

LIBERTY TOWNSHIP ZONING COMMISSION
July 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. Michael Dunn, Mr. Mike Stater, Mr. Mike Ward and Mr. Wayne Bradshaw. Also, in attendance was Bryan Behrmann, Director of Planning and Zoning, Thomas McIntyre, Senior Planner and Nick Heaton, Planning & Zoning Intern.

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

Mr. McIntyre presented the staff report and PowerPoint Presentation for case ZC22-013, EROP LLC was requesting a Minor Modification to the Final PUD Plan for Whitewater Carwash to remove the wheel stops in the parking spaces that are adjacent to a sidewalk.

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

Mr. Dunn asked staff to clarify which parking spaces the applicant is requesting to eliminate wheel stops from. Mr. McIntyre stated the request is for the parking spaces located in the middle of the site adjacent to the vacuums. Mr. Behrman clarified that the zoning resolution requires any parking space that is adjacent to a sidewalk or landscaping to have wheel stops.

Josh Ross (6230 Centre Park Drive #A, West Chester, OH) on behalf of RVP Engineering stated that sidewalks are on back side of the parking spaces so users do not have to walk through mulch when walking around their vehicles. Typically, all vehicles will do head in parking as the front of the cabin is where most of the cleaning occurs. The applicant has provided 7' wide sidewalks (with a 6" tall curb) where adjacent to the parking surface for two reasons: one being to allow pedestrians/users maneuvering room around the vehicles and second to mitigate any potential safety risk/tripping hazard.

Mr. Bradshaw asked if the applicant has a rendering of where the vacuums will be placed within the parking lot. Mr. Ross stated the vacuums will be anchored on the sidewalk where striped lines meet the curb. There will also be trash receptacles evenly distributed throughout the parking lot. The plans submitted reflect the 7' wide sidewalk.

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

Mr. Dobrozsi asked if there was any discussion.

Mr. Stater questioned the justification of having a wheel stop if there will be a 6" curb which will stop any vehicle from protruding any further onto the sidewalk. Mr. Stater also clarified that this request to remove wheel stops is only for this location and not meant to be administered regarding other projects.

Mr. Ward made a motion for **APPROVAL** of Case ZC22-013 with staff recommendations. Mr. Dunn seconded. Upon the call of the roll. Mr. Ward – yes; Mr. Dunn – yes; Mr. Bradshaw – yes; Mr. Dobrozsi – yes; Mr. Stater – yes. The motion passed 5-0.

Mr. McIntyre presented the staff report and PowerPoint Presentation for case **ZC22-014**, Jose Castrejon, on behalf of Village North, LLC is requesting Final PUD Plan review for all internal streets within the Village North Development along with 45 townhomes and 10 single-family lots at the northwest corner of the development.

Mr. Dobrozsi asked which of the two separate townhome renderings will be used. Mr. McIntyre responded stating both will be used. One rendering shows garage doors on the façade which will be the townhomes closer to the property lines (the majority) while the other rendering shows garage doors abutting the alley which will be for the townhomes on the interior of the site.

Mr. Stater asked about the proposed retaining wall and if all retaining walls will need a fence. Mr. Behrman suggested Mr. Stater ask the applicant for further clarification. Mr. Stater asked what type of fence the applicant would be proposing. Mr. Behrman said most likely it will be some type of decorative aluminum style fence which is what staff is recommending.

Mr. Ward asked if the townhomes can be shifted north as to create a wider turning radius for emergency vehicles. Mr. Behrman responded stating that this issue was addressed at the Trustee's meeting and the outcome was to recommend this portion be redesigned to address this issue. In lieu of this the applicant is proposing 10 spaces to the north and 7 to the south.

Mr. Dobrozsi asked staff if the applicant has seen all 17 comments from the staff report. Mr. McIntyre stated he had sent the applicant the staff report the week prior for their review. The applicant is requesting to modify the language on the Notice of Decision under comment #1, second line from "owner-occupied" to "for-sale" as the language lends itself to be discriminatory per the Fair Housing Act.

George Flynn (9378 Kemper Grove Lane, Cincinnati, OH), Flynn Property Group, addressed a handful of issues that were mentioned in the staff report. The first being retaining walls with fence vs. without fence. Some of the retaining walls are ornamental in nature and do not require a fence. Three of the five proposed retaining walls will not have decorative fences. Second is if the residential portion of the development will have streetlights however a photometric plan had been submitted after the distribution of the board member packets which shows an appropriate amount of lighting. Third is the proposed 4' sidewalks when Butler County Subdivision Regulations require 5' wide sidewalks. The applicant is willing to construct 5' sidewalks on the interior but will then leave out the exterior sidewalks. With that said, 4' sidewalks being on both sides of the street and the small size of the community the applicant feels this is an appropriate request.

