

LIBERTY TOWNSHIP ZONING COMMISSION
February 27, 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. Wayne Bradshaw. 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 ZC23-003, Jeff Oslin is requesting a Minor Modification to Harbour Towne Park Section 5 to reduce the building setback along Old Kyles Station Road for a covered porch from 100' to 88'-6" from the right-of-way.

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

Mr. Jeff Oslin (3453 West 140th Street, Cleveland, OH) on behalf of Bright Covers gave a brief overview of the proposal. Any improvement to the property will more than likely require a Minor Modification as the 100' building setback takes up a substantial amount of property. The property owner would like to construct a 16'x18' aluminum roof to be placed over the existing concrete patio at the rear of the residence. The relief requested is 11'-9".

Mr. Behrmann clarified that the Zoning Resolution allows for roofs over porches that are open on three sides to encroach 2'-6" into a rear setback without a variance, therefore the relief requested is 9'-11".

Mr. Dobrozsi asked the applicant if an HOA exists, and if so, have they been made aware of the proposal.

Mrs. Sandra Mueller (5397 Mystic Way, Liberty Township, OH) who is the property owner stated the HOA is aware and has approved the proposal as submitted.

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

Mr. Holger asked for clarification regarding the 100' building setback.

Mr. Behrmann responded stating the Butler County Thoroughfare Plan required the 100' building setback as Kyles Station Road is considered an arterial road but is not still required as the Thoroughfare Plan was updated several years ago and does not require the 100' setback if the appropriate amount of right-of-way is dedicated, which has occurred.

Mr. Bradshaw made a motion to **APPROVE** Case ZC2-0203. Mr. Holger seconded. Upon call of the roll. Mr. Bradshaw – yes; Mr. Holger – yes; Mr. Stater – yes; Mr. Dunn – yes; Mr. Dobrozsi – yes. The motion passed 5-0.

Mr. McIntyre presented the staff report and PowerPoint Presentation for case **ZC23-004**, Clover Communities Liberty LLC is requesting a Zoning Map Amendment from RA-1 (Residential-Agricultural District) to R-PUD (Residential Planned Unit Development) for a 15.18-acre site and a Preliminary PUD Plan for an Age-Restricted Senior Independent Living Community.

Mr. Behrmann spoke to the Liberty Township Comprehensive Land Use Plan and what the adopted document prescribes for this area. The subject site is recommended to be developed as “Planned Medium Density Residential” which encourages these properties to be planned, designed and built together as part of a bigger community. The submitted proposal acts independently and does not provide much opportunity for integration to existing adjacent or future developments. A cross-access easement is proposed, however, staff is recommending that easement be paved to each property line as to not place undue cost on adjoining property owners when the neighboring properties are developed. The adopted land use plan recommends a mixture of uses and housing products which is difficult to achieve when looking at a singular development which is why the “Planned Medium Density Residential” designation is looked at in its entirety. The Springs at Liberty Township Apartments and Liberty Grand Villas are to the east which shows a strong dedication to apartments. If the subject proposal is approved 39% of “Planned Medium Density Residential” designation will be apartments which would be a high percentage of the overall designated area. Often high density residential is used as a transition between higher intensity commercial or mixed-use areas and other lower density residential areas to create a ‘step down’ affect. The submitted renderings show a single three-story building which is drastically different than the existing developments to the east. The ‘Springs of Liberty’ is a high-density development with the majority of buildings divided into small groups of two-story buildings; and, ‘Liberty Grand Villas’ are smaller patio homes divided into smaller single-story buildings which promote a favorable transition from the east. If approved, higher density development could continue west and work against the recommended transition from commercial to the traditional residential uses.

Mr. McIntyre presented a letter of opposition to the Zoning Commission from an east adjoining property owner that was received the day of the hearing. The letter was read aloud and placed into the record.

Mr. Bradshaw asked Mr. McIntyre to identify the east adjacent property owner that is in opposition. Additionally, Mr. Bradshaw clarified that the east adjacent property is under the General Business designation on the Future Land Use Map.

Mr. Holger asked for clarification regarding the cross-access easement on the subject property.

