

LIBERTY TOWNSHIP ZONING COMMISSION
June 15, 2020
6:00 PM
MEETING MINUTES

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

Upon call of the roll, members in attendance were Forest Holger, Mike Dunn, Michael Stater and Michael Ward. 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.

Mr. Holger called for case **ZC20-008: Final PUD – Fieldstone Farms Section 3**

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

Mr. Holger asked to hear from the applicant.

- Applicants: Terry Corner (Bayer Becker 535 Tylersville Road Mason Ohio). Ms. Corner introduced Ryan Taggart with Bayer Becker. Mr. Corner stated she was in agreement with what staff had presented and did not have any comments.
- Mr. Stater asked where the clubhouse HVAC, solar panels and pool mechanicals equipment would be located
- Ms. Corner stated all the mechanicals would be located inside the clubhouse building. Ms. Corners followed up by stating solar panels were not planned for the project.

Mr. Holger asked if there was any one who wanted to speak as a **Proponent** (in favor) of the application.

- No one spoke

Mr. Holger asked if there was anyone to speak as a **Opponent** (in opposition) to the application.

- Doug Perrigo (5790 Cedar Ridge Court) Mr. Perrigo stated his objection to the revised PUD plan that was approved by the Zoning Commission in 2019. He feels the lots are too small.

Mr. Holger asked Mr. Perrigo what his concerns were.

- Mr. Perrigo stated he believes the change goes against the promised “larger lots” at the property line.
- Mr. Perrigo continued discussing his issues with the conservation easement to the north of the property. Mr. Perrigo asked if the applicant was going to go back to clean up the honeysuckle.
- Mr. Elma explained that according to the subdivision plat that area is not to be disturbed at any point.
- Mr. Perrigo expressed his concern about future homeowners or the HOA coming in a clearing that area later.
- Mr. Elma explained that it was not allowed.

Mr. Holger asked the applicant what was the impact of the change to the PUD brought up by Mr. Perrigo.

- Ms. Corners explained the change and impact it had on phase 3. Ms. Corners followed up by stating the conservation easement to the north is designated as open space and will not belong to the homeowners, so they will not have the right to clear it.

Mr. Dunn asked for clarification on the lot size of the 3 lots to the north.

- Mr. Elma stated the lot sizes are 12,329 SF 12,524 SF and 13,132 SF

Mr. Dunn asked what is the thinking behind deviating from the building material standards for the clubhouse.

- Ms. Corners stated it was to make the clubhouse stick out and be different from the homes in the development.
- Mr. Elma confirmed this was approved as part of the preliminary PUD.

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

Mr. Holger asked if the Board had any comments.

- Mr. Stater asked Mr. Dunn if he had concerns about the building materials on the clubhouse.
- Mr. Dunn said it sounded like the decisions have already been made

Mr. Holger asked for a motion on this case.

Mr. Ward made a motion to **approve** Case ZC20-008, as recommended by staff, Mr. Stater Seconded. Upon call of the roll: Mr. Ward – Yes; Mr. Stater – Yes; Mr. Dunn –Yes; Mr. Holger – Yes Motion **approved 4-0**.

Mr. Holger called for case **ZC20-009: Final PUD – Elks Pointe Section 3**

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

Mr. Holger asked to hear from the applicant.

- Applicants: Terry Corner (Bayer Becker 535 Tylersville Road Mason Ohio). Ms. Corner presented the project and stated she agreed with all of staff comments except for the addition of the path along Liberty-Fairfield Road.

Mr. Holger asked the applicant why the proposed sidewalk ran into section 3 rather than along Liberty-Fairfield Road.

- Ms. Corner said there was a regulated stream along Liberty-Fairfield road they could not disturb.

Mr. Holger asked if there was any one who wanted to speak as a **proponent** (in favor) of the application.

- No one spoke

Mr. Holger asked if there was anyone to speak as an **opponent** (against) the application.

- Chris Van (5746 Glen Abby Ct) Mr. Van stated his concerns about having a sidewalk that would dead end into the rear drive of the soon to be vacant Kroger building. Mr. Van presented the history of the path and stated the community did not want the path in 2017 and that he had a petition from 92% of the neighbors who are against the path. Mr. Van sited current crime statistics and expressed his concern about this going up with the construction of the new pedestrian path.
- Veronica Simmons (7773 Brightfield Ct) expressed her concerns of having a path so close to Liberty-Fairfield Road. Ms. Simmons was concerned about the speed of the traffic.
- Jeff Bowling (5808 Golden Bell Way) told the board he did not want the sidewalk. Mr. Bowling pointed out there were no sidewalks along route 4 in that area.

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

Mr. Holger asked if the Board had any comments.

- The board discussed the case, and testimony given by the residence. The board deliberated the pros and cons of including having a path.

Mr. Holger asked for a motion on this case.

Mr. Dunn made a motion to recommend **approval** for Case ZC20-009, as recommended by staff, with modifications to items 1 and 4 and striking item 2 that requires the walking path. Mr. Ward Seconded. Upon call of the roll: Mr. Stater – Yes; Mr. Ward – Yes; Mr. Dunn –Yes; Mr. Holger – Yes Motion **approved 4-0**.

