

LIBERTY TOWNSHIP ZONING COMMISSION

January 23, 2023

6:00 p.m.

MEETING MINUTES

The Zoning Commission was called to order at approximately 6 p.m. by Mr. Dobrozsi. The Pledge of Allegiance was recited.

Upon call of the roll, members in attendance were Mr. James Dobrozsi, Mr. Michael Dunn, Mr. Michael Stater, Mr. Forrest Holger and Mr. Brian Uhl. Also, in attendance was Bryan Behrmann, Director of Planning and Zoning and Thomas McIntyre, Senior Planner.

Mr. Dobrozsi reviewed the hearing procedures and performed a group swearing in.

Mr. McIntyre presented the staff report and PowerPoint Presentation for case ZC22-023, Liberty IL-AL Investors, LLC is requesting a Zoning Map Amendment from R-1 (Suburban Residential) to B-PUD (Business Planned Unit Development) for a 7.68-acre site and a Preliminary PUD Plan for a Senior Living Facility.

Mr. Dobrozsi asked if there were any questions for staff.

Mr. Stater asked how the 20' buffer to the east is measured. Mr. McIntyre responded the measurement is taken from the east property line, not buildings on adjacent properties. Mr. Stater then asked if the 20' buffer will provide enough clearance for a fire truck to maneuver within the site. Mr. McIntyre responded stating he is confident that an adequate amount of room will be provided for maneuverability.

Mrs. Felicia Elias (4423 Pheasant Ridge Road, Roanoke, Virginia) on behalf of Smith-Packett started with a brief overview of the company and their core competencies. Smith-Packett is a family-owned senior living development company with almost 40 years of experience. They have 14 communities in development with 15 under construction. Smith-Packett provides a continuum of care, including independent living, assisted living and memory care. They currently operate 4 communities in the eastern United States and have recently opened a new community in Anderson Township, Ohio. These communities offer transportation to the residents via a shuttle with scheduled trips to grocery stores, doctors' offices, shopping, etc.

Mr. Jose Castrejon (3700 Park 42 Drive, Cincinnati, Ohio) on behalf of McGill Smith Punshon, Inc. stated that there is a demonstrated need to serve this demographic with a continuum of care. This residential use provides a good transition between the Lakota Freshman Campus and the future commercial corridor as described in the Downtown Bethany Vision Plan. The plan was designed with architecture, open space and walkability all taken into account. Connectivity to downtown Bethany is achieved through sidewalks, landscaping and a walking trail which provides staff, residents and guests the ability to patronize local businesses. The proposed use is low traffic generating and does not add students into the local school district. Complimentary architecture is provided which meets and/or exceeds the Overlay District building standards. The community will have 200 units (110 Independent living / 60 Assisted Living / 30 Memory Care). Both the parking and open space are in excess of the minimum requirements. A wet pond shown at the south west corner of the property will act as the stormwater management system. The structure as proposed

is 54' in height which exceeds the recommended height of 45' per the adopted Comprehensive Plan.

Mr. Stater asked a series of questions regarding job generation, parking and employees per shift.

Mr. Bruce Hedrick (4423 Pheasant Ridge Road, Roanoke, Virginia) responded stating the proposal will create over 100 full time jobs. The administrative employee hours will be Monday-Friday 9 a.m. – 5 p.m. Nursing shifts are 7 a.m. to 3 p.m. and 3 p.m. to 11 p.m. which will see the majority of employees.

Mr. Stater asked about the community in Anderson Township and what similarities Liberty Township will see with this proposal.

Mr. Hedrick responded stating this proposal will be substantially larger than what is in Anderson Township.

Mr. Dobrozsi stated he has concerns with the mechanical systems and circulation throughout the site regarding fire apparatuses.

Mr. Castrejon responded stated that the applicant has already met with the Liberty Township Fire Department and have submitted auto-turn documents which demonstrate that the largest fire apparatus can navigate throughout the site.

Mrs. Dora Kay (1327 Grandin Road, Roanoke, Virginia) responded stating that PTAC units will be utilized for this development.

Mr. Dobrozsi requested that the PTAC units be shown on the elevations as there is a strong possibility they could have an effect on the final design. Mr. Dobrozsi then asked about the type of building material that will be utilized (i.e. full brick vs. brick veneer).

