I. Board of Directors

Tim Bachman explained he has acted as the Commission's representative to the O.K.I. Board of Directors and would be willing to serve again if that was the Commission's desire.

Jeff Holtegel, seconded by Deborah Rhees, made a motion to appoint Tim Bachman as the Commission's representative to the O.K.I. Board of Directors.

Motion carried 7 – 0.

GENERAL DISCUSSION:

Dan Murray stated the new school board representative on the Commission will be Mark Morris.

Being no further business, the meeting adjourned.

Jerry L. Dailey, Chairman

Peggy Flaig, Clerk