

**LIBERTY TOWNSHIP ZONING COMMISSION**  
**May 18, 2020**  
**6:00 PM**  
**MEETING MINUTES**

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Pursuant to HB 197 the public hearing was be conducted by **VIDEO CONFERENCE** instead of meeting in person at the typical location.

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

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

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Mr. Holger called for case **ZC20-001: Zoning Map Amendment and Preliminary PUD for Liberty Flats**

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

Mr. Dunn asked about the 12.2 DU/AC density of the development, and how it compared to other multi-family developments in the township.

Mr. Behrmann confirmed that the typical townhome development is 6 DU/AC however the typical multi-family development of this type is 10-12 DU/AC. In addition, is similar to other multi-family residential developments in the Township.

Mr. Holger asked to hear from the applicant.

Applicants: Brent Sobzak (250 Civic Center Drive Columbus Ohio); John DelVerne (6900 Tylersville Road Mason Ohio); John Stephens (8 S. Grant Ave Columbus Ohio) gave the applicant's presentation.

Mr. Holger swore in the applicants:

- Brent Sobzak provided a brief history of the project, providing background information about Casto's history in multi-family residential developments and background of the project site.
- John DelVerne presented the site and proposed plan. John pointed out the proximity to Liberty Center and number potential new foot traffic this project would generate. John continued explaining land ownership structure, different elements of the site, topology challenges and the 50-foot stream buffer to the north. John presented the building layouts and different types explaining the topography of the site called for smaller footprint buildings in certain areas of the site.
- John Stephens presented the various building types and materials. Mr. Stephens explained the changes to the elevations based on staff's recommendation for 50% brick or stone on all facades. Mr. Stephens explained that the integrated parking garages all faced to the rear of the buildings and would not be the primary frontage. The primary frontages were reserved for the pedestrian entrances to give the community a more walkable feel.

Mr. Dobrozsi asked a question about the street frontage that paralleled Liberty Way. He explained the frontage would be most visible from Liberty way and the frontage should be as enhanced as possible.

Mr. Stephens agreed the liberty way view corridor was important and the buildings along the southern street would face towards liberty way and landscaping was planned along the southern edge of the PUD to enhance the look of the development from Liberty Way.

Mr. Stater asked how the proposed project would affect Liberty Center's existing 85% occupancy rate.

Mr. Sobzak replied that the project presented the opportunity for almost 600 new residence creating much more foot traffic for the Center.

There were no more questions from the board to the applicant.

Mr. Holger asked if there was anyone to speak as a proponent to the application.

Edna Gronlund (8874 Orchard Court) noted the applicants stated the proposed development will target young professionals and empty nesters. Ms. Gronlund asked if there were elevators in the units for empty nesters

Mr. Sobzak replied elevators are not included in the development. Ground floor units were typically more attractive to empty nesters and those with mobility issues.

John Taylor (6095 Driftwood Ct. Maineville Ohio) Mr. Taylor stated as the GM of Liberty Center he felt the project would be a large boost in the arm for Liberty Center. Specify 356 new apartment units would bring grater foot traffic and more daytime traffic to the Liberty Center, making it more attractive to more potential businesses they are trying to attract to the center.

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

The Board began their discussion with that the 12.2 DU/AC was too dense. Mr. Holger reiterated Mr. Behrman's comment about the Springs Apartment complex having a 12.4 DU/AC.

Mr. Dobrozi stated he still had concerns about the proposed southernmost street that paralleled Liberty Center. Mr. Dobrozi continued stating given the topography of the site this is what would be seen from Liberty Way and it was important to have strong architectural and landscape elements to enhance the streetscape.

Mr. Dunn expressed his concerns about the parking envelope. Mr. Dun pointed out that the applicant is proposing 1.94 spaces per unit, which is below the Liberty Township regulation of 2.0 spaces per unit. Mr. Dunn felt by converting a few of the parallel parking spaces to the traditional 90 degree spaces they could make our standard.

Mr. DeIVern made a comment about parking stating the intent of the development was to have an urban feel and allow people to walk. Mr. DeIVern continued that was the thinking behind hiding all the integrated garages to the back of the building and putting the pedestrian entrances to the front.

The Board discussed the Butler County Engineers office's recommendation to provide a connection to Cincinnati Dayton road. Mr. Dobrozi said he didn't feel the connection needed to be make with this development and was ok with allowing the applicant to provide an access easement for the future connection to Cincinnati Dayton road.

Mr. Stater commented on the applicant's presentation and need for different types of buildings to accommodate the challenging elevations of the site. Mr. Stater felt the applicant did a good job mixing the buildings and using the footprints of the various building types to mitigate the issues the site presents.