Mrs. Dora Kay responded stating that this development is slated to be full brick.

Mr. Dobrozsi asks if there is an existing fence between the subject property and the Lakota Freshman Campus to the east.

Mr. Castrejon responded stating that no fence is proposed but will be heavily landscaped in an effort to provide a buffer between the uses.

Mr. Dobrozsi stated his concern with the mechanical systems in the open horseshoe area.

Mr. Castrejon responded stating that he shared the same concerns and that this issue will be addressed at the Final PUD level when designs become finalized (i.e. screening, transitional space, etc.).

Mr. Holger made a motion to **CLOSE THE PUBLIC HEARING**. Mr. Uhl seconded. Upon the call of the roll, the motion passed. **PUBLIC HEARING CLOSED**.

Mr. Holger stated his concern with the height of the structure. He appreciated that Mr. Castrejon shared the height of the gymnasium to the east which made him more comfortable with the structure exceeding the recommended height of 45' per the Comprehensive Plan.

Mr. Dobrozsi stated he finds no issue with the height and believes it to be an appropriate use for the area.

Mr. Uhl stated he believes this is a good example of a transitional use and believes it to be an appropriate use for the area.

Mr. Stater stated that he like the quality of the company behind the proposal which makes this development easy to support.

Mr. Dunn stated he is concerned with the height as the Overlay District recommends 35' when the proposal shows 54'. The proposed use is not allowed in the Overlay District and the elevations as shown to the line are not approvable.

Mr. Holger made a motion to **APPROVE** Case ZC22-023. Mr. Uhl seconded. Upon call of the roll. Mr. Holger – yes; Mr. Uhl – yes; Mr. Stater – yes; Mr. Dunn – no; Mr. Dobrozsi – yes. The motion passed 4-1.

Mr. McIntyre presented the staff report and PowerPoint Presentation for case **ZC23-001**, Shannon and Ruth Wagers are requesting a Minor Modification to the Trails of Four Bridges Phase 1 Final PUD Plan to reduce the minimum front yard setback required for a fence from 30' to 22' from the eastern property line.

Mr. Dobrozsi asked if there were any questions for staff.

Mr. Holger asked for clarification regarding the location of the fence from the residence based on the graphic submitted by the applicant.

Mr. McIntyre stated that the submitted graphic showed the style of the fence, not the location.

Mr. Dobrozsi verified that the request is just for the east side of the property and not for the north, south or west side setbacks.

Mr. McIntyre confirmed that the request is only for the eastern property line setback. Mr. McIntyre also confirmed that the proposed alignment of the fence is outside of any utility easement.

Mr. Wagers (6489 Hampshire Trail, Liberty Township, Ohio) stated he and his wife are lifelong Butler County residents and have recently brought a child into the world which is the reason for fencing in their backyard. Mr. Wagers also mentions that the adjacent property owners to the south have no issue with the proposal.

Mr. Holger asked why the alignment does not follow the curve of Kensington Trail.

Mr. Wagers responded stating that following the curve would create an irregular geometry. He apologized for the miscommunication with Mr. McIntyre regarding the 6' vs. 8' setback as he is not familiar with the process and did not want this oversight to be interpreted as him circumventing the rules and regulations of Liberty Township.

Mr. Dunn clarified that Mr. Wagers would like to have the proposed fence go south along a straight line as opposed to along the curvature of Kensington Trail. Mr. Wagers confirmed this. The reason for this alignment is the existing deck attached to the residence was built flush with the side of the house, not as the approved plan shows, which would then require a portion of the deck to be removed to meet the appropriate setback along the curvature of Kensington Trail. Additionally, the straight-line alignment would provide Mr. Wagers more usable area in his rear yard.

Mr. Dobrozsi stated that most of the applications of this nature are fences that are in some fashion parallel with the driveway and not symmetrical with the residence. Mr. Dobrozsi asked Mr. Wagers if he would be agreeable to coming 6' off the house and having the fence be parallel with the sidewalk.

Mr. Wagers responded stating that would create an irregular geometry, as their property is a corner lot, which he and his wife would like to stay away from of at all possible. It would also create an unpleasant aesthetic for his neighbors and surrounding community members if the fence were placed parallel with the sidewalk.

