

LIBERTY TOWNSHIP ZONING COMMISSION

May 16, 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. Mike Stater, and Mr. Wayne Bradshaw. 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 ZC22-007, DNM Development was requesting a Zoning Map Amendment to rezone 0.796 acres from R-1 to B-PUD; a Text Amendment to make a "Kennel" use and Allowable Use in a B-PUD zoning district; and a Major Modification to the preliminary PUD Plan to replace a previously approved office warehouse use with a kennel use.

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

Mr. Dobrozsi asked for clarification on the location of the outdoor kennel areas. Mr. Behrmann showed the floor plan with the outdoor and indoor kennels. Mr. Behrmann referred the Board to the applicant for clarification.

Mr. Stater asked about the small wedge of land labeled future development and the percentage of green space that would remain. Mr. Behrmann stated he was not provided the calculation and referred the Board to the applicant.

Mr. Dobrozsi asked to hear from the applicant.

Matt Nolan (3000 G Henkle Drive, Lebanon, OH) on behalf of Bunnell Hill Development stated they were the developer of Pet Suites in the area. He stated Pet Suites is a daycare for dogs. Mr. Nolan explained the kennels on the rear of the building are high-end individual kennels and the kennel area along the southside of the building is a play area. He stated there are never more than 40 dogs in the play area at one time with a minimum of 2 staff members and dogs are only permitted outdoors between 6:30am – 8:30 pm.

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

Mr. Dobrozsi asked Mr. Nolan about the kennels along the west side of the building. Mr. Nolan explained the kennels are indoor with access to the outside from inside the kennel and are attended by staff when the dogs are outside.

Mr. Dunn asked in addition to daycare is there boarding of dogs. Mr. Nolan replied yes approximately 50% of the business is boarding.

Mr. Stater asked Mr. Nolan about other Pet Suite locations and their size. Mr. Nolan stated the buildings are identical franchise buildings.

Mr. Bradshaw asked Mr. Nolan if noise became an issue what has the company done at other locations to correct the problem. Mr. Nolan stated they adjust the location of the dogs. He also explained the height of the fence and the additional landscaping is used to buffer the noise.

Mr. Dobrozsi asked if the building was a prototype. Mr. Nolan said this proposed Pet Suites is very customized to address the fire department and the corner entrance. Mr. Dobrozsi wanted to know what changes were made to the building. Mr. Nolan replied they relocated the large play area to the south to move the dogs further away from the residents.

Etta Reed (6900 Tylersville Road, Mason, OH) with Bayer Becker Engineering stated they were the engineers for the development. She explained they are asking for a zoning map amendment, a zoning text amendment to allow "Kennel" use an "Allowable Use" in a B-PUD zoning district, a fence variance and a modification to the approved uses to include a Pet Suites Kennel instead of a previously approve Office/Warehouse use.

Mr. Dobrozsi asked Ms. Reed why the building was not used to block the sound. Ms. Reed stated the original site design was changed due to the fire departments concerns. She explained the fire department requested access around the entire building.

Mr. Dobrozsi asked if anyone would like to speak as a proponent of this case. There were none.

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

Daniel Casey (4891 Imperial Drive, Liberty Twp. OH) had concerns due to current drainage problems caused by the new development. He also had concerns with changing the text amendment to allow kennels.

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

Mr. Bradshaw 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 asked if there was any discussion.

Mr. Dunn asked why approval was needed to approve the "Kennel" use in all B-PUD's. Mr. Behrmann explained it would not approve "Kennels" in all B-PUD's, it would make it an allowable use.

Mr. Bradshaw stated he had concerns there was no overnight staff.

Mr. Stater agreed he liked the business plan of Pet Suites and felt a Pet Suites was needed in Liberty Township. He had concerns with the size of the building in comparison to the other buildings in the development. Mr. Stater had no concerns with the zoning map amendment.

Mr. Bradshaw stated he wondered why kennels have never been approved in a B-PUD. He stated kennels are no longer dogs running in an open field but a real-life business.

