

LIBERTY TOWNSHIP ZONING COMMISSION
June 17, 2019
6:00 PM
MEETING MINUTES

The Zoning Commission was called to order at 5962 Hamilton Mason Road at 6:10 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, Michael Dunn, Michael Stater, and Michael Ward. 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 called for case **ZC19-014: Zoning Text Amendment to the Liberty Township Zoning Resolution.**

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

Mr. Holger asked for clarification on section 5.4.2 Franchise Architecture

Mr. Behrmann clarified that the text amendment is only modifying the approving authority from the Zoning Commission to the Zoning Inspector. This modification gives staff the authority to make changes if the request meets the zoning resolution 100%. Staff may still choose to send these cases to the Zoning Commission.

Mr. Holger asked if there were any questions of staff.

Mr. Stater asked if section 7.6.3 Design Requirements is a requirement of the property owner, or tenant? He felt it did not have much teeth.

Mr. Behrmann clarified that this is not a requirement; developers may install traditional parking spaces if desired. This text amendment provides options to builders to help them meet the stricter water quality and open space requirements.

Mr. Dunn asked for clarification on section 3.6.2 Zoning Text Amendment, Review Procedures. The text reads we do not have to send plans to Butler County but the staff presentation mentioned we plan to send them.

Mr. Behrmann stated it is not our intention to cut out the county. The text amendment will make our Zoning Resolution consistent with the recent changes to the ORC. We do plan on sending applications to Butler County but more for review and comments. A public meeting would not be required.

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

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

Mary Papaioannou (5067 Elm Leaf Trail) asked if the board had read the entire 190 page document presented tonight.

Mr. Holger stated no, however the Zoning Resolution is a document they refer to all the time and are very familiar with the content. Mr. Holger stated the board relies of staff for questions when they need clarification.

Mrs. Papaioannou found it “disturbing” that there were no staff notes regarding Multi-Family. Mrs. Papaioannou also stated she did not feel comfortable with the text and did not want it to be a way for

developers to by-pass the zoning resolution process. Mrs. Papaioannou continued with concerns about someone inadvertently changing a M-PUD to a MU PUD and feels this is a way to go around the back door to allow Multi-Family dwelling units in areas where we do not want Multi-family dwelling units...Namely the Princeton PUD. Mrs. Papaioannou expressed concerns about curb stops in the smaller parking spaces and the low clearance of the newer cars. Mrs. Papaioannou expressed concerns about making these text amendments prior to the completion of the Comprehensive plan.

Mr. Holger stated the Multi-Family section is in the staff report and is part of the staff comments. The Zoning Resolution is a document that needs maintenance from time to time. It is not unusual to do text amendments from time to time.

Mrs. Papaioannou expressed concerns that there were no residence involved in the Focus Group. Mr. Behrmann clarified that the committee was a committee of developers who have complained in the past about some of our regulations being too tough. The purpose of this committee was to give them an opportunity to make those concerns known. Some of the suggestions were incorporated into the amendment many were not. Mr. Behrmann clarified that Multi-Family was not something that came up in those discussions, and feels the proposed text amendment is something that protects the 747 corridor even more. It removes it as a permitted use by right. Any proposal along that corridor would have to submit a plan as a PUD, which is a very specific zoning district.

Mr. Dunn stated that as it stands now Multi-Family is permitted in five areas, with the text amendments it will only be permitted in three. That seems like it is more restrictive rather than opening it up.

Mrs. Papaioannou hopes that is the way it is interpreted. She stated she hopes someone else does not have another definition or slant on the text amendments. She also expressed concerns that the proposed text create loopholes for developers.

Mr. Stater stated when the Text Amendments are proposed all the meetings are open to the public and comments from the public are welcome and fully considered as part of the decision making process.

Mr. Holger followed up to Mrs. Papaioannou's concerns about the wheel stops and the proposed zoning text amendments being done before the Comprehensive Plan.

Mr. Behrmann clarified that the Zoning Resolution and Comprehensive Plan are two different documents. The Comprehensive Plan makes recommendations, the Zoning Resolution carry's out those recommendations. These text amendments are not final and may change again after the completion of the Comprehensive Planning process. Changes made today can be reverted back if that's what the Comprehensive plan shows.

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

Suzanne Bruce (4985 Snow Valley lane), Mr. Bruce stated she has concerns about some of the changes being made ahead of the Comprehensive plan. Mrs. Bruce feels we are adding permitted uses ahead of a Comprehensive Vision plan. She also expressed concerns that the focus group was made of developers and not residence as well as allowing a change to lot sizes prior to the Comprehensive Plan.