Mr. Uhl made a motion to **CLOSE THE PUBLIC HEARING**. Mr. Stater seconded. Upon the call of the roll, the motion passed. **PUBLIC HEARING CLOSED**.

Mr. Uhl asked Mr. McIntyre if there are other corner lots in the Four Bridges PUD that have fences similar to what is being proposed. Mr. McIntyre responded stating there are two houses which are adjacent and share a fence line which appears to be flush and/or square which is similar to the applicant's proposal. With that said, Mr. McIntyre could not find or locate any permits and/or approvals for the said fences to verify dimensions.

Mr. Wagers added that a neighbor to the north had been approved for a Minor Modification to allow for mechanical pool equipment, which stemmed from a violation.

Mr. Dobrozsi stated he would prefer that the fence be parallel to the sidewalk and follow the curvature of Kensington Trail.

Mr. Holger asked how much usable square footage the applicant would be losing by having the fence run parallel to the sidewalk.

Mr. Dunn stated that based on $\frac{1}{2}$ (b)(h) and the side property line being 164' in length the applicant would lose approximately 140 sq. ft.

Mr. McIntyre clarified that the submitted graphic is not exactly to scale and should be used as a reference document. If the proposed fence were to follow the curvature of Kensington Trail the fence would be setback 24' from the eastern property line.

Mr. Uhl stated that even with the adjacent property owner's letter of recommendation they will still have to look at a neighboring fence when they're in their front yard.

Mr. Dobrozsi stated he is in support of the fence being parallel to Kensington Trail and does not want to set a precedent for distorted fences moving forward.

Mr. Uhl stated that on one hand the commission should remain consistent as fences exist on corner lots within the PUD, however, this is unique as this fence does not abut a fence that is similar in nature.

Mr. Behrmann stated that the draft notice of decision states that the fence may extend 7' off the southeast corner of the residence to the setback line then continue south along the setback line to the southern property line. If the commission would like to modify the approval this is the condition that would need to be modified.

Mr. Dunn asked if the 7' is accurate. Mr. Behrmann responded stating that 7' is simply the difference between the 6' and 8' measurements and keeps with the curvature of the roadway.

My. Holger asked for clarification as to if what is in the draft notice of decision is what the applicant is requesting. Mr. Dobrozsi responded stating the applicant's request is for the additional two feet.

Mr. Dunn made a motion to **APPROVE** Case ZC23-001 with staff recommendations. Mr. Holger seconded. Upon the call of the roll. Mr. Dunn – yes; Mr. Holger – yes; Mr. Dobrozsi – yes; Mr. Uhl – yes; Mr. Stater – yes. The motion passed 5-0.

Mr. McIntyre presented the staff report and PowerPoint Presentation for case **ZC23-002**, Unicorn National Developments, Inc. is requesting a Zoning Map Amendment from B-2 (General Business) to B-PUD (Business Planned Unit Development) for a 2.44-acre site and a Preliminary PUD Plan for a Wawa Gas Station.

Mr. Dobrozsi asked if there were any questions for staff.

Mr. Holger asked why a sidewalk is shown along Cincinnati-Dayton Road but not shown along Liberty Way.

Mr. McIntyre responded stating that adjoining property to the east shows an existing retaining wall where a sidewalk would be placed, therefore, the applicant did not see the need to show a sidewalk along Liberty Way.

Mr. Behrmann added that staff is recommending that sidewalk be provide along both right-of-ways. While a sidewalk is not shown future sidewalk connections are planned in this area.

Robert Grassman (260 West Baltimore Pike, Wawa, Pennsylvania) on behalf of Wawa started with a brief overview of the company. Wawa is a family-owned and employee-owned company that has roots that can be traced back more than 200 years. Wawa is known for its family-like atmosphere, built-to-order fresh food, community devotion and emotional connection with customers. Wawa has over 970 stores in 6 states plus the District of Columbia. There are 45,000 associates and is #24 on the 2022 list of America's Largest Private Companies according Forbes Magazine.

Mr. Stater asked how Wawa became interested in Liberty Township, and the subject site in particular.

Mr. Grassman responded stating the area is lucrative and provides a great opportunity for Wawa to enter into the tristate market. This is the first proposal that Wawa has in the area and they look forward to expanding their business in the years to come.