Mr. Dobrozsi asked for a motion on the case.

Mr. Bradshaw made a motion to **RECOMMEND APPROVAL** of Case ZC22-007 as presented by staff. Mr. Stater seconded. Upon the call of the roll. Mr. Bradshaw – yes; Mr. Stater- yes; Mr. Dunn – no; Mr. Dobrozsi – no. The motion failed for lack of a votes.

Mr. Bradshaw made a motion to **RECOMMEND APPROVAL** of Case ZC22-007 with staff recommendations and a condition of 55 decibels or less at all times as measured from the adjacent residential property line to the west, which shall apply 24 hours a day and 7 days a week. Mr. Stater seconded. Upon the call of the roll. Mr. Bradshaw – yes; Mr. Stater- yes; Mr. Dunn – yes; Mr. Dobrozsi – yes. The motion passed.

Mr. Dobrozsi called for the next case.

Mr. Behrmann presented the staff report and PowerPoint Presentation for case **ZC22-008**, Tim Riegert was requesting a Minor Modification to the Sanctuary Phase 4 Final PUD Plan to exceed the maximum accessory structure square footage on a 2.46-acre lot and a reduced side yard setback for an accessory structure larger than 1,500 square feet.

Mr. Dobrozsi asked if there were any questions for staff. There were none.

Mr. Dobrozsi asked to hear from the applicant.

Tim Riegert (5580 Sanctuary Ridge, Liberty Twp. OH) explained the detached garage was to store his motorhome and boat.

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

Mr. Stater asked Mr. Riegert if the building would have security lights. Mr. Riegert said yes, soffit lights and security lights that would be on a timer.

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

Dale Schaffeld (5660 Liberty Woods Drive, Liberty Twp. OH) spoke in favor of the approving the detached garage.

Mr. Dobrozsi asked if anyone would like to speak as an opponent of this case. There were none.

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. Stater seconded. Upon the call of the roll, the motion passed. **PUBLIC HEARING CLOSED.**

Mr. Dobrozsi asked if there was any discussion.

Mr. Dunn no issues.

Mr. Dobrozsi stated he had no issues with the request.

Mr. Dobrozsi asked for a motion on the case.

Mr. Dunn made a motion for **APPROVAL** of Case ZC22-008 with staff recommendations. Mr. Stater seconded. Upon the call of the roll. Mr. Dunn – yes; Mr. Stater- yes; Mr. Dobrozsi – yes; Mr. Bradshaw– yes. The motion passed.

Mr. Dobrozsi called for the next case.

Mr. Behrmann presented the staff report and PowerPoint Presentation for case **ZC22-009**, Matt and Cherie Johnson were requesting a Minor Modification to the Four Bridges Phase 6 Final

PUD Plan to reduce the minimum side yard setback required for a covered porch from 10' to 7' from the north property line.

Mr. Dobrozsi asked if there were any questions for staff. There were none.

Mr. Dobrozsi asked to hear from the applicant.

Matt Johnson (8080 Laurel Lake Court, Liberty Twp. OH) explained the request was to construct a covered porch with an outdoor kitchen.

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

Mr. Stater asked Mr. Johnson if the roof would have downspouts and the pitch of the roof. Mr. Johnson stated there will be downspouts and the roof will have a 2/12 pitch.

Mr. Dobrozsi asked Mr. Johnson if the HOA approved the design, materials and location. Mr. Johnson replied yes.

Mr. Bradshaw asked Mr. Johnson if the existing patio was the same size. Mr. Johnson replied yes, the existing patio is a paver patio.

Mr. Dobrozsi asked if anyone would like to speak as a proponent of this case. There were none.

Mr. Dobrozsi asked if anyone would like to speak as an opponent of this case. There were none.

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

Mr. Bradshaw 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 asked if there was any discussion.

Mr. Dobrozsi stated he had no issues with the request.

Mr. Dunn stated he was good.

Mr. Dobrozsi asked for a motion on the case.

