

LIBERTY TOWNSHIP ZONING COMMISSION

May 15, 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. Forrest Holger, Mr. Mike Stater, Mr. Michael Dunn and Mr. Wayne Bradshaw. Also, in attendance was Bryan Behrmann, Director of Planning and Zoning and Thomas McIntyre, Senior Planner.

Mr. Dunn made a motion to **APPROVE** the April 17, 2023 meeting minutes and notice of decision as presented. Mr. Bradshaw seconded the motion. Upon call of roll: Mr. Dunn – yes; Mr. Bradshaw – yes; Mr. Stater - abstain; Mr. Holger – abstain; Mr. Dobrozsi – yes. The motion passed.

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

Mr. McIntyre presented the staff report and PowerPoint Presentation for case **ZC23-010**, Liberty Retail Management is requesting a Minor Modification to a Final PUD for monument signage at the southeast parcel within Liberty Center.

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

Mr. Holger asked for clarification regarding individual tenant signage. Mr. McIntyre responded stating the monument sign would be for all tenants however each tenant would be allowed building signage.

Mr. Mike Sullivan (150 Claren Drive, Heath, OH 43086) spoke on behalf of the application. The subject property is a large site with seven (7) tenants with one monument sign proposed and are agreeable to all conditions within the Notice of Decision.

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. Holger stated the application is reasonable and is requesting a minor modification to the approval and is therefore agreeable to the request.

Mr. Behrmann clarified that the background of each tenant panel will be white to remain consistent with the other monument signs within Liberty Center.

Mr. Holger made a motion to **APPROVE** Case ZC23-010. Mr. Stater seconded. Upon call of the roll. Mr. Holger – yes; Mr. Stater – yes; Mr. Dobrozsi – yes; Mr. Bradshaw – yes. The motion passed 4-0.

Mr. McIntyre presented the staff report and PowerPoint Presentation for case **ZC23-011**, Michael Chandler is requesting an Overlay District Review for a Bigby Coffee and variances from Section 5.4.1 regarding building materials and colors & Section 8.4.2 regarding lot perimeter buffer.

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

Mr. Michael Chandler (602 Lila Avenue, Milford, OH 45150) is aware of the numerous conditions placed on the plan. They have reached out to Butler County regarding the stormwater management for the existing development and have determined that the lease area was designed for surface parking, not stormwater detention, therefore the proposal will not affect any designed stormwater detention facilities. This is a good use for an 8,000 SF area and will meet all conditions of the Notice of Decision through the zoning and design engineering processes.

Mr. Stater shared his concern regarding the stormwater management for the area, in particular the existing stormwater facilities on the 8,000 SF lease area.

Mr. Chandler responded stating the existing catch basins would be removed and relocated and a new stormwater system would be designed to ensure all stormwater is redirected to the southeast area of the parcel. The existing stormwater detention is already sized appropriately as the lease area was designed to be surface parking.

Mr. Holger shared his concern of the proposed "Endura Wall" which appears to be similar to EFIS which is used on other commercial buildings which can easily be dented/damaged.

Mr. Chandler responded stating while this material appears to be an EIFS material it is in fact made of brick and/or stone material that does retain durability.

Mr. Dobrozsi stated that his interpretation of the Notice of Decision is that all four elevations require 80% brick and/or stone which this proposal does not meet.

Mr. Chandler responded stating he will work with an architect to achieve the required façade to meet the requirements of the Notice of Decision.

Mr. Behrmann clarified that the Notice of Decision does state that the Endura Wall as provided by Fullerton Building Systems will not be allowable as a façade material.

Mr. Bradshaw has concern regarding the required 15% open space requirement and that no calculations were provided to verify this has been met and/or exceeded.

Mr. Chandler responded stating the lease area was designed as surface parking, therefore the 15% has already been achieved elsewhere within the site so while the amount of open space may be decreased it will be dip below the required minimum.

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 this is a likely location for a coffee shop or a similar use and is in favor of the application with all the conditions the applicant has agreed to.

Mr. Holger stated he can support the application assuming the applicant meets all the requirements of the Notice of Decision.