John Bayer (6900 Tylersville Road, Mason, Ohio) on behalf of Bayer Becker stated that the subject property is located at a busy intersection and currently has two existing structures (car wash and small commercial building) that were developed in the early 2000's which will both be demolished. From a topography standpoint that site is fairly steep with the low point of the property being to the west along Cincinnati-Dayton Road. A Traffic Impact Study was submitted to the Butler County Engineer's Office in the summer of 2022 that detailed access to the site which is a substantial challenge. The site is currently accessed through a right-in entrance off of Cincinnati-Dayton Road in addition to three entrances via a privately maintained-access drive to the east and north. The subject property is currently zoned B-2 General Business District and is within the Cincinnati-Dayton Business District Overlay (CDBD-O). The reason for the zoning map amendment to B-PUD is the CDBD-O does not allow for the fuel/convenience store use within the overlay. The proposed structure will be located at the southwest corner of the site near the intersection. The fuel canopy will be parallel to Cincinnati-Dayton Road. Forty-four (44) parking spaces are being provided and there is a potential for EV charging spaces in the future. All access will be provided via the existing private access drive to the east. Per the building elevations glass,

brick, stucco, EIFS and tile features will be the prominent building materials. The fuel canopy will mirror that same building materials. The applicant does intend to meet the 50% brick and/or stone building material requirement for structures within the CDBD-O. The applicant will be removing the right-in entrance from Cincinnati-Dayton Road and the full access to the shared drive at the north end of the site per the Butler County Engineer's Office comments. The site will retain the south full access to the shared drive and the central full access to the shared drive and adding a north full access to the shared drive. The applicant is agreeable to all requirements from the notice of decision with the exception of #5 which requires "...all access drives and the parking lot shall utilize continuous concrete curbs throughout and wheel stops". The continuous curbs and wheel stops provide a safety hazard for customers of Wawa.

Mr. Dobrozsi asked if there were any questions for applicant.

Mr. Holger asked if the southern access to Liberty Way provides full access to the property since the only other access to the property is from the signalized intersection on Cincinnati-Dayton Road.

Mr. Bayer responded stating at this time this existing private drive will remain a full access drive.

Mr. Holger and Mr. Dobrozsi both share the same concern regarding the building façade facing the intersection. Mr. Dobrozsi then asked about the type of loading dock and how it functions.

Mr. Grassman responded stating the loading area will include a painted roll up door, will be flush with the pavement (non-elevated) and the trucks will be rear and side loading where the product will be moved with hand trucks. Truck turning analyses have been conducted and auto-turn documents were submitted.

Mr. Dobrozsi asked if what has been submitted is a preferred layout that Wawa uses at all of their sites.

Mr. Grassman responded stating this is not a typical layout and the proposal has been heavily modified to fit within the subject property.

Mr. Holger asked for clarification regarding truck maneuverability within the site, specifically for a 53' truck and trailer.

Mr. Grassman responded stating that auto-turn documents were submitted that do show a 53' truck and trailer can maneuver within the site when the parking is at full capacity.

Mr. Behrmann asked for clarification regarding the loading/unloading of the trucks within the loading zone.

Mr. Grassman responded stating the delivery trucks will be rear and side loading and unloaded/loaded primarily by hand trucks.

Mr. Dobrozsi asked about certain seasonal products that fuel/convenience stores typically sell outside such as mulch, salt, wood, etc.

Mr. Grassman responded stating that Wawa has not determined if they will provide that product as most other gas station already do.

Mr. Stater added that he appreciates how Mr. Grassman and Wawa have been able to creatively engineer the site and make it work. Mr. Stater continued to ask that if the building footprint as proposed is not typical, what is the typical size of a Wawa store.

Mr. Grassman responded stating that the footprint as proposed is the typical building footprint.

Mr. Uhl asked if there had been internal discussion regarding the south façade which faces the intersection. His overwhelming concern is too many solid wall facades oriented towards a major intersection. The rendering as submitted gives the appearance of looking at the rear of a business which is not what the Township wants.

Mr. Stater asked if tables and chairs can be added to the concrete sidewalk area at the rear of the building which faces the intersection in an effort to make it appear to be more like a front entrance.

