

LIBERTY TOWNSHIP ZONING COMMISSION
March 18, 2019
6:00 PM
MEETING MINUTES

The Zoning Commission was called to order at 6400 Princeton 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, Mike Dunn, Mike Stater, Michael Ward, and Wayne Bradshaw (joined the meeting during staff's presentation of case ZC19-006). 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 reviewed the three cases that **would not** be heard.

ZC18-028 - Aspin Trails LLC.- Continued by Applicant

ZC18-030 - Todd Homes LLC. - Continued by Applicant

ZC18-033 Delhi Hills Flower & Garden Center Inc. – Withdrawn by Applicant

Mr. Holger moved case **ZC19-006** to be heard first. Mr. Ward recused himself due to a conflict of interest. Mr. Bradshaw joined the meeting for this case.

Mr. Holger called for case **ZC19-006: Zoning Map Amendment – 5180 Milikin Road**

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

There were no questions of staff.

Mr. Holger asked to hear from the applicant.

Applicant, Richard Arnold, McGill Smith

Mr. Arnold, walked through the zone change request, wanted to bring up 3 or 4 comments. Dialog regarding EPA regulations and how they may affect the site. They are allowed to impact 300 linear feet of stream, reviewers representing the jurisdictions will impose other types of studies if they feel the developer is getting close to the impact area. Mr. Arnold explained that they tried to come up with a layout to avoid all the streams. Referring to the concept plan, two streets to the north have a greater width of property between the left street and west property line. There is a watercourse that traverses that area. They thought if they could reduce the depth of lots in that area to avoid the water, they would not have to apply for a nation-wide permit. That's the key that precipitated the dialog in regards to some of the recent regulations. As the staff report alluded to, the BC Planning Commission did recommend approval. The BC planning staff does not align with the township vision plan but does provide a transition between the larger lot residential and commercial along Princeton Glendale Road. They believe there is enough depth on the properties along Princeton-Glendale to allow for the transition. As a courtesy, they thought they would prepare the concept plan (for the transition). The concept plan (Referring to the hand drawn portion) is set up with 25 percent commercial component to the plan. Transitioning from commercial, office, higher density residential transitioning onto the subject property. The reason they chose not to submit as a PUD, based on the size of the property and lot yield they can get on the property. That development by itself does not have enough

future residence to support an amenities package for the properties. They would rather put more value in the homes and market to people who want their amenities package to be their individual lot.

Mr. Dobrozi asked if the zone change is approved you can get more lots on the site. Is that correct? Mr. Arnold replied I suppose but at the same time you have someone totally mascaraed the site and go through the EPA permitting process, impacting the streams they could get the same lot yield with 100 foot wide lots. In a sense, they are clustering this by making the 90 feet lots.

Mr. Dobrozi asked if that was the fundamental reason for your request. To get more parcels? Mr. Chadwick replied no, I think the way the land is you can currently get 120 lots; they are not trying to increase the density, they will actually have less.

Mr. Dobrozi asked if the issue with the stream is just in the NW corner of the site? Mr. Arnold explained that there are also two other water courses on the site.

Mr. Holger asked if that was an above ground stream. Mr. Arnold replied its surface water.

Mr. Dobrozi asked if it was a wetland? Mr. Arnold replied that they are not aware of any wetlands. They had a stream advisor set stakes so they would know where the waters of the US would begin. He did not identify any wetland in his report.

Mr. Dobrozi asked the applicant if he could reiterate again, what impact from water conditions have on the request to reduce the size of the lots. I am not quite sure I understand.

Mr. Arnold replied for example if we were to make lots to the northern area deeper based on current zoning those lots would end up being 200 feet deep instead of 150 feet deep. That would mean the two road that are going to the north would end up being more west than shown on the concept plan. Pushing the western lots into that water course, impacting a portion of the stream.

Mr. Dobrozi asked if that water course was on the west or north west

Mr. Arnold states the way the homes are laid out now, but a 200-foot lot would impact the water course.

Mr. Dobrozi asked if that condition required you to make all the lots the smaller size or just the lots in the water course.