Mr. Holger made a motion to **APPROVE** Case ZC23-011. Mr. Bradshaw seconded. Upon call of the roll. Mr. Holger – yes; Mr. Bradshaw – yes; Mr. Dobrozsi -- yes; Mr. Stater – no. The motion passed 3-1.

Mr. McIntyre presented the staff report and PowerPoint Presentation for case **ZC23-012**, Hen-Jur is requesting Final PUD review for Pro Scan Imaging.

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

Mr. Dan Wheeler (10250 Alliance Road, Cincinnati, OH 45242) introduced the project and stated the landscaping and site plan have not been updated to show proposed revisions on the plan. There is additional parking shown on the plan that can be utilized to meet the required 15% open space for the subject site. Additional spandrel windows have been provided as requested by the Township to meet the façade requirements. Screen walls will be utilized to screen all rooftop mechanical units. However, the applicant would like to have the signage approved as shown on the plans.

Mr. Holger asked about the signage as proposed when compared to the Notice of Decision.

Mr. Behrmann responded stating the Notice of Decision reads that any signage would be required to meet the requirements of the Zoning Resolution, not as shown on the plan.

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

Mr. Holger stated the use is appropriate for the corridor. The only issue is the signage as proposed as it exceeds the allowable SF for the zoning district.

Mr. Dobrozsi agreed in that the signage as proposed appears to be out of scale for the corridor.

Mr. Holger made a motion to **APPROVE** Case ZC23-012. Mr. Stater seconded. Upon call of the roll. Mr. Holger – yes; Mr. Stater – yes; Mr. Dobrozsi – yes; Mr. Bradshaw – yes. The motion passed 4-0.

Mr. McIntyre presented the staff report and PowerPoint Presentation for case **ZC23-013**, David Dooley is requesting a Zoning Map Amendment from A-1 (Agricultural District) to R-1 (Suburban Residential District) for a 2.880-acre site.

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

Mr. McIntyre clarified that lots 1-4 will have a shared driveway and lots 5-8 will share a separate driveway.

Mr. Behrmann clarified that the request is for the appropriateness of a zoning map amendment and not the plot plan as this is simply the graphic provided with the application showing the intent of the applicant. There are some sewer issues that are preventing development but those will be worked out assuming the application is recommended for approval.

Mr. David Dooley (4867 Streamside Court, Liberty Township, Ohio, 45011) introduced the application. Assuming the application is recommended for approval lots 1-4 will pay for bringing the sewer line under the railroad tracks to the west of the property. The intent is not to develop the property as a large subdivision but to develop the lots for he and his friends to build houses on.

Mr. Dobrozsi asked how the applicant intends to bring sewer to the subject property.

Mr. Dooley responded stating he has been working with the Rumpke family to extend the mains and have the sewers gravity fed.

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

Mr. Holger stated he likes that the applicant is bringing water and sewer across the railroad and will be good for the community.

Mr. Dobrozsi stated he cannot support the applicant as this does not agree with the existing 'fabric' of Liberty Township as it was intended to be 30+ years ago. He has great concern with taking these large lots and subdividing them into smaller lots as residents moved to Liberty Township to obtain these large lots. Recommending this for approval would set a precedent he cannot support.

Mr. Holger stated he can support the applicant as the immediate and surrounding areas are zoned R-1 which is what the application is requesting. The plot plan is showing 2 acre lots across the top which is four times the minimum size of R-1 requirement.

Mr. Dobrozsi would support the application but because the plot plan cannot be tied to the recommendation for approval he cannot support the request.

Mr. Stater made a motion to **APPROVE** Case ZC23-013. Mr. Holger seconded. Upon call of the roll. Mr. Stater – yes; Mr. Holger – yes; Mr. Dobrozsi – no; Mr. Bradshaw – yes. The motion passed 3-1.

Mr. McIntyre presented the staff report and PowerPoint Presentation for case ZC23-014, Unicorp National Investments, Inc. is requesting Final PUD Plan review for a Wawa Gas Station.