Mr. Behrmann responded stating the applicant is showing the cross-access as an easement however staff is recommending it be constructed from property line to property line. As the commercially zoned properties to the east are developed those properties will be required to develop their portion of the access drive. Sight distance along Hamilton-Mason Road has been and will continue to be an issue which is why the cross-access easement is critical in this immediate area.

Mr. Holger asked if this application is requesting approval of a zoning map amendment or zoning map amendment and preliminary development plan.

Mr. Behrmann responded stating the application is for a zoning map amendment and preliminary development plan which holds the applicant to access, size of structure, location of structure, etc. If approved, the Final PUD review would go before the Zoning Commission for their approval.

Mr. Holger asked for clarification regarding the existing 6' sidewalk along Hamilton-Mason Road and where it ends.

Mr. Behrmann responded stating the existing 6' sidewalk ends to the east south of Liberty Grand Villas. The owner of these parcels also own Liberty Grand Villas and which were all developed as part of a larger B-PUD. The applicant would be required to install a 6' wide sidewalk along their frontage in order to meet the requirement of the Liberty Township Zoning Resolution. Additionally, for all private drives a 5' sidewalk is required on one side of the private drive.

Mr. Stater asked if Liberty Grand is a PUD and, if so, what are the amenities that are provided.

Mr. Behrmann responded stating that Liberty Grand is zoned as R-PUD and the amenities are a clubhouse and pool. The middle of Liberty Grand shows a stormwater retention basin.

Mr. Dobrozsi asked for clarification regarding the definition of "modular brick".

Mr. McIntyre responded stating that modular brick has the same dimension as traditional brick and does not appear to be any different than traditional brick. Mr. McIntyre stated the applicant can provide further clarification.

Mr. Ben Syput (348 Harris Hill Road, Withamsville, NY) on behalf of Clover Communities Liberty, LLC gave a detailed overview of the proposal. Clover Communities LLC is a full service, acquisition, development, construction and property management firm with 38 years of experience. They own and manage 47 market-rate senior independent living apartment communities in 5 states. Their product is a market-rate alternative for senior residents who no longer desire to own but do not want to move into a full-service retirement community. These facilities create home ownership opportunities within a community by freeing up single-family housing stock, while enhancing generational diversity. The "Planned Medium Density Residential" designation is the desired future land use that is currently identified in the Liberty Township Comprehensive Plan which identifies senior, over the age of 60, as an underserved population. The proposed zone change will help diversify the housing options for seniors within the township. There are only 5 senior living facilities within a 15-mile radius. As for the proposal, the development is a 3-story, 119-unit, market-rate, senior independent living apartment community which is age-restricted to 55 years and older. Access will be from Hamilton-Mason Road, which the BCEO has reviewed and approved. The site will be served by public water and sewer and will provide the appropriate stormwater management facilities as required by the BCEO. Meetings were conducted with adjacent neighbors in an effort to satisfy any stormwater runoff concerns. The applicant is agreeable to additional design considerations such as berms in an effort to be a good neighbor. The applicant had produced their own adjacent property owner notices in an effort to satisfy all concerns surrounding the proposed development. The building façade will be designed to provide an aesthetically pleasing look complete with fiber cement siding (i.e. hardieplank) and modular brick. No vinyl will be used. With respect to density, the Liberty Flats Apartments show a unit density of 12.59 units per acre, the Springs at Liberty Township show a unit density of 12.52 units per acre, the Liberty Grand Villas show a unit density of 5.16 units per acre then the proposed development shows a unit density of 7.84 units per acre which is a slight increase. When looking at population density that trend continues moving west which aligns with

