

LIBERTY TOWNSHIP ZONING COMMISSION
April 15, 2019
6:00 PM
MEETING MINUTES

The Zoning Commission was called to order at 6400 Princeton Road at 6:05 P.M. by Chairman Forrest Holger. The Pledge of Allegiance was recited by those in attendance.

Upon call of the roll, members in attendance were Forrest Holger, James Dobrozsi, Wayne Bradshaw, and Anu Mital (Dr. Mital recused himself during staff's presentation of case ZC18-028 & ZC19-011). Staff members Bryan Behrmann (Director of Planning & Zoning) and Mark Elma (Senior Planner) were also in attendance.

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

Mr. Holger reviewed the cases that **would not** be heard. ZC19- 009 Minor Modification PUD- Shannon Ridge. Withdrawn by Applicant.

Mr. Holger pointed out that Dr. Mital would have to recuse himself from case ZC18-028 leaving 3 of the 5 member to hear the case. The vote would have to be unanimous in order for the case to pass.

Mr. Behrmann clarified that 5 members were confirmed for tonight's meeting. Staff did not learn about Dr. Mital's conflict until late; and an hour before the meeting staff was notified that the fourth board member was not able to make it due to work.

Brent Dixon Aspin Trails LLC. 4166 Tonya Trails Hamilton Ohio stated that given limited board they would like to continue until next month.

Mr. Holger reminded the audience that as long as the applicant is showing progress between the continuations the board would grant the applicants wishes.

Mr. Behrmann stated ZC18-028 would be on the agenda for the May 20, 2019 meeting.

Dr. Mital stated as a physician working in, and being paid directly from a Dixon facility, he had a conflict of interest. Mr. Mital had not read any of the case materials.

Discussion continued about holding the next meeting at a larger space. Staff stated they would look into options to accommodate the large crowd.

Mr. Holger called for case **ZC19-010: Preliminary PUD Review – 4969 Princeton Rd.**
-Mr. Mital joined the board to hear this case

Mr. Elma presented the staff report, a PowerPoint presentation and case materials.

Mr. Dobrozsi asked for clarification if this was a final decision or a recommendation to the Trustees.
Mr. Behrmann stated this was a final vote to approve the Car Wash use in the overlay district.

Mr. Holger asked to hear from the applicant.

Applicant Josh Ross RVP Engineering representing EROP LLC. (6230 Center Park drive suite c 45069).

Agree with staff comments, client wants to make sure this is a use that is acceptable before moving forward with a final plan. Mr. Ross spoke about staff's conference about the retaining wall and stated those details would be finalized if the use was approved at this location. Mr. Ross gave some background about the RainStorm car wash business, stating it was similar to a Mike's Carwash. The company is new to the area and wants to expand into Liberty township.

Mr. Holger asked if the customer stayed in their car or would get out as a full service car wash. Mr. Ross explained the customer would stay in their car. There are two pay terminals where the customer would pick the wash then merge to enter the single lane car wash. Mr. Ross explained access to the vacuum is only available with each car wash, eliminating people coming in to just use the vacuum and leaving.

Mr. Holger asked if there would be attendants at the car wash. Mr. Ross stated no

Mr. Dobroszi asked if the whole car wash had attendants like Mikes Car Wash. Mr. Ross said they do not have attendants, it was an automated system. Customers would stay in their cars with the exception of the vacuum station, where customer would get out of their car to utilize this service.

Mr. Holger asked if there was anyone to speak as a proponent of this case. No one spoke.

Mr. Holger asked if there was anyone to speak as an opponent of this case.

- Rob Gould owner of 6645 Princeton Glendale Road, UC doctor's office just south of the proposed site. Spoke in opposition citing concern about the height of the retaining wall that would sit at the edge of his property. In addition, he was concerned about the traffic pattern the use would create in the existing parking lot. Most car washes he has seen does not use shared parking for access. Also expressed concern about the salt and residue damaging the existing pavement and increased cost. Wanted direct access to a main street.

Mr. Holger asked for clarification about access to Mr. Gould's property. Mr. Gould stated his customer could use the shared parking to turn onto Princeton Road.

Mr. Holger asked if there was anyone to speak as a neutral party of this of this case. No one spoke.

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

Mr. Holger began the discussion stating the overlay district was added in 2018, which changed the allowable uses in this B-PUD. Carwashes were an allowable use until last year.

Mr. Bradshaw asked if we would allow something that was not allowed by the new overlay district. Mr. Bradshaw does not feel it was up to the board to go against the trustee's desire.

Mr. Behrmann clarified the overlay district was put into place to encourage commercial development along the corridor while increase the building standards for the area.

Mr. Dobroszi remembers when the Board approved the original PUD and does not feel they would approve a car wash use on the corner if it was part of the 2005 PUD. Mr. Dobroszi agreed with the comments about the traffic stacking up into the parking lot.

Mr. Bradshaw also has an issue with the traffic impacts and how it would work with the already crowded sports bar that shares the parking lot.