Mr. Holger felt given the limited interested in developing this parcel of land, the challenging topography and available developable land in the current Liberty Center footprint this was a good use for the land.

Mr. Holger asked for a motion on this case.

Mr. Dobrozsi made a motion to recommend **approval** for Case ZC20-001, as recommended by staff, Mr. Bradshaw Seconded. Upon call of the roll: Mr. Stater – Yes; Mr. Dunn – Yes; Mr. Bradshaw – Yes; Mr. Dobrozsi –Yes Mr. Holger - Yes; Motion approved 5-0.

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Mr. Holger called for case **ZC20-002: Overlay District Review Bethany Church.**

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

Mr. Holger asked the board if there were any questions for staff.

Mr. Dobrozsi asked if the sign was externally lite.

Mr. Elma explained it was and the applicant could explain more.

Mr. Holger asked to hear from the applicant.

Applicants: Steve Kapuscinski (6839 Ashfield Drive Cincinnati Ohio).

Mr. Holger swore in the applicants:

Mr. Kapuscinski explained clarified that the sign was internally illuminated. He continue to explain the project scope of work. The old sign was faded and outdated and the church wanted to change the face without having to replace the sign.

Mr. Dobrozsi asked if they decided to paint the original brick white and black.

Mr. Kapuscinski explained it was to match the color of the original church building.

There were no more questions from the board to the applicant.

Mr. Holger asked if there was anyone to speak as a proponent to the application. No one spoke

Mr. Holger asked if there was any one who wanted to speak in favor of the application.

Erin Sigmin spoke in foavor. Ms. Sigmin explained she was the widow of the Jim Chalk and an active member of the church. Jim was a former member of the church and the dedication plaque on the sign was placed there in his honor. Ms. Sigmin also clarified the sign was 30 years old not 20 as originally stated.

Mr. Holger asked if there was anyone who wanted to speak as a neutral party. No one spoke.

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

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

The Board discussed the case:

Mr. Holger stated he thought it was a nice addition to the aging sign.

Mr. Dobrozsi agreed but didn't like the idea of painting the brick.

Mr. Stater said he will miss the weekly messages posted by the church.

Mr. Stater suggested to add a half moon shape to the top of the sign to help it conform with the overlay district guidelines.

Mr. Dobrozi explained it would probably be cost prohibitive to add that feature to the sign.

Mr. Holger asked for a motion on this case.

Mr. Dobrozi made a motion to **approve** Case ZC20-002, as recommended my staff, adding that painting the brick is optional, Mr. Dunn Seconded. Upon call of the roll: Mr. Bradsahw – Yes; Mr. Stater – Yes; Mr. Dunn – Yes; Mr. Dobrozi –Yes Mr. Holger - Yes; Motion approved 5-0.

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Mr. Holger called for case **ZC20-003: Minor Modification to an Existing PUD Carriage Hill.**

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

Mr. Holger asked the board if there were any questions for staff. There were no questions for staff.

Mr. Holger asked to hear from the applicant.

Applicants: Matt Terrell – Justin Doyle Homes (7833 Hollow Oak Dr.).

Mr. Holger swore in the applicants:

Mr. Terrell presented his case, explaining that he felt having all the houses look the same was no longer desirable for premier neighborhoods. Mr. Terrell explained the home's exterior was developed as a one of a kind custom home.

Mr. Holger stated that after looking at the house on Northlake that was approved last year he felt it sticks out like a sore thumb.

Mr. Dobrozi asked if they had received Home Owners Association approval.

- Mr. Terrell explained the HOA does not review house plans but stated neighborhood feedback has been well received on this type of house.

Mr. Dunn asked what was the purpose of the variations to the established building standards.

- Mr. Terrell explained this was a fully custom home and the idea wat to create unique homes that would be mixed in to create a more vibrant and desirable neighborhood.

Mr. Holger asked if there was any one who wanted to speak in favor of the application.

- Devyn Dugger (8905 Park Place Circle) Mr. Dugger explained he was the homeowner and decided to move and invest in Liberty Township because he loved the area. Mr. Dugger sated this was his dream lot and dream house.

Mr. Holger asked if there was anyone who wanted to speak as a neutral party. No one spoke.

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

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

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

The Board discussed the case:

Mr. Dunn stated that the home on Northlake was in a different section and he would not approve this house in that section.

Mr. Stater stated he could not see a hardship that would allow the board to grant the minor modification.

Mr. Holger felt this would be setting a precedence, and the approval for modifications would become a rubber stamp.

Mr. Dunn agreed.

The board members continued to deliberate.

Mr. Holger asked for a motion on this case.

