

LIBERTY TOWNSHIP ZONING COMMISSION

April 18, 2022

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. Mike Dunn, Mr. Forest Holger, Mr. Mike Stater, and Mr. Michael Ward. Also, in attendance was Bryan Behrmann, Director of Planning and Zoning and Karla Chaney, Zoning Specialist.

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

Mr. Dobrozsi called for the first case.

Mr. Behrmann presented the staff report and PowerPoint Presentation for case ZC22-006, Jagroop Toor was requesting a Zoning Map Amendment to rezone 14.5704 acres from RA-1 to B-1.

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

Mr. Dobrozsi asked to hear from the applicant.

Steven Butler (2440 Dayton Xenia Road, Mason, OH) on behalf of Jagroop Toor, stated he was a civil engineer and was present at the Butler County Planning Commission meeting. Mr. Butler said the applicant was willing to meet all the recommendations and requirements from the Butler County Planning Commission. He stated the applicant is planning on developing a gas station with six dispensers on the corner away from the residential properties and some other residential businesses.

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

Mr. Holger asked Mr. Butler if the gas station would include a convenience store. Mr. Butler replied yes, an approximately 4000 SF building.

Mr. Stater asked Mr. Butler what the hours of operation would be for the gas station. Mr. Butler replied 5am to 1am.

Mr. Dobrozsi asked Mr. Butler how many parcels would be created. Mr. Butler replied it has not been decided, it would depend on the market. Mr. Butler gave Neighborhood Business examples of Starbucks, Subway or possibly a strip center.

Mr. Dobrozsi stated there were many uses permitted in a B-1 district. He asked Mr. Butler if there were any uses that would not be considered. Mr. Butler replied it depends on the market.

Anthony Hicks (5810 Brown Road, Oxford, OH) with Reliable Building Solutions stated there have been many inquiries, bank, dental office, gas station, etc.

Mr. Jagroop Toor (6137 Carriage Oak Way, Liberty Twp. OH) stated he can't commit to any type of development, however, if someone were to offer a large amount of money to construct a cell tower he would not allow it.

Mr. Dobrozsi asked if anyone would like to speak as a proponent of this case.

David Layman (3080 Ackerman Blvd, Dayton, OH) stated he was the attorney representing the applicant. Mr. Layman addressed many of the cell tower concerns and stated the applicant is proposing an upscale development with additional landscaping. He explained the number of lots created depended on the market. He explained he reviewed the Liberty Township Zoning Resolution for B-1 district vs B-2 district and he believed a B-1 district would be more appropriate.

Mr. Dobrozsi asked if anyone would like to speak as an opponent of this case.

Gary Gephart (5065 Millikin Road, Liberty Twp. OH) stated he had developed a working relationship with the applicant. Mr. Gephart had concerns with the increased traffic along Millikin Road, infrastructure and the many permitted uses. Mr. Gephart was not in favor of a gas station.

Steve Ritter (5919 Trotters Way, Liberty Twp. OH) had concerns with drainage, light pollution, and noise from a gas station. Mr. Ritter wanted to know who was responsible for replacing the trees along the buffer if they would die and wanted a guarantee that a cell tower would not be constructed.

Mr. Gephart asked Mr. Behrmann about the location of the buffer. Mr. Behrman replied Butler County Engineer's Office stormwater design would dictate the location of the buffer. Mr. Gephart asked Mr. Behrmann what happens when the applicant fails to maintain the fence along the buffer. Mr. Behrmann explained he could file a resident complaint on the Liberty Townships website.

Mr. Dobrozsi asked if anyone would like to make a neutral comment on this case. There were none.

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

Mr. Dobrozsi asked if there was any discussion.

Mr. Holger stated he understood the opponents would like a specific plan from the applicant however the Neighborhood Business, B-1 district was a good fit for the area.

Mr. Dunn stated he could not approve a plan without a plan and he preferred a PUD with material standards and limited uses.

Mr. Stater stated the Board recommended approval across the street with no limits and the request were the same.

Mr. Dobrozsi stated it was large piece of property and one of the most important intersections. He explained the lack of a plan and development driven by the market would leave the neighbors always wondering what would be built next. Mr. Dobrozsi could not support the request because it was too open ended.

Mr. Ward stated he previously lived in a subdivision where a cell tower was constructed and the neighbors had no control. Mr. Ward asked Mr. Behrmann if a condition could be placed on the approval to prohibit a cell tower. Mr. Behrmann explained residential and commercial zoning

districts have different cell tower regulations. Mr. Behrmann stated cell towers are permitted by right in any commercial district which is a requirement of federal law.

Mr. Dobrozsi asked for a motion on the case.

Mr. Dunn made a motion to **RECOMMEND DENIAL** of Case ZC22-006 as presented by staff. Mr. Dobrozsi seconded. Upon the call of the roll. Mr. Dunn– yes; Mr. Dobrozsi - yes; Mr. Holger – no; Mr. Ward – no; Mr. Stater – no. The motion failed for a lack of votes.

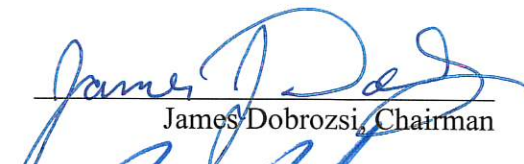
Mr. Holger made a motion to **RECOMMEND APPROVAL** of Case ZC22-006 as presented by staff. Mr. Ward seconded. Upon the call of the roll. Mr. Holger – yes; Mr. Ward- yes; Mr. Stater – yes; Mr. Dunn – no; Mr. Dobrozsi – no. The motion passed.

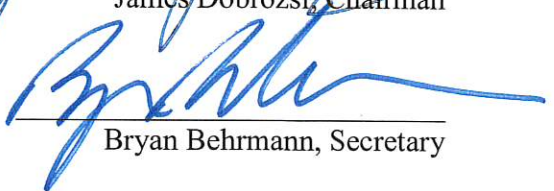
Mr. Dunn made a motion to **APPROVE** the minutes and Notices of Decisions from the March 21, 2022 meeting. Mr. Ward seconded the motion. Upon call of roll: Mr. Dunn – yes; Mr. Ward – yes; Mr. Holger – abstain; Mr. Stater – yes; Mr. Dobrozsi - yes. The motion passed and the request was approved.

Mr. Behrmann stated there were cases set for the May 16, 2022 meeting agenda.

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


Bryan Behrmann, Secretary