Mr. Holger asked for a motion on this case.

Mr. Mital made a motion to **Deny** Case ZC19-010 as presented by staff. Mr. Bradshaw seconded. Upon call of the roll: Mr. Holger – yes; Mr. Dobrozsi – yes; Mr. Bradshaw – Yes; Mr. Mital – Yes; the motion passed.

Mr. Holger called for case **ZC19-011: Overlay District Review – 7116 Sennet Place**.

-Mr. Mital recused himself from this case.

Mr. Holger asked the applicant if they would like to move forward with 3 voting members reminding the applicant it would take a unanimous vote to pass. Applicant agreed to continue.

Mr. Elma presented the staff report, PowerPoint presentation and case materials.

Mr. Holger asked if there were questions of staff. No questions

Mr. Holger Asked to hear from the applicant.

Brent Fraley with Fraley & Fraley, LLC. 7723 Tyler's Place Blvd. West Chester. Mr. Fraley reiterated the parking space requirements as presented by staff and explained 15 spaces would be the maximum amount of spaces the site could accommodate. The owners bought the property to run their own medical business they checked the zoning but did not realize with the medical use came more parking. Mr. Fraley explained the single doctor use would not generate a large number of clients. Cross parking, easements were investigated but not feasible, as the parking they would use is owned by the Kroger Company. The applicant could not get Kroger to return their phone calls about the matter. Mr. Fraley agreed with all the conditions that would put into place.

Mr. Dobrozsi asked if there was an elevator in the building.

Mr. Fraley said no.

Mr. Dobrozsi asked how many exam rooms were planned for the building.

Mr. Fraley stated four.

Mr. Bradshaw asked what was planned for the upstairs.

Mr. Fraley stated no planned use, perhaps storage.

Mr. Holger asked if there were any further questions of the applicant.

Mr. Holger asked if there was anyone to speak as a proponent of this case. No one spoke.

Mr. Holger asked if there was anyone to speak as an opponent of this case. No one spoke.

Mr. Holger asked if there was anyone to speak as a neutral party of this of this case.

- Mr. Ron Aylword 6563 Trail View Court spoke about the number of exceptions that the Zoning Commission made in the Township. Felt 15 spaces was not enough parking for a medical use. Mr. Ron also stated his concerns about multi-family uses being allowed in other area of the township.
- Soha Mousa 7323 Preserve Place West Chester Ohio, Owner and physician who will be working out of the building. Dr. Mousa stated she does not expect patients to cross the street and if the shared parking was utilized staff (including herself) would use the cross easement parking. Dr. Mousa stated she did not expect to need 15 spaces.

Mr. Dobrozsi asked if the building was accessible.

Dr. Mousa explained she was investigating options for making the parking area more accessible for her patients. Dr. Mousa explained she was the first physician of this kind in the area. She bought her property in an effort to make the site as accessible as possible to her patients.

Another residence spoke (no name given) and asked if there was a limitation on the number of patients the doctor could see per day.

Mr. Behrmann explained the Zoning Commission decision only referred to parking and it would be very difficult to regulate the number of patients.

Mr. Holger asked if there was a motion to close the public hearing.

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

Mr. Dobrozsi began the discussion by explaining that for a 2 story building without an elevator the building code would not allowed medical office use on the second floor. Therefore, from a building code standpoint the building should only require 19 spaces. Mr. Dobrozsi agreed the zoning code requires 24 spaces.

Mr. Bradshaw agreed with Mr. Dobrozsi's analysis of parking.

Mr. Holger suggested adding the condition of 1 doctor seeing only 15 patients in a day.

Mr. Behrmann clarified it would be a difficult condition to enforces.

Mr. Behrmann recommended including BZA's recommendations 1-4 Number 5 is exclusive to the BZA and would not apply to the Zoning Commission.

Mr. Bradshaw asked if there were any other conditions that the Board needed to ask of the applicant regarding this case. No other conditions were suggested.

Mr. Holger asked for a motion on this case.

Mr. Bradshaw made a motion to **Approve** Case ZC19-011 as presented by staff, including the BZA conditions 1-4. Mr. Dobrozsi seconded. Upon call of the roll: Mr. Holger – yes; Mr. Dobrozsi – yes; Mr. Bradshaw – yes; the motion passed.

Mr. Holger called for the next item on the agenda of the approval of the meeting minutes from the February 20, 2019

Mr. Bradshaw made a motion to **APPROVE** the meeting minutes from February 20, 2019. Mr. Dobrozsi Seconded. Upon Call of the Roll: Mr. Holger – yes; Mr. Dobrozsi – yes; Mr. Bradshaw – yes. The motion passed.

Holger asked if there was any other new business. No new Business.

Mr. Holger made a motion to **ADJOURN ZONING COMMISSION MEETING**. The motion passed unanimously and **ZONING COMMISSION MEETING ADJOURNED**.

Respectfully submitted,

Forrest Holger, Chairman

Mark Elma, Secretary