Mr. Holger stated the Vision Plan is a very different document than the Zoning Resolution.

Mrs. Bruce sees the Vision Plan and Zoning Resolution as two documents used to make decisions and need to mesh. Mrs. Bruce believes the amendments should wait until we have an updated Vision Plan.

Marten Kelly (5200 Alpine Court) expressed his concerns about the reduction of lot sizes and reduction of lot frontage from 100' to 50'. He feels we are bowing down to developers who want to build smaller houses on smaller lots. Mr. Kelly is concerned about shrinking lots in the township and reducing maintenance costs as they relate to requiring fountains in ponds.

Mrs. Papaioannou stated that at the Butler County Planning Commission; of the 6 board members, 2 voted yes, one voted no; and two members abstained.

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

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

Mr. Dunn asked for clarification about 4.10(a) Site Development Standards for Agricultural and Residential Districts.

Mr. Behrmann clarified the proposed text amendments applies only to properties along major Thoroughfare Plan whose frontage has been dedicated (given to Butler County) for future road widening. The 50' would apply to the new right of way line. Current text could require a 150' frontage if the existing 100' requirement is applied to the development of a subdivision along a major thoroughfare with a dedicated right of way of 50'.

Mr. Dunn stated with the proposed text amendments it could still be 100' if the dedicated easement is 50'. Mr. Behrmann stated that is correct and only applies to primary roadways.

Mr. Stater asked what the percentage of R-PUD land has been developed verses what can still be developed as a R-PUD.

Mr. Behrmann stated the information is not available because the R-PUD approval does expire if the land is not developed within 3 years. There are currently approved R-PUD that have not been developed.

Mr. Dunn asked staff for clarification regarding Section 4.11.4 (5) (a) – Lot Size; is this a general regulation that states all lots can be 75% of the size, or when there is a patio home being built.

Mr. Behrmann clarified that the lot sizes does not change from the existing text it just give some one someone who wants to present a development with appropriate buffers. The Zoning Commission will make the final decision if the buffer is appropriate.

Mr. Holger reviewed the comments heard by the board and the three text addendums that were presented as part of the Text Amendments.

Mr. Behrmann Clarified that the Board had the option to approve all or some of the addendums that were presented.

Mr. Holger asked for a motion on this case.

Mr. Ward made a motion to recommend **Approval** of Case ZC19-014 to include the three addendums as presented by staff. Mr. Stater seconded. Upon call of the roll: Mr. Holger – yes; Mr. Dobrozsi – yes; Mr. Dunn – yes; Mr. Ward – yes; and Mr. Stater; Yes. The motion passed.

Holger called for the next item on the agenda, the approval of the meeting minutes from the April 15, 2019. Mr. Holger stated that there is not a quorum of members present at that meeting (Mr. Holger and Mr. Dobrosie were the only two members present in April). Approval of the April minutes would have to be postponed.

Mr. Behrman noted either Mr. Bradshaw or Mr. Mital needed to be in attendance to approve the meeting minutes. Approval was tabled until the next meeting.

Mr. Holger called for the next item on the agenda of the approval of the Meeting Minutes and Notice of Decisions for May 20, 2019.

Mr. Holger made a motion to **APPROVE** the Notice of Decision (ZC19-012) from the May 20, 2019 Zoning Commission meeting. Mr. Dobrozi seconded. Upon call of the roll: Mr. Holger – yes; Mr. Dobrozi – yes; Mr. Ward – yes; the motion passed. Mr. Dunn and Mr. Stater abstained because they were not present.

Mr. Holger called for the next item on the agenda of the approval of the Notice of Decisions for Case ZC19-013.

Mr. Holger made a motion to **APPROVE** the Notice of Decision (ZC19-013) from the May 20, 2019 Zoning Commission Meeting Mr. Dobrozi seconded. Upon call of the roll: Mr. Holger – yes; Mr. Dobrozi – yes; Mr. Ward – yes; Mr. Stater – yes; the motion passed. Mr. Dunn abstained because he were not present. Note: Mr. Stater joined the Board to hear this case.

Mr. Holger made a motion to **APPROVE** the Meeting Minuets from the May 20, 2019 Zoning Commission Meeting Mr. Dobrozi seconded. Upon call of the roll: Mr. Holger – yes; Mr. Dobrozi – yes; Mr. Ward – yes; Mr. Stater – yes; the motion passed. Mr. Dunn abstained because he were not present.

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

Mr. Dobrozi 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