Mr. Behrman reiterated that because this is a PUJ request the decision between 4' & 5' sidewalks will be made by the Liberty Township Zoning Commission.

Mr. Flynn continued with the fourth discrepancy which shows Road E to be within 5' of the western adjoining property due to having to shift the townhomes out of the limits of the creek in addition to there being a safety issue. The fifth is implementing the landscape buffer along the western property line during construction as any landscape improvements will be trampled during that time.

John Bear (3940 Olympic Blvd. #400, Erlanger, KY), Fischer Homes, spoke to the phrasing of "owner-occupied" vs. "for-sale" as this could be interpreted as discriminatory and is Fischer Homes typical language. Deed of Restrictions and CCR's are legal documents that are controlling mechanisms and tools to eliminate any unwanted uses (short-term rentals, etc.) from occurring within these communities. The front-loaded townhome unit (5-unit) shows 55% masonry. The rear-loaded townhome (six-unit) shows 61% masonry on the front and 63% masonry on each side. The rear-loaded townhome (four-unit) shows 60% masonry along the front, left side is 56%, right side at 54% and rear is at 51% brick. The garage doors have been modified per Trustee Resolution 2022-029 (comment #4b) requiring a more decorative style door to better complement the townhome units. All HVAC equipment will be appropriately screened. The interior finishes will mirror Fischer Home's masterpiece collection which includes high-end fixtures, applicants, finishes, etc. Forty on-street parking spaces have been provided and due to this proposed development not being a traditional subdivision the proximity of the parking spaces is a non-issue. Modifications will be made to extend the driveways so the rear-end of vehicles will not over-top the sidewalks. Fire apparatuses will be able to safely service the development from any side without having to be able to utilize the alleyway.

William Geiger (8238 Sweetbriar Court, Middletown, OH) asks (1) if the brick on the townhomes is painted brick will the property owner be responsible for maintenance or the HOA and (2) where the vehicles will be entering into the development. The applicant stated the HOA will be responsible for enforcing all deed restrictions and maintenance issues. Mr. Behrmann clarified that entrance E will be a signalized intersection and entrance F will be a right in/right out only.

Ernie Rummeler (8199 Sweetbriar Court, Middletown, OH) has concern about the single-family residence that was removed, in particular, the proximity of 3-story tall townhomes being shifted closer to the existing single-family homes on Sweetbriar Court. Went on record to show he is in objection of the proposed layout and would prefer the original layout as agreed to a few months prior.

Dave Gronostaj (8349 Sweetbriar Court, Middletown, OH) inquired about proposed drainage and what will be done to ensure this proposal does not exacerbate the drainage issues within the Four Bridges Subdivision. He would like to know the expected construction start date, if approved.

Jose Castrejon (3700 Parkway Drive, Cincinnati, OH) several pre-application meetings have been attended with a multitude of reviewing agencies and departments of county government regarding this proposal. In particular, Eric Pottenger of the Butler County Engineer's office has reviewed and been made aware of the drainage issues on-site and in the immediately adjacent areas.

Dave Gronostaj (8349 Sweetbriar Court, Middletown, OH) disagrees with Mr. Castrejon and Mr. Pottenger regarding the stormwater and drainage issues. He states that Butler County allows this hydrology issue to exist and needs to be addressed.

Mr. Behrmann responded stating this issue was brought up at the Trustee meeting and detailed that drainage easements do exist along certain lots in the Four Bridges Subdivision and the drainage ways are working as designed.

Mr. Dobrozsi asked the developer two questions: what is the composition of the development and what is the overall proposal. Mr. Dobrozsi cites buildings along Liberty Way as an example.

Mr. Flynn states that, at this point, it is difficult to communicate to the board the overall plan as the application before them is for the Final PUD Review for the northwest section but there will

be a multitude of uses. Additionally, the developer has hired an architect to provide continuity between the structures/residences/buildings proposed. The idea is very up-scale with urban flare. The site grading is proposed to start in September 2022 with the residential construction (for this application) starting the first quarter of 2023 and finishing the second quarter of 2023 with all roadway infrastructure installed.

Mr. Rummler asked for clarification regarding the removal of the single-family home bringing the number of residences from eleven to ten. Mr. Bear responded stating that the shift in the townhomes due to the creek is what cause the residence to be removed and feel the buffer as proposed is adequate.