the Comprehensive Plan recommendation. While units per acre does not follow the decrease in density as you move west, the total number of occupants per acre does. The trend continues with respect to greenspace. As development moves further west more greenspace is made available as Liberty Grand Villas shows 50% greenspace when Clover Communities shows 70.08% of greenspace. The applicant views this proposal as adhering to the Comprehensive Land Use Plan recommendations as the density decreases and greenspace increases as development moves further west. The applicant will continue to work with surrounding property owners to provide additional landscaping to satisfy all requirements and concerns. The building renderings and elevations show high quality building materials to include brick, fiber cement board, hardiplank with no vinyl allowed. The brick and/or stone percentages as required by the Zoning Resolution have been met and exceeded. The detached garages will mirror the architectural style of the principal structure. The viewshed traveling west bound on S.R. 129 shows the rear of two detached garages but additional landscaping can be provided to soften the appearance. The viewshed traveling east bound of S.R. 129 shows the 3-story structure being fairly screened by the existing tree line and buffer along S.R. 129. A google street image heading east bound of S.R. 129 at the Cincinnati-Dayton Road exit was provided showing the existing 3-story hotel at Liberty Center for reference. Additionally, a rendering was provided showing the height of the proposal from within the Liberty Grand Villas development. The apartment interiors will be high end such as stainless-steel appliances and granite countertops. Common areas have been provided but details had not been determined as this is still the preliminary phase. As the age group is aging their recreation is considered to be passive (i.e. walking, nature watching, outdoor reading) which is a second use in this Comprehensive Plan designation of "Planned Medium Density Residential". Sidewalks and gazebos are provided as well to augment the passive recreation amenities. Other indoor common areas are provided such as a beauty salon, family room and game room are provided which is typical in all other Clover facilities. Lastly, the applicant gave a brief overview of the staff report and how they have met the intent of the Comprehensive Land Use Plan. They are provided a unique housing options for an aging population which the Comprehensive Plan calls for. The applicant typically designs for dry detention but can look into wet retention in an effort to provide additional open space. However, the applicant does not feel it is necessary to pave the 50' cross-access easement as there are no plans to development the adjacent properties.

Mr. Bradshaw asked for clarification regarding market-rate apartments and what alternatives are available.

Mr. Syput responded stating it is not and will not ever be a low-income property as Clover does not have any HUD properties in their portfolio. The property will be age-restricted in perpetuity. Lastly, the one bedroom will rent at \$1,750 and the two bedroom will rent at \$1,950.

Mr. Stater asked how many Clover properties are within the 5, 10, 15-mile radius as presented.

Mr. Syput responded stating two of the five properties were owner and operated by Clover. Those two facilities are Eden Park Senior Apartments and Fairfield Village Senior Apartments.

Mr. Stater asked what makes this proposed development stand apart from the two previous development that were just mentioned.

Mr. Syput responded stating the proposed building will be a significant upgrade compared to the other buildings and will have the same amenities as all others. The principal structures on each individual site are designed per site restraints so each building is unique in that way.

Mr. Holger asked why one housing type was provided when the definition of "Planned Medium Density Residential" recommends that multiple housing types be provided.

Mr. Syput responded stating that when looking at the "Planned Medium Density Residential" designation as a whole (including the acreage north of S.R. 129) there is a strong diversity of housing types in that designated area. The product that has been presented is different from the other housing products in this future land use designated area. While the subject property does not showcase a multitude of housing products, this proposal adds to the diverse housing stock shown within the "Planned Medium Density Residential" designation.

Mr. Bradshaw asked if the two other developments are single structures similar to what is proposed.

Mr. Syput responded stating yes this is what is typically proposed.

Mr. Richard Carmichael (6760 Hamilton-Mason Road, Liberty Township, OH) spoke in support of the application. Was not in strong favor of the application initially but the applicant has agreed to improve the water retention in the immediate area and place a mound along the northern border of his property. In 2017, a major rain event occurred where his property was flooded which placed an undue hardship on him due to poor stormwater management on an adjoining property which he had no control over. Additionally, the subject property is in severe disrepair along with multiple other properties along Hamilton-Mason Road which has lowered their property values. A development of this caliber will benefit the community in some capacity.

Mr. Milton Goff (7000 Houston Road, Florence, KY) is representing the owner of the subject property and would like to address some of Mr. Holger's questions. The concerns addressed were density and the definition of the "Planned Medium Density Residential" future land use designation. He speaks about the densities regressing as development moves further west, however, the definition uses the word category which implies that the density should decrease as each category, not at each parcel. The Springs at Liberty are multiple units within each building, the Liberty Grand Villas are four units per each building and the proposal is one large building which agrees with the recommendation of decreasing density. This proposal does introduce a new housing product into the overall development scheme and attempts to serve an underserved population group.