Mr. Dunn made a motion to **deny** Case ZC20-003, as recommended my staff, Mr. Dobrozsi Seconded. Upon call of the roll: Mr. Bradshaw – No; Mr. Stater – Yes; Mr. Dunn – Yes; Mr. Dobrozsi – Yes; Mr. Holger – Yes; Motion approved 4-1.

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Mr. Holger called for case **ZC20-004: Final PUD Review Fieldstone Farms Section 2.**

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

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

Mr. Holger asked to hear from the applicant.

Applicants: Terry Corner with Bayer Becker (535 Tylersville Road Mason Ohio).

Mr. Holger swore in the applicants:

Ms. Corner walked through the details of the project. This is the second to last phase of the project. Mr. Corner explained the details of the change to the preliminary PUD and how it affected this section of the plan.

Mr. Holger asked if there were any questions for the applicant. There were no questions.

Mr. Holger asked if there was anyone to speak as a proponent to the application.

Donnie Hill (5766 Treeside Drive) Mr. Hill explained he was the first house on Treeside Drive just before the entrance to the north. Mr. Hill outlined a list of complaints he had about the project. Mr. Hill did not feel the mound that was supposed to be installed at the northern end of the boundary was not sufficient enough to screen his house from the development. He also complained that trees were removed and felt the trees that will be planted on the mound will not be large enough to screen his house from the glare of the car headlights. Mr. Hill was also complaining about dirt and spray from the current construction.

Ryan Taggart (Bayer Becker) stated he agrees with some of the items Mr. Hill stated he has worked with Mr. Hill and added as much mounding as was possible. He explained that the developers were not permitted to develop in the conservation easement to the north. Mr. Taggart stated he would meet with the Butler County Engineers Office to see if he would be allowed to build the mound larger to address some of Mr. Hill's concerns.

Mr. Holger asked if there was any one who wanted to speak in favor of the application.

Mr. Holger asked if there was anyone who wanted to speak as a neutral party. No one spoke.

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

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.**

The Board discussed the case:

Mr. Holger stated he thought it was a nice addition to the aging sign.

Mr. Dobrozsi agreed but did not like the idea of painting the brick.

Mr. Stater said he would miss the weekly messages posted by the church.

Mr. Stater suggested adding a half moon shape to the top of the sign to help it conform with the overlay district guidelines.

Mr. Dobrozsi explained it would probably be cost prohibitive to add that feature to the sign.

Mr. Holger asked for a motion on this case.

Mr. Stater made a motion to **approve** Case ZC20-002, as recommended by my staff, striking items 5 and 7 on the notice of decision, Mr. Dunn Seconded. Upon call of the roll: Mr. Bradshaw – Yes; Mr. Dobrozsi – No; Mr. Stater – Yes; Mr. Dunn – Yes; Mr. Holger – Yes; Motion approved 4-1

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Mr. Holger called for case **ZC20-005: Final PUD Plan Review Dunkin.**

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

Mr. Holger asked the board if there were any questions for staff. No one spoke.

Mr. Holger asked to hear from the applicant.

Applicants: Kara Burkhardt (535 Far Hills Ave Dayton Ohio).

Mr. Holger swore in the applicants:

- Ms. Burkhardt apologized that the owner Pat Gilligan could not be in attendance. He was available at the beginning of the meeting but had to leave to catch an airplane.

Ms. Burkhardt continued explaining giving the history of the project; she explained the reason for requesting a change to the B-PUD hours. Dunkin's franchise agreements require all stores to be open at 5am. Furthermore Dunkin does 75% of their business before 11AM via the Drive-thru so the extra hour is a critical part of the business model.

Ms. Burkhardt explained the traffic patterns at other Dunkin locations show people are out at 5am and do use the drive thru.

Mr. Bradshaw asked about the sidewalk and why they did not want to provide a public easement.

Ms. Burkhardt replied they did not want to be responsible for the maintenance and liability of a sidewalk that was not on their property.

Mr. Bradshaw asked when staff arrives to do prep work.

Ms. Burkhardt explained all the for sale products are delivered and staff does not make the donuts on site. Staff will arrive before they are open but just to do morning set up; they will not be making donuts at all hours of the morning.

Mr. Bradshaw asked about the delivery schedule of the for sale products.

Ms. Burkhardt stated that deliveries are typically done during the day but vary depending on location. Early morning deliveries are not required as the donuts are stored on site.

There were no more questions from the board to the applicant.

Mr. Holger asked if there was anyone to speak as a proponent to the application. No one spoke.

Mr. Holger asked if there was any one who wanted to speak in favor of the application. No one spoke.

Mr. Holger asked if there was anyone who wanted to speak as a neutral party. 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. Bradshaw seconded. Upon the call of the roll, the motion passed. **PUBLIC HEARING CLOSED**.