Mr. Behrmann referred to a cross-section on page L201 of the Preliminary PUD Plan which details the existing single-family homes in relation to the proposed buffer and proposed three-story townhomes.

Mr. Rummler states his objection as he and his neighbors do not want to look at the less desirable side of the townhome, especially in the winter. Believed they (he and developer) had worked out a fair deal in months prior detailing the two-residence buffer which he is agreeable to.

Mr. Dobrozsi asks Mr. Castrejon to clarify the proposed fences on top of the retaining walls. Mr. Castrejon stated these fences will be ornamental in nature and will add to the attractive elements of this proposal.

Mr. Castrejon detailed the reason for the proposed 4' wide sidewalks vs the required 5' wide sidewalks which is due to the intimate urban atmosphere that the developer is proposing. The traffic and pedestrian flow does not warrant the full 5' wide sidewalk when the 4' would satisfy the necessity.

Mr. Behrmann discussed the variable rear-yard setback and how this will more than likely cause issues down the road regarding permitting for either the residence or additions to the residence which would encroach into the non-buildable 20' HOA buffer easement.

Deana Swetlik (3940 Olympic Blvd. #400, Erlanger, KY), Fischer Homes, spoke to Mr. Behrmann's concerns. The proposal submitted assumed that patios/stoops/decks would be permissible encroachments into the proposed setback.

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

Mr. Stater has concerns regarding the guest parking and the distance it is from the residences being proposed. The guests may walk the 140+ feet at the temperate parts of the year but may stray from that during peak winter and summer months.

Mr. Dobrozsi holds is agreeable to most aspects of the proposal with the exception of the parking, in particular, how the interior units (rear-loaded) do not have dedicated parking spaces.

Mr. Dunn asked how/who approved the 16' wide alley. Mr. Behrmann clarified stating this issue was discussed at the Trustee level and included in the Trustee Resolution which detailed that parking spaces must be provided at each unit or adequate street parking provided. The applicant opted for the adequate street parking option.

Mr. Castrejon clarified that the street parking is for guests as the internal units include two-car garages for the residents. Additionally, the Trustee Resolution allowed for two options: providing a driveway long enough to accommodate a two-vehicles which shall not obstruct any sidewalks or provide adequate street parking. The applicant chose the latter option.

Mr. Dobrozsi made a motion to **REOPEN THE PUBLIC HEARING**. Mr. Ward seconded. Upon the call of the roll, the motion passed.

Mr. Castrejon reiterates that the street parking is primarily for guests as each residence has an attached two-vehicle garage for resident parking. The issue of "overparking" was touched upon. Only certain holidays (examples used were Christmas and Easter) where there may be a parking issue but the remainder of the year the proposed street parking will be more than adequate.

Mr. Dunn spoke to residents (of the rear-loaded units) using their attached garages as extra storage room for boats, motorcycles, camping equipment, etc. and the probability of them parking their daily vehicle next to their garage door (without a driveway) when they should be parking in the guest parking area.

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

Mr. Dobrozsi talked through each recommendation on the Notice of Decision. Staff will reach out to our Law Director to verify the "owner-occupied" vs. "for-sale" verbiage issue. All sidewalks in the northwest corner shall be 5' in width. The turning radius at the south intersection of Private Road E and the alley shall be redesigned to match the Liberty Township Fire Department requirements. Lastly, adding the patio-home that was removed with this application.

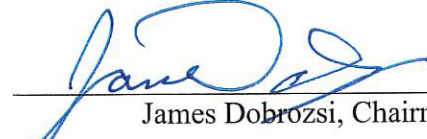
Mr. Stater made a motion for **APPROVAL** of Case ZC22-014 with staff recommendations. Mr. Ward seconded. Upon the call of the roll. Mr. Stater – yes; Mr. Ward – yes; Mr. Bradshaw – yes; Mr. Dobrozsi – yes; Mr. Dunn – yes. The motion passed 5-0.

Mr. Dunn made a motion to **APPROVE** the April 18, 2022 meeting minutes and notice of decision as presented. Mr. Ward seconded the motion. Upon call of roll: Mr. Dunn – yes; Mr. Ward – yes; Mr. Bradshaw - abstain; Mr. Dobrozsi – yes; Mr. Stater – yes. The motion passed.

Mr. Dunn made a motion to **APPROVE** the June 27, 2022 meeting minutes and notice of decision as presented. Mr. Stater seconded the motion. Upon call of roll: Mr. Dunn – yes; Mr. Stater – yes; Mr. Ward – abstain; Mr. Bradshaw – abstain; Mr. Dobrozsi – yes. 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


Thomas McIntyre, Secretary