Mr. Chandwick replied the idea behind the development is to put as much house as we can on the property. This layout with this many lots is what we need.

Mr. Dobrozi asked, so what you are saying is on a smaller lot you can put more house.

Mr. Chadwick replied no to get enough lots to fit on the property, once we widen the road and attach sewers to be able to get to the amount of homes to pay for the infrastructure is the concept presented.

Mr. Dunn asked so on a R-SE designation you could get more lots?

Mr. Chadwick replied with this zoning request we could get the number of lots outlined in the site plan avoiding the streams.

Mr. Dunn: conceptually speaking, because this layout is not binding, you are putting in less lots.

Mr. Chadwick Yes less than it is currently zoned. We can build 120 lots the way the zoning currently. Given the topographic of the site and water issues we are proposing 91 lots.

Mr. Dobrozi stated, taking into consideration the topography and water issues you have on this site, if you go to an R-RE that allows you to get more lots on this parcel than if it was R-SE is that correct. Because of the water issues

Mr. Arnold: Replied no it wouldn't, because of the water

Mr. Dobrozi continued No? So you can get the same amount of lots with the R-SE with that water issue.

Mr. Arnold, replied to be clear the R-SE is the 20,000 sf lots, right?

Mr. Dobrozi: Yes

Mr. Arnold: Take into consideration the terrain you would not be able to have the same amount of lots.

Mr. Chandwick so in this example we have the 80 foot lots to the north, 90 foot to the south, 100 to the east and the west. So we figured this would be a good way to transition to all that.

Mr. Dobrozi: I just want to make sure I fully understand the reason for the request. So taking into consideration the water issues on the site, you are able to get more lots on the site with an R-RE than you can with an R-SE. so the reason for this request

Mr. Arnold so SE is the 100 lots. Based on the topography and... you are not going to get 100 foot lots ok, than what we have.

Mr. Dobrozi: I just want to understand the request to go from RE to the larger SE. is it because you want to get more lots on the site. And part of the issue is due to the water issues.

Mr. Arnold I want to get more lots on the site without affecting the waters of the U.S. \

Mr. Dobrozi: because of the conditions of the water you want to maximize, and get more lots on the site with the RE than you can with the SE

Mr. Aaronld without impacting the waters of the US yes

Mr. Dobrozi: the reason for your ask is to get more lots on this site without impacting the water issues on the site. That is the pourpose of your request tonight. Is that correct?

Mr. Arnold: more or less that is correct.

Mr. Holger stated in your presentation you said the reason you don't want this to be a PUD is the cost of the amenities being passed onto the homeowners.

Mr. Arnold replied yes that's partially right.

Mr. Holger Stated can you share with us what the other part is?

Mr. Chadwick replied I would think probably the time involved. My brother and I are just trying to build some nice homes. When it comes to a PUD I think what if affects some of the water ways, what happens some of the regular regulatory things kick in.

Mr. Holger stated I'll go one step further. One of my concerns reading the staff comments is without a PUD the township would have less authority or guidelines to place on the development. I believe in your definitive statement the proposed use of the lot is craftsman and the desired materials is brick and stone. But am I correct that there is no guarantee that without the PUD that you would have to build these homes within the guidelines of the township being brick, stone, on the fronts.

Mr. Arnold to answer your question that is correct.

Mr. Dunn, I think what I'm hearing is we... we believe you are an honest guy, we believe your intent is to do that (build quality homes) but... we are not sure. And we have no control, and we have no way of coming back to you once you completely change the concept drawing and did something else. Once we make the zone change, that drawing is irrelevant. You are not tied to that, you don't have to do it that way. You could sell the property and they are not tied to anything either.

Mr. Cadwick replied we are going to 90 foot lots we are not requesting drastic changes. The reason we would continue to go with a layout like this is because of construction costs, we don't want to produce a development that becomes cost prohibitive to us.