Mr. Holger called for case **ZC20-010: Minor Modification to a Final PUD – Carriage Hill sections 7, 9, 14, 18 and 26**

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

Mr. Holger asked to hear from the applicant.

Applicants: Randy Terry (5342 Carriage House Blvd.). Mr. Terry provided a presentation and provided a brief history of the Carriage Hill. Mr. Terry continued sharing the problems they have with the current requirements and issues with the Liberty Township zoning commission process. Mr. Terry stated he agrees with staff's comments and told the board the Carriage Hill Design review board does not allow vinyl siding.

Mr. Holger started the discussion by reviewing what he remembers from the previous meeting. Mr. Holger stated the board was not questioning the quality of the buildings in Carriage Hill. Mr. Holger stated that the applications from the previous month did not include relevant information that was presented by the applicant at this meeting. Mr. Holger understands things change over years and change is good and necessary. Mr. Holger felt Mr. Terry's presentation provided the board a lot of relevant information regarding the Carriage Hill approval process.

Mr. Terry stated they are looking for help to modify the approval process to accommodate the changing tastes for future Carriage Hill residence who might designer a different style home.

Mr. Dunn stated Carriage Hill is a great development and recognizes Carriage Hill is a great development.

Mr. Dunn stated he recognized there is probably something wrong with the process if a resident who wants to build a \$2 Million dollar house in Carriage Hill is denied by the commission. Mr. Dunn is also expressed his concern about setting a precedence to other developers who may want the same right to approve house designs within other developments.

Mr. Terry explained he believes his proposal is different and outlined the process they have in place. Discussion continued regarding setting a precedence and how this request is different from other developers.

Mr. Stater made a few suggestions for improving the current process including having a staff member on the Carriage Hill Design Review board.

Mr. Terry explained his process and stated that Liberty Township staff is asked to be involved when a building wants to build a home that does not meet the R-PUD regulations.

Holger asked if there was anyone who wanted to speak as a **proponent** (in favor) of the application.

Justin Doyle with Justin Doyle Homes spoke stating they build in many areas of the city and that the Carriage Hill design review process is one of the strictest he ever worked with. Mr. Doyle believes this adds value to Carriage Hill. Mr. Doyle stated the overall winner of 2019 Homerama was an “Urban Farm Home” that features all hardy siding materials, similar to the homes being proposed in Carriage Hill.

Mr. Holger led the discussion with Mr. Doyle about the applications that were denied the month before. . Mr. Holger felt the applicant simply didn’t provide enough information for the board to make an informed decision. Mr. Doyle agreed stating it was unusual for them not to be a Zoning Commission meeting.

Todd Prewitt (5506 Trails Run Court) Mr. Prewitt briefly explained the design review process the house had gone through prior to coming to Zoning Commission.

Mr. Holger asked if there was anyone to speak as an **opponent** (against) to the application.

Joe Green (6245 Coach House Way) Mr. Green explained his experience with building homes and thought the Prewitt home was beautiful. Mr. Green stated Randy Terry does a great job with their design review process and likes that each home in Carriage Hill is a little different from each other. Mr. Green did express some concern about building materials and some builders wanting to build homes that would not match in Carriage Hill.

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. Ward 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 asked if the Board had any comments.

Mr. Dunn asked for clarification on the motion and if the Board could allow staff to approve building materials for Carriage Hill.

Mr. Behrmann stated yes the board can grant the authority to the director of planning to make approvals for the 19 lots at the staff level.

Discussion continued regarding variation in the process for the 19 lots presented in the case tonight. Mr. Holger addressed Mr. Dunn’s concern about setting a presence and outlined some of the design review criteria has self imposed makes Carriage Hill different than others.

Mr. Holger asked for a motion on Case number ZC20-010

Mr. Stater made a motion to approve for Case ZC20-010, as recommended by staff, with the modification correcting section 5 to section 7 in the staff report. Mr. Stater Seconded. Upon call of the roll: Mr. Dunn – Yes; Mr. Ward – Yes; Mr. Stater – Yes; Mr. Holger – Yes Motion **approved 4-0**.

Mr. Holger called for the next item on the agenda of the approval of the Meeting Minutes and Notice of Decisions for April 20, 2020.

Mr. Holger reminded the board this was a short meeting just to continue the cases due to the Covid situation.

Mr. Dunn made a motion to **APPROVE** the Meeting Minuets from the April 20, 2020 Zoning Commission Meeting Mr. Holger seconded. Upon call of the roll: Mr. Stater – Yes; Mr. Holger – yes; Mr. Dunn – yes; Mr. Ward – abstaining the motion passed.

Mr. Holger called for the next item on the agenda of the approval of the Meeting Minutes and Notice of Decisions for May 18, 2020.

Mr. Dunn made a motion to **APPROVE** the Meeting Minuets and Notice of Decisions from the May 18, 2020 Zoning Commission Meeting Mr. Stater seconded. Upon call of the roll: Mr. Stater – Yes; Mr. Holger – yes; Mr. Dunn – yes; Mr. Ward – abstaining the motion passed.

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

Respectfully submitted,

Forest Holger, Chairman

Mark Elma, Secretary