Mr. Bradshaw made a motion for **APPROVAL** of Case ZC22-009 as presented by staff. Mr. Stater seconded. Upon the call of the roll. Mr. Bradshaw – yes; Mr. Stater- yes; Mr. Dobrozsi – yes; Mr. Dunn– yes. The motion passed.

Mr. Dobrozsi called for the next case.

Mr. Behrmann presented the staff report and PowerPoint Presentation for case **ZC22-010**, Liberty Retail Management was requesting Final PUD Review for the southeast undeveloped parcel within Liberty Center. The Final PUD request is 4.177 acres, which includes a medical office, restaurant with drive thru facilities and retail spaces.

Mr. Dobrozsi asked if there were any questions for staff. There were none.

Mr. Dobrozsi asked to hear from the applicant.

Mitchel Harvey (607 Shelby, Detroit, MI) with Stonefield Engineering represented Liberty Retail Management, site developer. Mr. Harvey stated the landscaping has been improved to better screen the Shake Shack drive thru, the middle two buildings tenants are Torchy Tacos, Buff City Soap,

Green District Salad, a juice bar and Sleep Comfort and the Optima Dermatology building was reduced to make additional space for the landscaping around Shake Shack. Mr. Harvey explained the sidewalks, bike path and additional landscaping previously requested has been incorporated into the Final Plan.

Mr. Stater asked Mr. Harvey if the roof top units would be screened. Mr. Harvey replied yes, on all four sides.

Mr. Dobrozsi asked Mr. Harvey the height of the retaining wall. Mr. Harvey stated just over 5 feet and a guardrail will be installed on top of the wall.

John Myers (5958 Breigha Drive, Calloway, OH) concept design manager for Shake Shack spoke on the details of a new brick product Shake Shack would like to use on their new building. He explained the product was more durable than brick, more energy efficient, could be color matched and available in four sizes and cuts.

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

Mr. Stater asked Mr. Myers how many stores will be opening in the area. Mr. Myers replied this will be the first in the market. Mr. Stater asked Mr. Myers how many stores will use this product. Mr. Myers replied all stores that require brick.

Mr. Dunn stated Liberty Township requires brick or stone. He asked Mr. Myers why Liberty Township should permit this new product. Mr. Myers replied the new product gives the same look as brick, is more efficient and can be built faster.

Mr. Bradshaw asked if the exterior colors were being changed with this new product. Mr. Meyers replied no, the exterior colors are remaining the same; white and dark charcoal.

Mr. Dobrozsi asked if anyone would like to speak as a proponent of this case. There were none.

Mr. Dobrozsi asked if anyone would like to speak as an opponent of this case. There were none.

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

Mr. Bradshaw 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 asked if there was any discussion.

Mr. Dunn stated it was an improved plan but he was not ready to change from brick to new materials.

Mr. Dobrozsi stated he was not ready to change the definition of brick. He had concerns with the new product.

Mr. Stater agreed with the other members of the Board.

Mr. Harvey withdrew the request to change materials for the Shake Shack and agreed to standard brick.

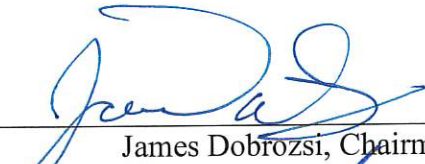
Mr. Dobrozsi asked for a motion on the case.


Mr. Stater made a motion for **APPROVAL** of Case ZC22-010 with staff recommendations. Mr. Dunn seconded. Upon the call of the roll. Mr. Stater – yes; Mr. Dunn- yes; Mr. Dobrozsi – yes; Mr. Bradshaw– yes. The motion passed.

Mr. Dunn made a motion to **APPROVE** the minutes and Notices of Decisions from the April 18, 2022 meeting. Mr. Stater seconded the motion. Upon call of roll: Mr. Dunn – yes; Mr. Stater – yes; Mr. Dobrozsi – yes; Mr. Bradshaw – 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


Bryan Behrmann, Secretary