Mr. Arnold the reason we are trying to do it this way is not because we are trying to put in a "cheaper home." We think it makes a nice transition. It's a relatively small change, at 100 foot there isn't anything (controls) the township would have, we are trying to find something we can put up in a quick fashion. We don't want to run into any of the regulatory issues with the stream that would prevent us from building homes which is what we want to do. My brother and I have been building homes in the township for many years, we have never had uses or problems. We just want to get on the business of building homes. I think this layout helps us achieve that. They are going to be 90-foot lots and beautiful homes. We are not breaking from what's around us. I think most people are concerned with the look of the home, and something that is going to double or triple density, we aren't not trying to do either.

Mr. Dunn replied I am sensing from a couple of my other board members without the PUD; although the intention ot build what you have here, ranging from 400 to 550. I know all the developments around this are a PUD, which insure that quality of the home. Without the PUD there is not guarantee you have to develop the property that way. If for some reason you decide to move on and sell the property, their intentions can be completely different. I think that is the concern you are hearing from the board tonight regarding the zoning you are requesting.

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

Mr. Holger asked if there was anyone to speak as an opponent of this case. No one spoke.

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

Todd Hall: 7791 Joan Drive: Thanked the Board members for their work.

Todd made comments about the proposed drawing and how it affected his property. He stated he has never seen the plan that shows development on his property. Does not want the stub street coming into his property that was drawn on the plan.

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

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. Holger began the discussion stating he was opposed to the zone change siting lack of regulation to what would be developed.

Mr. Bradshaw spoke in opposition of the case. Worried about putting a lot of home on very small lots.

Mr. Dobrozi: spoke in opposition of the case stating he had an issue with lowering standard for the sake of selling more lots. Too many things left out in the application.

Mr. Bradshaw. Spoke in opposition

Mr. Dunn spoke in opposition based on risk of the unknown elements of the development

Mr. Holger asked for a motion on this case.

Mr. Dobrozi made a motion to **RECOMMEND DENIAL** of Case ZC19-006. Mr. Bradshaw seconded. Upon call of the roll: Mr. Holger – yes; Mr. Dobrozi – yes; Mr. Dunn – yes; Mr. Stater – yes; Mr. Bradshaw – yes.

The motion passed.

Mr. Holger called for case **ZC19-003: Klusty Sign Associates is requesting a Variance, on behalf of Apple Tree Dental**.

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

Mr. Holger asked for clarification about the materials and sign requirements in the overlay district.

Mr. Ward asked staff to review the process for picking up a zoning certificate. Mr. Ward wanted clarification on how the certificate sat in our office for 10 months. Mr. Behrmann clarified the process.

Mr. Dobrozi asked for clarification on the zoning certificate process.

Mr. Holger asked if the applicant needed the zoning certificate to go to the county.

Mr. Behrmann clarified the county typically would not issue an electrical permit without the townships zoning certificate.

Mr. Holger Asked to hear from the applicant.

Vince Klutzy of Klutzy Sign Associate spoke about the mistake made in the permitting process on their side of the process, and the zoning code limitations. Mr. Klutzy suggested the township should reject applications rather than tell them it has been accepted with changes.

Mr. Holger stated he had a problem with the applicant being able to proceed without a permit from the township.

Mr. Holger asked if there was anyone to speak as a proponent of this case.

Dr. Zamora Owner of the dentist office spoke regarding the sign and signs in the area. As a dentist, he needs visibility in his sign. Asked the board to consider the limited impact the current sign has had on the area.

Mr. Holger followed up with additional questions about the sign make up.

Mr. Klutzy spoke regarding the design decisions to maximize visibility, the logo, and Liberty Township's zoning code.

Mr. Holger asked if there was anyone to speak as an opponent of this case. No one spoke.

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

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

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. Holger began the discussion stating his opposition to vinyl as it relates to signs. Does not feel the permit not being picked up is not an excuse.

Mr. Dobrosie spoke regarding the sign standard and how we have upheld the standard in the past.

Mr. Holger asked for a motion on this case.

Mr. Dunn made a motion to **Deny** Case ZC19-003 as presented by staff. Mr. Ward seconded. Upon call of the roll: Mr. Holger – yes; Mr. Dobrozsi – yes; Mr. Dunn – yes; Mr. Stater – No. Mr. Ward – Yes the motion passed.