Mrs. Tina Barlow (5225 Wakefield Place, Cincinnati, OH) is a co-trustee as the property is owned by a trust. She grew up across the street and her father will continue to live across the street from the proposed development. There is a clear need for this type of development in the community. She is familiar with senior living facilities as they have allowed her mother in law to stay in close proximity to her church and her family. This type of development would help alleviate the existing traffic conditions on Hamilton-Mason Road. Lastly, she believes the proposed development is consistent with the Comprehensive Plan.

Mrs. Shirley Reilman (6761 Liberty Circle, Liberty Township, OH) spoke in opposition of the application. She shared her concerns with the existing traffic along Hamilton-Mason Road, specifically at the 'mouse hole'. The addition of more cars to the roadway will exacerbate the existing traffic issues. Lastly, the commercial frontage along Hamilton-Mason Road has not been developed which will bring more traffic.

Mr. Jim Lesch (6721 Liberty Circle, Liberty Township, OH) spoke in opposition of the application. The architecture is abominable as it looks like a university dormitory. One large building sitting

next to multiple smaller buildings should not be permissible. The real estate values will plummet while density issues rise.

Mrs. Deborah Busse (6520 Winter Hazel Drive, Liberty Township, OH) spoke in opposition to this case. Has a strong concern with the addition of more apartments in Liberty Township. There's the Village North PUD which will have apartments, hotel and retail. There's the Freedom Pointe PUD that will have apartments, hotel and retail uses. Then the Liberty Center PUD that has apartments and may add more. The traffic on Hamilton-Mason Road cannot handle additional capacity as the surrounding roads are two lane roads. The density and congestion will be too much to handle. The sale of property(s) only benefits one person, the seller, and do not provide any benefit to the surrounding home owners. Lastly, the property taxes will continue to increase without any additional benefit being provided.

Mr. Holger asked the gentleman in support of the application to confirm his name.

Mr. Milton Goff responded by repeating his first name.

Mr. Holger asked staff if they agree with what Mr. Goff had stated regarding the 99 acres and the diversity of housing products.

Mr. Behrmann responded stating the staff report #2C addressed that concern of multiple housing products on one property, however, if the apartments are approved that would mean 39% of the available 99 acres that is planned for Planned Medium Density Residential would be approved for apartments.

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

Mr. Holger verified that the applicant is agreeable to the staff recommendations. He understands that Liberty Township is not the bedroom community it once was as it continues to develop. He understands the increase in traffic and widening of lanes near Costco and those areas, however, does not believe the proposed development will affect the 'mouse hole' on Hamilton-Mason Road all that much. With respect to parking, he asked to look at the 238 cars in an 8-hour period which equates to 29.75 cars per hour which he feels is not overloading the roadway in that area.

Mr. Dunn stated that this proposal is not a step down from Cincinnati-Dayton Road. He does not agree with either method of calculating density as they are both based on opinion. He does not agree with the standalone development as it is not integrated with the surrounding properties. The fact that there are one story buildings next to a three-story building does not give the appearance that density will be declining. Developing the remainder of the properties within the Planned Medium Density Residential designation will become more difficult as it either handcuffs any future development to similar to what is already existing or lock in more residential. There is and will be traffic on Hamilton-Mason Road as properties develop. If a residential subdivision were built there would be easily 180+ cars that would enter and exit the roadway which doesn't help the issue but doesn't solve it either. If approved, the remainder of the properties within the Planned Medium Density Residential designation should have an integrated plan moving forward.

Mr. Dobrozsi stated the submitted application is not generally consistent with the Comprehensive Plan recommendations and the definition for Planned Medium Density Residential. The singular building is too dense and too much for the immediate area. Is not agreeable to the plan as presented, including the two parking garages adjacent to S.R. 129. The applicant did not provide any amenities for the site. The submittal lacks a general quality of character and cohesion. The building

configuration lacks something to be desired. There is no portion of the submittal to support and does not meet the intent of the masterplan.

