

LIBERTY TOWNSHIP ZONING COMMISSION
January 24, 2022
6:00 PM
MEETING MINUTES

The Zoning Commission was called to order at about 6:00 P.M. by Vice - Chairman Jamie Dobrozsi.

Upon call of the roll, members in attendance were Jamie Dobrozsi (Vice - Chair), Mike Dunn, Mike Stater, Michael Ward, and Brian Uhl. Staff members Mark Elma (Senior Planner) Bryan Behrmann (Director) were also in attendance.

Mr. Dobrozsi reviewed the procedures of the meeting and performed a group swearing in for those who wished to speak.

Mr. Dobrozsi called to reopen case **ZC21-026: Major Modification to the Liberty Center PUD** from the December 20, 2021 Zoning Commission Meeting.

Mr. Elma asked the Board if they had an opportunity to read the meeting minutes from the previous meeting and felt comfortable deciding on the case with an abbreviated presentation from staff.

The Board indicated yes.

Mr. Elma presented the case, highlighting the revisions the applicant provided in response to the Zoning Commission's comments.

Mr. Bradshaw asked if the Shake Shack elevations had been updated.

Mr. Elma stated the applicant did not provide revised elevations for Shake Shack.

Mr. Dobrozsi asked for clarification about the presentation.

Mr. Elma provided the clarifications.

Mr. Dobrozsi asked to hear from the applicant.

Applicant: Mitchel Harvey (607 Shelby Street): Mr. Harvey introduced himself and the development team. Mr. Harvey discussed the changes the applicant made to the plan. Mr. Harvey explained Shake Shack decided they wanted to keep the drive-thru despite the Board's objection at the previous meeting. Mr. Harvey explained it was an important component to the restaurant. Mr. Harvey stated they agreed with all of staff's comments, and stated Shake Shack is intended to be a fast-casual restaurant with the drive-thru being offered as a convince for the end user.

Applicant: David Blair (7775 Walton Parkway): Mr. Blair introduced himself as the architect with Shremshock Architecture. Mr. Blair reviewed the architectural changes to the plan and discussed the outdoor spaces that are built into each multi-tenant building.

Mr. Dobrozsi asked if anyone wanted to speak as a **proponent** (in favor) of the application.

- No one spoke.

Mr. Dobrozsi asked if anyone wanted to speak as an **opponent** (against) of the application.

- No one spoke.

Mr. Dobrozsi asked if anyone wanted to make a **neural** comment.

- No one spoke.

Mr. Bradshaw asked if the parapet was tall enough to screen the HVAC equipment.

Mr. Blair explained the HVAC equipment would be screened, and showed the exhibit proving that.

Mr. Stater asked how the tenants will sign up for the retail spaces and how it affects signage for each space.

Mr. Behrmann explained the overall buildings will come before the Board for a Final PUD and each tenant would be approved at staff level through the permitting process.

Mr. Dunn asked about Shake Shack and fast casual vs. fast food. Mr. Dunn expressed his concern about the Shake Shack transitioning to a fast food restaurant.

Mr. Harvey explained the new restaurants with drive-thru comes as a response to Covid and the need for convinces. Mr. Harvey also spoke to people wanting to order on their phones.

A short discussion continued regarding fast casual and drive-thru restaurants, Mr. Dobrozsi asking if the need for a drive-thru was absolute.

Mr. Harvey responded yes for this location the Shake Shack drive-thru is necessary.

MR. DOBROZSI ASKED FOR A MOTION TO CLOSE THE PUBLIC HEARING.

Mr. Dunn 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 the Board had any comments.

Mr. Dunn stated he felt the applicant did a good job with the changes they made, and the drive-thru was the only hang up.

Mr. Uhl reviewed the discussion from the previous month's meeting regarding the drive thru. Mr. Uhl continued by noting the drive-thru appeared to be more than a convince use and appeared to be similar to the traditional drive-thru. Mr. Uhl stated he did not think the drive-thru was a use the Board was comfortable approving.

Discussion continued with the applicant regarding the changes and need for the drive-thru. The Board agreed that they liked the revisions to the plan but the drive-thru was still as sticking point for them. The Board questioned if this was the place to change the standards for fast food restaurants.

Mr. Dobrozsi stated he liked the looks of the buildings and revised architecture, but was having an issue with the drive-thru.

Mr. Uhl reviewed the Board's discussion regarding the drive-thru and felt the Shake Shack could be approved with tweaks to the proposed drive-thru lanes.