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

Mr. John Bayer (6900 Tylersville Road, Mason, OH, 45040) briefly discussed the proposal. The proposed structure will be just shy of 6,000 SF and with ROW dedication the site will be just short of 2.0 acres. Street renderings were provided showing how the proposed building will look from Liberty Way and Cincinnati-Dayton Road. There is a substantial amount of deciduous and evergreen vegetation along Liberty Way. There is a monument sign with digital signage on the Cincinnati-Dayton frontage shown with plantings as required per the Liberty Township Zoning Resolution. Proper pedestrian access via 6' concrete sidewalk was provided throughout the site with appropriate pedestrian access easements. A few modifications to the Notice of Decision are being requested: to drop condition #3 that requires wheel stops be required when parking spaces are adjacent to sidewalks, in particular the storefront as this can become an unnecessary trip hazard. A flush curb will be provided at the frontage of the site with bollards along with continuous curbs being provided throughout the remainder of the development.

Mr. Behrmann asked for clarification regarding the removal of the wheel stops and whether the request is for the seven parking spaces along the front of the building or for all parking spaces adjacent to sidewalks.

Mr. Bayer responded stating the request is primarily for the seven spaces along the front of the building but would like to see the condition removed for the entirety of the site.

Mr. Patrick Warnament (260 W. Baltimore Pike Wawa, PA 19603) stated the typical parking space at Wawa stores are 10'x20' which exceeds the minimum of 9'x18' as stated in the Liberty Township Zoning Resolution.

Mr. Bayer stated the proposed bollards will be 6' steel bollards that will be cast into the concrete. The second condition requested to be removed is #6B and to have the landscape plan as shown be approved. The existing constraints along the north and east property lines don't provide the minimum required buffer width, however, other portions of the site go above and beyond what the Zoning Resolution requires. The last condition to be modified is #10 regarding the maximum width of the sign to be expanded from 6' to 8' in width.

Mr. Behrmann stated the maximum width for a freestanding monument sign in the Overlay District is 9'-8 1/2" and would like the sign to remain consistent with the overlay standards.

Mr. Warnament responded stating they are agreeable to all conditions relating to Notice of Decision #10.

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. Stater asked for clarification regarding the existing signage and overhead utilities along Cincinnati-Dayton Road.

Mr. Behrmann responded stating they are not shown on the submitted renderings. Other than what is being proposed all other signage and OHU will remain the same. Any new utilities would be placed underground.

Mr. Holger made a motion to **REOPEN THE PUBLIC HEARING**. Mr. Bradshaw seconded.

Mr. Bayer spoke to the existing drainage features at the corner of Liberty Way and Cincinnati-Dayton Road are remnants of the current development. Site detention will be contained underground via a storm sewer network.

Mr. Dobrozsi asked how the applicant determined their minimum requirement for parking spaces on site.

Mr. Bayer responded stating Wawa likes to see around 50 parking spaces per site and this particular site shows 44 parking spaces which is slightly below what they like to see. This is due to the food use being a higher volume generator than other similar uses. Additionally, there are more employees on site when compared to similar uses which requires additional parking. Employees will be directed to park on the north side furthest from the store entrance or on the east side near the fuel tanks as to not take up the highly desirable parking spaces near the entrance. Lastly, the abundance of landscaping will be irrigated to ensure the vegetation does not die and can be maintained appropriately.

Mr. Stater asked if the existing retaining walls will be removed along Cincinnati-Dayton Road.

Mr. Bayer responded stating some of the existing retaining walls will be removed and some new retaining walls will be built. A new retaining wall on the west side of the site will be constructed with a railing near the parking spaces.

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

Mr. Dobrozsi stated he is happy to remove the wheel stops, approves of the landscaping and is fine with moving forward with the monument sign as proposed.

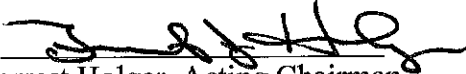
Mr. Holger stated he is pleased with all modifications presented but would like to see the wheel stops to be installed in all other portions of the parking lot with the exception of the parking spaces at the front of the store.

Mr. Bradshaw discussed the previous denials regarding integral curbing and, after much thought, is in favor of allowing the integral curbs near the front of businesses.

Mr. Holger made a motion to **APPROVE** Case ZC23-014 as modified. Mr. Stater seconded. Upon call of the roll. Mr. Holger – yes; Mr. Stater – yes; Mr. Dobrozsi – yes; Mr. Bradshaw – yes. The motion passed 4-0.

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

Respectfully submitted,



Forrest Holger, Acting Chairman



Thomas McIntyre, Secretary