Mr. Holger called for case **ZC19-004: Zoning Map Amendment - 5174 Hamilton Middletown Rd.**

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

Mr. Ward asked about the strange zoning situation that will be left to the property to the west which would be R-1 and B-2

Mr. Ward asked if Zoning was approved and the Storage Facility use was denied what would be the outcome for the zoning.

Mr. Behrman clarified the zoning would remain O-2

Mr. Dobrozie asked for clarification on the buffer requirements for the O-2 District

Mr. Dunn asked for clarification on what could be built on the site with the O-2 designation

Mr. Holger asked to hear from the applicant.

Applicant was not present.

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

Mr. Holger asked if there was anyone to speak as an opponent of this case. No one spoke.

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

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

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

Mr. Holger began the conversation regarding the case stating he did not have an issue with the request but felt it was unusual the applicant was not present.

Mr. Ward stated he felt there were good size buffers to each side of the property. In addition, thought it would be interesting to see how the applicant would develop the site with the buffer requirements from O-2 to R-1

Mr. Behrman clarified plans would need approval from the BZA

Mr. Holger asked for a motion on this case.

Mr. Ward made a motion to **APPROVE** Case ZC19-004 as presented by staff. Mr. Dunn seconded. Upon call of the roll: Mr. Holger – yes Mr. Dobrozsi – no; Mr. Dunn – yes; Mr. Stater – no; Mr. Ward – yes; Mr. Holger – yes. The motion passed.

Mr. Holger called for case **ZC19-005: Final PUD Review - Carriage Hill Section 26 AKA Winding Creek**.

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

Mr. Holger asked if there were any questions of staff. no questions for staff

Mr. Holger asked to hear from the applicant.

Applicant, Randy Terry of Terry land Investment LLC. 5342 Carriage House Blvd. Mr. Terry made clarifications regarding the staff report. The pedestrians plan is consistent with the rest of the Carriage Hill development. This section does continue the connectivity.

Item 4 on the resolution refers to a stream buffer and he requested clarification as it doesn't apply to this section.

Mr. Behrmann clarified that it was a carryover from the section above and would not apply here. Mr. Terry said they were in agreement with the rest of staff commons.

Mr. Holger asked for clarification on item 5 and how it relates to the sidewalk design.

Mr. Behrmann clarified that the staff report was written prior to receiving revised plans addressing the issues noted in that item.

Mr. Holger asked if there was anyone to speak as a proponent of this case.

Matt Terrill with Justin Doyle Homes 7833 Hallow Oak Court. As a builder of over 60 units in this community and was very proud of the development.

Mr. Holger asked if there was anyone to speak as an opponent of this case. No one spoke.

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

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

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

Mr. Holger asked if there were additional comments from the Board. No other comments

Mr. Holger asked for a motion on this case.

Mr. Dobrozsi made a motion to **APPROVE** Case ZC19-005 with inclusion of staff comments 1, 2 and 3 as presented by staff. Mr. Stater seconded. Upon call of the roll: Mr. Holger – yes; Mr. Dobrozsi – yes; Mr. Dunn – yes; Mr. Stater – yes; Mr. Ward – yes. The motion passed.

Mr. Holger called for case **ZC19-007: Minor Modification PUD - 5824 Laurel Run Dr.**

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

Mr. Holger asked if there were any questions of staff. no questions for staff

Mr. Holger asked to hear from the applicant.

Applicant, Scott & Kathy Muse 5824 Laurel Run Drive spoke about the deck being approved on the SW corner so it would not encroach in the setback. However, the dryer vent and hose connection prevented them from building it there. Kathy stated the original deck design was much larger, and lessened the size of the deck to be more in compliance with the zoning regulations.

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

Mr. Holger asked if there was anyone to speak as an opponent of this case. No one spoke.

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

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

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

Mr. Holger began the discussion stating that this seemed like a very reasonable request. With plenty of distance to the walking path

Mr. Stater stated he visited the site and there was nothing behind them that would make the deck visible from either side.

Mr. Ward made a comment about the hardship to the owner and felt the existing features that blocked construction in the planned location qualified as a hardship.

Mr. Holger asked for a motion on this case.