The Board discussed the case:

Mr. Dobrozsi did not feel the wheel stops along the front of the building were necessary given the 6' sidewalk the applicant is providing.

Mr. Dobrozsi mentioned staff's recommendation to build a landscape island in the Princeton Landing parking lot. The board did not feel we had the right to make the applicant build a landscape island that should have been built with phase I.

Discussion continued about staff's recommendation for stops signs at the entrances

Mr. Dun did not feel a stop sign was required at the north entrance.

Mr. Holger asked for a motion on this case.

Mr. Dunn made a motion to **approve** Case ZC20-005, as recommended by staff, Mr. Bradshaw Seconded. Upon call of the roll: Mr. Stater – Yes; Mr. Dobrozsi – Yes; Mr. Bradshaw – Yes; Mr. Dunn –Yes Mr. Holger - Yes; Motion approved 5-0.

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Mr. Holger called for case **ZC20-007 Minor Modification to an Existing PUD Carriage Hill**.

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

Mr. Holger asked the board if there were any questions for staff.

Mr. Behrmann made one clarification that the areas that appeared to be siding on the rear and side elevations were actually brick veneer.

Mr. Holger asked to hear from the applicant.

Mr. Holger swore in the applicants:

Applicants: Matt Terrell – Justin Doyle Homes (7833 Hollow Oak Dr.). Mr. Terrell explained this was the same style house as the previous case and was on the same street. This house was a little different as it was based off the 2007 Homorama winner in the Highlands of Heritage Hill.

Todd Prewitt (5506 Trails Run Ct). Mr. Prewitt explained he was the owner of the lot and gave the history of their desire to move to initially move to Carriage Hill and desire to stay in Carriage Hill to move into their dream house.

Mr. Dobrozsi asked the applicant how is the house situated on the lot.

Mr. Terrell explained the orientation of the home and that the lot to the rear was open space, but there were other home behind this one. Mr. Terrell continued that this house has been well received by the neighbors and that over 40 people on the neighborhood facebook page felt it should be approved.

The board continued the discussion with the applicant asking details regarding the home and why it was different from the other requests.

Mr. Terrell explained the desire in Carriage hill to have different types of architectural styles in the same neighborhood is desirable to create a more vibrant, desirable neighbor.

Mr. Holger asked if there was anyone to speak as a proponent to the application. No one spoke

Mr. Holger asked if there was any one who wanted to speak in favor of the application.

Jason Reeves (1872 Winding Creek Blvd.) Mr. Reeves explained there have been other exceptions made to the building standards siting 6237 Carriage Oak Way. Mr. Reeves felt the different styles of homes is what makes Carriage Hill a beautiful neighborhood.

Mr. Holger asked if there was anyone who wanted to speak as a neutral party. No one spoke.

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**.

The Board discussed the case:

Mr. Holger stated he thought it was a nice home but it clearly did not conform to the standards.

Mr. Dunn agreed.

Mr. Dobrozsi stated that if Carriage Hill has a desire to change the approved standards the request should come all at once. He felt the submitted plans should have represented the house better. The Black and white construction drawings do not do the custom design of the home justice.

Mr. Dunn expressed his concern about being able to approve this house after denying the previous house.

Mr. Dobrozsi reiterated his statement stating it wasn't fair to ask the board to make exceptions on a case by case basis.

Mr. Bradshaw agreed and felt that this would be setting a community wide precedence.

Mr. Terrell joined the discussion presenting alternate elevations.

The board felt the new elevations were a step in the right direction but could not make a decision based on a last min submission of plans.

The board offered to continue the case so they could consider the alternate elevations.

Mr. Terrell denied the opportunity to continue.

Mr. Holger asked for a motion on this case.

Mr. Dunn made a motion to **deny** Case ZC20-007, as recommended my staff, Mr. Dobrozsi Seconded. Upon call of the roll: Mr. Bradshaw – No; Mr. Stater – No; Mr. Dunn – Yes; Mr. Dobrozsi – Yes, Mr. Holger – Y; Motion passes 3-2

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Mr. Holger called for the next item on the agenda of the approval of the Meeting Minutes and Notice of Decisions for January 27, 2020.

Mr. Dobrozsi made a motion to **APPROVE** the Meeting Minuets and Notice of Decision from the January 27, 2020 Zoning Commission Meeting Mr. Stater seconded. Upon call of the roll: Mr. Bradshaw – Yes; yes; Mr. Stater – yes; Mr. Dunn – yes; Mr. Dobrozsi – Yes; Mr. Holger – Yes; the motion passed.

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

Respectfully submitted,

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Forest Holger, Chairman

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Mark Elma, Secretary

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