

LIBERTY TOWNSHIP ZONING COMMISSION

June 26, 2023

6:00 p.m.

MEETING MINUTES

The Zoning Commission was called to order at approximately 6 p.m. by Mr. Holger. The Pledge of Allegiance was recited.

Upon call of the roll, members in attendance were Mr. Forrest Holger, Mr. Mike Stater, Mr. Brian Uhl and Mr. Wayne Bradshaw. Also, in attendance was Bryan Behrmann, Director of Planning and Zoning and Thomas McIntyre, Senior Planner.

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

Mr. McIntyre presented the staff report and PowerPoint Presentation for case **ZC23-015**, Carriage Meadows, LLC is requesting Final PUD Plan review for Carriage Meadows Section 3.

Mr. Holger asked for clarification regarding construction on site without permits. Mr. McIntyre responded stating construction of residences has not occurred however the applicant has been installing infrastructure without the proper approvals.

Mr. Holger asked for clarification regarding the unfinished turn lane improvements on Millikin Road. Mr. Behrmann responded stating the turn lane improvements remain unfinished as Duke Energy has relocated its infrastructure and associated lines, but a few other utilities have yet to relocate.

Mr. Holger asked for clarification regarding the apparent lack of landscape buffer along Millikin Road. Mr. McIntyre responded stating permits will not be issued until the landscape buffer, open space trees and street trees are installed per the approved plan. Mr. Behrmann added that the landscape buffer as built today does not show the trees in the appropriate location and does include a variety of species per the approved landscape plan.

Mr. Stater asked for clarification regarding the stormwater detention. Mr. McIntyre responded stating there is existing stormwater detention near Millikin Road which serves the front of the development and there are two proposed stormwater detention areas at the rear of the site which will serve the remainder of the development and will be placed in open space lots. Fences around the stormwater detention will not be required unless drastic grading is shown.

Mr. McIntyre read aloud a letter of opposition from the President of the Carriage Crossing Community HOA submitted by Matthew Kellum which detailed four reasons for opposing the submitted application.

Mr. Holger asked for clarification regarding the sanitary sewer connection. My. Behrmann responded stating the sanitary sewer will come from the property to the west and north via an existing 30' sanitary sewer easement.

Mr. Richard Arnold (3700 Park 42 Drive, Cincinnati, OH 45241) spoke on behalf of the application. He is aware of the numerous conditions and they all appear to be agreeable. The appropriate meetings will be scheduled and a timeline will be developed to come into compliance with the Zoning Resolution. The developer and builder will also be made aware of the letter of

opposition from the adjacent community. Lastly, the landscape buffer along Millikin Road will be addressed and the appropriate changes will be made to meet the approved plan.

Mr. Bradshaw asked for clarification on who makes the decision to install plants that were not approved per the landscape plan after all plans have been approved. Mr. Arnold responded stating the developer made the decision in this case.

Mr. Bradshaw asked for clarification on why the turn lane improvements have not been completed as of this date. Mr. Arnold responded stating that because not all utilities have been relocated to their appropriate location the turn lane improvements have been delayed. At this point the developer is at the mercy of the utility company(s) so providing a timeline is hard to say.

Mr. Roger Mersch (8461 Highton Court, Cincinnati, OH 45236) represents five adjacent property owners to the east and is asking for clarification on the timeline when construction on the sewer stub will commence. Mr. Behrmann responded stating the sewer stub to the north has been completed but construction on the sewer stub to the east has not started as permission from Duke Energy to extend the sewer line under an existing gas line has not been granted.

Mr. Brian Trotter (5785 Tilbury Trail, Liberty Township, OH 45011) is asking why the developer is already working on Phase 3 when the hearing this evening is to approve the plans to start work on Phase 3. Mr. Holger responded stating the applicant had misunderstood the requirements of the Zoning Resolution as some jurisdictions allow work to start before approvals while others require approvals prior to construction. Furthermore, no permits will be issued for any residences moving forward until the proper approvals are obtained.

Mr. Arnold clarified that permits have been applied for and obtained from Butler County and the State of Ohio for all applicable permits.

Mr. Trotter asked for clarification regarding the landscape buffer along Millikin, specifically the lack of maintenance along the frontage. Mr. Holger responded stating the area could be particularly wet which would render a mower ineffective, but this issue will be resolved with the support of staff.

Mr. Mersch asked for clarification regarding the Duke Energy utility request and a timeline for improvements if they are available. Mr. Arnold responded that the site development contractor is coordinating with Duke Energy but has not been made aware of when the planned improvements will be completed.

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

Mr. Holger stated the applicant is aware of the oversight and staff has conditions in place such as not permitting future sections and not conducting final inspections on existing residences to ensure all outstanding property maintenance and infrastructure issues are addressed and therefore is in agreement with the request.

Mr. Uhl stated that he feels the developer has shown a commitment and all outstanding property maintenance can be addressed by staff and therefore is in favor of the request.

Mr. Bradshaw stated that a landscape plan was approved and subsequently not followed. Are there any measures that can employ to make sure that the improvements will be made i.e. withholding permits for Section 3 to ensure the landscape buffer improvements are made.

Mr. Behrmann responded stating he is agreeable to the idea but will need to check with the Law Director to confirm this method is allowable.

Mr. Bradshaw asked if a 90-day time limit can be set to ensure the landscape improvements are made. Mr. Holger responded stating a time limit can be placed but not issuing permits provides the same outcome. Mr. Uhl echoed Mr. Holger in that the Notice of Decision as drafted will ensure that all improvements will be made prior to the construction of Phase 3.

Mr. Bradshaw asked if a condition can be added where the developer meet with staff within the next 30 days to review the deficiencies and create a timeline to bring the development into compliance. Mr. Behrmann responded stating this suggestion and provided language to be added as condition #10.

Mr. Bradshaw made a motion to **APPROVE** Case ZC23-015 as modified. Mr. Uhl seconded. Upon call of the roll. Mr. Bradshaw – yes; Mr. Uhl – yes; Mr. Holger – yes; Mr. Stater – yes. The motion passed 4-0.

Case **ZC23-008** has been requested to be tabled by the applicant. Mr. Uhl made a motion to table to the August 21, 2023 Zoning Commission Public Hearing. Mr. Bradshaw seconded. Upon call of the roll. Mr. Uhl – yes; Mr. Bradshaw – yes; Mr. Holger – yes; Mr. Stater – yes. The motion passed 4-0.

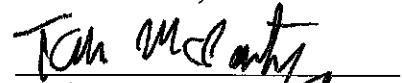
Mr. Holger made a motion to **APPROVE** the May 15, 2023 meeting minutes and notice of decision as presented. Mr. Bradshaw seconded the motion. Upon call of roll: Mr. Holger – yes; Mr. Bradshaw – yes; Mr. Stater - yes; Mr. Uhl -- abstain. The motion passed.

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

Respectfully submitted,



Michael Stater, Board Member


Thomas McIntyre, Secretary