Mr. Stater stated that he appreciated the applicant providing photoshopped renderings along both the east and west bound lanes of S.R. 129. As submitted, this product can be dropped anywhere and shoehorning this submittal onto this property is not the right development for this space. There are more negatives than positives associated with this project.

Mr. Dobrozsi stated that the building as submitted is not an enhancement to the area.

Mr. Stater restated that the submittal could be in any other community does not provide anything outstanding or unique to the area.

Mr. Dobrozsi added that the architecture lacks something to be desired as it does not provide any character.

Mr. Dunn made a motion to **RECOMMEND DENIAL** of Case ZC23-004. Mr. Stater seconded. Upon the call of the roll. Mr. Dunn – yes; Mr. Stater – yes; Mr. Dobrozsi – yes; Mr. Holger – yes; Mr. Bradshaw – no. The motion passed 4-1.

Mr. McIntyre presented the staff report and PowerPoint Presentation for case **ZC23-005**, Apex Engineering & Surveying, Inc. is requesting a Zoning Map Amendment from RA-1 (Residential-Agricultural District) to R-1 (Suburban Residential District) for a 2.056-acre site.

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

Mr. Stater asked for an aerial image which shows the existing residence that will remain.

Mr. McIntyre clarified that the existing driveway will be removed and a new shared driveway will be placed to the west of the existing driveway.

Mr. Dobrozsi reiterated that the request is to review the appropriateness of the zoning map amendment, not the zoning plat/graphic being used in the presentation.

Mr. Chris Pernice (726 E. Main Street, Lebanon, Ohio) on behalf of Monarch Homes gave a brief overview of the proposal. The driveway realignment is due to a requirement from the Butler County Engineer's Office to have the proposed access align with Autumn Creek Drive on the south side of Kyles Station Road. If approved, the zoning plat could meet the R-1 zoning regulations with regard to minimum size and width, however, that would result in a flag lot which is not as desirable.

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

Mr. Dobrozsi stated he has not desire to set a precedent in this area to subdivide large estate style lots into smaller residential lots. One of the many benefits of Liberty Township is that it is spread out and recommending this be approved would not be redeeming.

Mr. Stater stated that the subject property is surrounded by R-SE and does not fit into the surrounding character.

Mr. Holger stated that he is in favor of recommending approval based on the Comprehensive Plan recommendation of Suburban Residential which recommends 20,000 SF lots.

Mr. Stater stated that this type of request has occurred only twice in his 20-year tenure, therefore, is now in support of recommending approval.

Mr. Holger made a motion to **RECOMMEND APPROVAL** of Case ZC23-005. Mr. Stater seconded. Upon the call of the roll. Mr. Holger – yes; Mr. Stater – yes; Mr. Dobrozsi – no; Mr. Bradshaw – yes; Mr. Dunn – abstain. The motion passed 3-1.

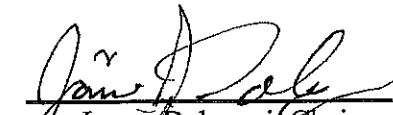
Mr. Holger made a motion to **APPROVE** the January 23, 2023 meeting minutes and notices of decision as presented. Mr. Dobrozsi seconded the motion. Upon call of roll: Mr. Holger – yes; Mr. Dobrozsi – yes; Mr. Stater - yes; Mr. Dunn – yes; Mr. Bradshaw – abstain. The motion passed.

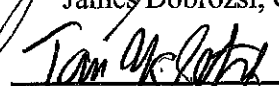
Mr. Dunn made a motion to elect Mr. Dobrozsi as Chairman of the Liberty Township Zoning Commission for 2023. Mr. Holger seconded the motion. Upon call of roll: Mr. Dunn – yes; Mr. Holger – yes; Mr. Stater - yes; Mr. Bradshaw – yes. The motion passed.

Mr. Holger made a motion to elect Mr. Dunn as Vice-Chairman of the Liberty Township Zoning Commission for 2023. Mr. Stater seconded the motion. Upon call of roll: Mr. Holger – yes; Mr. Stater – yes; Mr. Dobrozsi - yes; Mr. Bradshaw – yes. 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