Mr. Ward made a motion to **APPROVE** Case ZC19-007 as presented by staff. Mr. Stater seconded. Upon call of the roll: Mr. Holger – yes; Mr. Dobrozsi – yes; Mr. Dunn – yes; Mr. Stater – yes; Mr. Ward – yes. The motion passed.

Mr. Holger called for case **ZC19-008: Minor Modification - 6050 Northlake Ct.**

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

Mr. Holger asked if there were any questions of staff. No questions for staff

Mr. Holger asked to hear from the applicant.

Applicant, Jim Bowman (Design director for Justin Doyle Homes) explained the design concept for the home at 6050 Northlake Ct. the homeowner was looking for a farmhouse style house and is why they were requesting the modification for this house. Matt Terrill of Justin Doyle Homes stated this design has been featured in their home shows in the last 2 years (presented images from past shows). Stated they won best house for 2018 from the homebuilders association. The materials are in most cases more costly than brick so they are not trying to lessen the cost of the home. Siding material is very durable and will not buckle like a vinyl siding product. The request came from the homeowner and the applicant are applying on their behalf.

Mr. Holger asked about Mr. Terrill's comment about a similar request was approved (ZC13-007), was it to this extent for the siding on this case.

Mr. Terrill stated the front was very similar.

Mr. Dobrozsi stated he like the front and side, but the back if boring.

Mr. Bowman stated a deck that is not shown in the drawing will be built as part of the construction contract.

Mr. Dobrozsi agreed it would help make the rear elevation more interesting.

Mr. Holger asked if there was anyone to speak as a proponent of this case. No one spoke. Randy Terry of Terry land Investment LLC. 5342 Carriage House Blvd. stated this was the seventh home they have brought to the board for a variance based on building materials. Mr. Terry stated they do have several buyers who do want particular architectural styles. Mr. Terry stated he has reviewed the plans and is responsible for all plan reviews. He personally like the look. This is their premium 90-foot lot subdivision in the neighborhood and like to see the mix in styles.

Mr. Stater asked if the neighbors were notified of this request. Felt this would stick out based on what's already built in the neighborhood.

Mr. Drossier asked if the roof pitches were in line with the rest of the area

Mr. Terrie stated they were steeper.

Mr. Holger asked if there was anyone to speak as an opponent of this case. No one spoke.

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

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

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

Mr. Holger commented on staff's comment about this setting a precedence. In addition, felt in this case the change is a good thing.

Mr. Dunn had concerns about last month's case that was denied although it was similar request to move away from stone.

Mr. Holger stated in that case there were no exhibits like were provided in this case.

Mr. Dobrozsi commented on current regulations and stated concerns about how much a deviation this is. He does not feel it has the same character of the house.

Inaudible response from Mr. Terrie

The board continued the discussion about the differences between this case and the case that was denied the month before.

Mr. Stater stated his concern about setting a precedence. Is this the bar we are going to set as it relates to future design standards?

Mr. Dunn stated this is a Liberty Township Standard and not a Carriage Hill Standard.

Mr. Dobrozsi liked the front but didn't feel there was much interested going on the other sides. Doesn't want to set a precedence where it's ok to put all the effort into the front of the house and ignore the other sides. Suggested carrying the front elevation look around the building.

Mr. Terrie suggested wrapping all horizontal elevations with the stone base as shown in front.

Mr. Holger asked for a motion on this case.

Mr. Dunn made a motion to **APPROVE** Case ZC19-008 with the modifications as discussed. Ward seconded. Upon call of the roll: Mr. Holger – yes; Mr. Dobrozi – yes; Mr. Dunn – yes; Mr. Stater – yes; Mr. Ward – yes. The motion passed.

Holger asked if there was any other new business.

Mr. Holger noted Case ZC18-028 was on the agenda for April and has been continued several times. Noting that the applicant had to show they were actively working on their case to allow them to continue postponing the hearing.

Mr. Behrmann stated the applicant is meeting with the Homeowners association next month to get their feedback on the development.

Mr. Elma stated there would be at three cases on the agenda for the April meeting, and the application deadline had passed.

Mr. Holger 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