Mr. Grassman responded stating that it is a possibility, however, Wawa does not like to do this as it encourages loitering and similar activities which can be considered less than desirable.

Mr. Uhl suggested that the façade facing the intersection provide more glass as to make it appear that it is the front of the building.

Mr. Dobrozsi asked about the gray box shown along the exterior of the building when look at the rear façade.

Mr. Grassman responded stating it is an exterior propane tank.

Mr. Uhl reiterates that he wants the building to be attractive and that can be achieved by making all sides look like the entrance/front of the building with the exception of the side with the loading area.

Mr. Dobrozsi asked the northern private drive and access to the surrounding businesses such as Skyline, McDonald's, Public Storage, etc.

Mr. Behrmann responded stating there is a planned connection at the rear of Prather Court that could connect to the northern private drive at some point in the future which could alleviate any potential traffic issues at the intersection of Liberty Center Drive and Cincinnati-Dayton Road.

Mr. Dobrozsi stated that if the Zoning Commission were to recommend approval he would like to see what the building really looks like. Provide elevations showing what the proposed structure looks like on all four sides (i.e. elevation change, loading area, etc.) to ensure that the facades oriented towards the intersection look like the front of the business.

Mr. Holger clarified with the applicant that their opposition to proposed condition #5 from the Notice of Decision regarding the continuous curbs and wheel stops was only for the curb and wheel stops directly in front of the store, not for the site in its entirety.

Mr. Grassman responded stating the entrances to all of their stores are flush and they would like to retain that continuity.

Mr. Stater made a motion to **CLOSE THE PUBLIC HEARING**. Mr. Dunn seconded. Upon the call of the roll, the motion passed. **PUBLIC HEARING CLOSED**.

Mr. Dobrozsi clarified that a sidewalk is proposed along Liberty Way per proposed condition #8 from the Notice of Decision. As discussion ensued it was realized that proposed condition #8 would need to be amended to include Liberty Way.

Mr. Holger states that the site has its own set of difficulties but is in support of the proposal with the amended notice of decision.

Mr. Uhl states his support to eliminate wheel stops and continuous curb at the entrance to the building.

Mr. Dunn asked if the digital signs were going to be addressed at the preliminary level.

Mr. Behrmann responded stating that signs are typically reviewed at the Final PUD level. In addition, digital signs are not permitted within any overlay district, however, this issue will be addressed at the Final PUD if approved by the Board of Trustees.

Mr. Dobrozsi clarified that additional landscaping will be provided at the southeast corner of the building where the loading area is proposed.

Mr. Dunn states that a fair portion of the front of the proposed building is glass so how much glass can the Zoning Commission require before 50% brick and/or stone requirement becomes non-attainable.

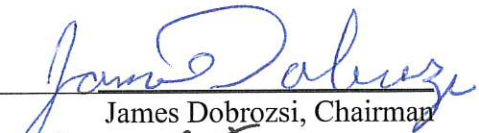
Mr. Behrmann responded stating any the overlay district regulations require any non-windowed elevation must be 50% brick and/or stone.

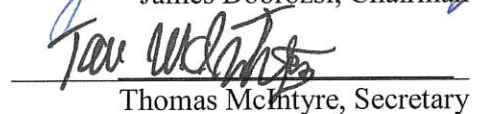
Mr. Holger made a motion to **APPROVE** Case ZC23-002 with staff recommendations as amended. Mr. Uhl seconded. Upon the call of the roll. Mr. Holger – yes; Mr. Uhl – yes; Mr. Dobrozsi – yes; Mr. Stater – yes; Mr. Dunn – yes. The motion passed 5-0.

Mr. Dunn made a motion to **APPROVE** the December 19, 2022 meeting minutes and notices of decision as presented. Mr. Stater seconded the motion. Upon call of roll: Mr. Dunn – yes; Mr. Stater – yes; Mr. Dobrozsi - yes; Mr. Holger – abstain; Mr. Uhl – abstain. The motion passed.

Mr. Dobrozsi made a motion to adjourn. Upon call of the roll, the motion passed unanimously and the **ZONING COMMISSION MEETING ADJOURNED.**

Respectfully submitted,


James Dobrozsi, Chairman


Thomas McIntyre, Secretary