

LIBERTY TOWNSHIP ZONING COMMISSION
January 27, 2020
6:00 PM
MEETING MINUTES

The Zoning Commission was called to order at 6400 Princeton Road at 6:00 P.M. by Acting Chairman Jamie Dobrozsi. The Pledge of Allegiance was recited by those in attendance.

Upon call of the roll, members in attendance were James Dobrozsi, Mike Dunn, Michael Stater, Michael Ward and Wayne Bradshaw. Staff members Bryan Behrmann (Director) and Mark Elma (Senior Planner) were also in attendance.

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

Mr. Dobrozsi called for case **ZC19-0024: Zone Change – Minor Modification Sanctuary.**

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

Mr. Dobrozsi reminded the audience and board about the history of the project and changes from 2017, and clarified what was being considered for approval stating there were no modification to the already approved Phase I.

Mr. Behrmann confirmed that this was a high-level look to make sure the proposed lot layout of Phase II made since the PUD was originally approved.

Mr. Dobrozsi asked to hear from the applicant.

Tim Riegert 5774 Maud Hughes Rd. spoke about why he wants to build Phase II stating he was looking for a nice private drive for himself and his 2 kids to build homes on. Mr. Riegert explained he has worked with the adjoining property owners, and staff to get to where he is with his proposed plan. Mr. Riegert continued stating his plan is to reduce the number of lots and build larger homes that will compliment Phase I.

No questions from the board to the applicant.

Mr. Dobrozsi asked if there was anyone to speak in favor of the application.

Chris Finney Attorney for Dale Sheffield owner of Phase III (Mr. Dobrozsi sworn in Mr. Finny) 4270 Ivy Point Blvd. Mr. Finney stated Mr. Sheffield is in support of the new proposal for Phase II although it required Mr. Sheffield to reduce the number of lots in his preliminary plan.

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

John Fitter 5936 Nature Trail (Resident of Phase I), representing himself as a homeowner and the HOA president.

- In favor of the proposed Plan, he is looking forward to having Mr. Riegert as a neighbor.
- Mr. Fitter stated 3 objections
 - Timing of the turning over the private roads to public roads.
 - The current HOA would like to see Phase II and Phase III of the development be included as part of the existing HOA.

- The HOA would like to see the plans for the existing detention pond in phase I and to have one detention pond fixed. Mr. Fitter stated it is in terrible condition.
- Mr. Fitter Welcomed Mr. Riegert as a neighbor but wants to have the current owner of the land held accountable for his promises.

Mr. Dobrozi asked about Mr. Fitter to explain about the detention ponds. Mr. Fitter made clarifications about the issues with the detention ponds.

Mr. Behrmann clarified the pond on the plan appears to be a carryover from the 2017 plan.

Mr. Dunn asked for clarification regarding a letter submitted by Mr. Finney (the HOA's attorney) regarding the applicant does not have access to the lots he is proposing to build on.

Mr. Fitter stated as it stands right now only homeowners have access to the private streets owned by the HOA. There is no way to access Phase I and II without going on the HOA's private streets.

Mr. Dunn asked about the request to prohibit ATV's allowed in the open spaces.

Mr. Fitter explained there are ATV activity in the open space now.

Mr. Dunn asked for clarification of the request that the homes in Phase II be comparable to the existing homes in Phase I.

Mr. Fitter explained that Phase I HOA wants assurances that the homes will be comparable. Discussion continued about the standards in the notice of decision.

Mr. Behrmann explained the standards is the same standards we require in other R-PUD developments in the township. The owners are welcome to go above the standards but these are the only standards we can enforce at the Township level.

Mr. Dobrozi asked for clarification about the first page in the letter submitted by the HOA's attorney on behalf of the HOA regarding the street dedication date outlined in the letter.

Mr. Fitter explained that was a carryover from the 2003 text, the current HOA is stated they want a date for the conversion of the streets to public.

Discussion continued about the process for converting the private streets to public.

Mr. Riegert stated he is concerned about the private street issue as well and does know the land he is proposing to develop is land locked without access without the current private roads.

Jim Simpson 5511 Sanctuary Ridge welcomed Tim to the neighborhood. Concerned about his housing values as the proposal will change the current R-PUD's housing standards. Mr. Simpson advised Tim to be careful dealing with Greg and not living up to his promises.

Mr. Simpson expressed concerned about the pond and stench coming from the pond. They want to hold the existing owner accountable for the promises he made.

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

Mr. Dobrozi asked if there was a motion to close the public hearing.

Mr. Stater 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 asked the board if the board had any comments about the case.

Mr. Dunn asked what portions of the discussion does the board have the authority to enforce.

Mr. Dobrozsi stated they do not have control over the HOA or the timing of accepting the streets as Public Streets.

Mr. Behrmann stated accepting the roads a public streets is a function of Butler County and not part of our jurisdiction to enforce timing.

Mr. Dobrozsi stated he did not feel it was the Boards authority to make conditions regarding the issues with Greg Amend and the HOA brought up by the Mr. Finney's letter to the board.

Mr. Behrmann explained that was correct and the Township's attorney had reviewed the letter and agreed the HOA was asking for more than the township could inforce. Although we do disagree with what they are asking for it just oversteps what we are able to regulate.

Mr. Dobrozsi asked for a motion on this case.

Mr. Stater made a motion to recommend **approval** for Case ZC19-024, as recommended by staff, Mr. Dunn Seconded. Upon call of the roll: Mr. Bradshaw – yes; Mr. Ward – Yes; Mr. Stater – Yes; Mr. Dunn –Yes; Mr. Dobrozsi - Yes; Motion approved 5-0.

Mr. Dobrozsi called for the next item on the agenda of the approval of the Meeting Minutes and Notice of Decisions for November 18, 2019.

Mr. Dunn made a motion to **APPROVE** the Meeting Minuets from the November 18, 2019 Zoning Commission Meeting Mr. Stater seconded. Upon call of the roll: Mr. Bradshaw – abstain; Mr. Ward – yes; Mr. Stater – yes; Mr. Dunn – yes; Mr. Dobrozsi – Yes. the motion passed.

Mr. Dobrozsi made a motion to **ADJOURN ZONING COMMISSION MEETING.** The motion passed unanimously and **ZONING COMMISSION MEETING ADJOURNED.**

Respectfully submitted,

Jamie Dobrozsi, Acting Chairman

Mark Elma, Secretary