Mr. Stater stated his concerns about the drive thru.

Mr. Bradshaw discussed the vision of Liberty Center in 2008 and did not feel a drive thru fit in the original vision of Liberty Center. Mr. Bradshaw recognized the changing desires of consumer, but did not feel it was time to change the vision of Liberty Center. The vision was never meant to be an in and out type use. The original vision was as a destination for people to come and stay.

Mr. Dobrozsi asked about the zoning process.

Mr. Behrmann provided clarification.

Mr. Bradshaw summarized the Board discussion stating he felt the Board agreed that the medical office use worked very well, the two multi-tenant buildings were a good fit, and Shake Shack could work but the Board was not in favor of the drive-thru.

The Board agreed with the summary of decision.

MR. DOBROZSI ASKED FOR A MOTION ON THIS CASE.

Mr. Dunn made a motion to make a recommendation for approval for Case ZC21-026 without the drive-thru:

- Mr. Behrmann asked for clarification that the restaurant was acceptable, just not the drive-thru.
- The Board agreed.

Mr. Uhl seconded. Upon call of the roll: **Mr. Dunn – Yes; Mr. Uhl – Yes; Mr. Bradshaw – Yes; Mr. Stater – Yes; Mr. Dobrozsi – Yes; Motion approved 5-0.**

Mr. Dobrozsi called for case **ZC21-035: Major Modification to the Liberty Center PUD**

Mr. Uhl recused himself from case ZC21-035 and Case ZC21-036 and left the room.

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

Mr. Dobrozsi asked about the parking comment from the Butler County Planning Commission Staff.

Mr. Behrmann provided clarification about staff interpretation of the parking analysis.

Mr. Stater asked about project density.

Mr. Behrmann directed the Board to comment #10 and reviewed the density as it compares to the comprehensive plan and surrounding multi-family developments.

Mr. Dobrozsi asked if the Board had any other question of staff.

The Board did not ask any questions.

Mr. Dobrozsi asked to hear from the applicant.

Applicant: Eric Morrison (220 Magnolia Ave.): Mr. Morrison introduced himself as the Director of Development for Bayer Properties. Mr. Morrison introduced the development team and reviewed the current ownership structure of Liberty Center. Mr. Morrison provided an update on the current leasing at Liberty Center and reviewed their strategy “move the asset forward and get it back to health.”

Applicant: John Martins (6602 East 75th Street): Mr. Martins explained he is with Walker Consultants. Mr. Martins reviewed his experience with parking analysis studies. Mr. Martins reviewed the shared parking methodology and the principals of shared parking they used as a base for the parking demand study. Mr. Martins reviewed his methodology and summarized his findings.

Applicant: David Ball (2914 Linden Avenue.): Mr. Ball introduced himself as the Regional Multi-Family Development Manager for the Dobbins Group. Mr. Ball explained his company’s experience with MF development. In addition, presented the proposed apartments.

Mr. Dobrozsi reviewed his experience as a Board member with approving apartments in Liberty Township. Mr. Dobrozsi explained he felt the proposed architecture is better than previously

approved apartments. Mr. Dobrozsi continued by stating although it is better, he is not “blown away” by the proposed architecture and had concerns about such a large building fronting Liberty Way.

The applicant reviewed the submitted renderings and a short discussion followed regarding the proposed elevations and materials. Mr. Dobrozsi did not feel he could make a fair assessment of the elevations and renderings based on the lack of information about the proposed materials.

Mr. Dobrozsi asked about the number of units and bedroom mix.

Mr. Ball responded 273 units with a mix of studios, one bedroom and two bedrooms.

Mr. Bradshaw asked what would happen with the current tenants in the buildings that are proposed to be removed.

Mr. Morrison stated one tenant was a temporary tenant, who will likely not be there when construction starts; Mr. Morrison stated they have relocation rights for the second tenant and they would have to negotiate a deal with the third tenant.

Mr. Stater asked if the pool was large enough and about the amenity garden.

Mr. Ball provided an explanation.

Mr. Dobrozsi asked if anyone wanted to speak as a **proponent** (in favor) of the application.

- No one spoke.

Mr. Dobrozsi asked if anyone wanted to speak as an **opponent** (against) of the application.

- No one spoke.

Mr. Dobrozsi asked if anyone wanted to make a **neural** comment.

- No one spoke.

MR. DOBROZSI ASKED FOR 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. Dunn began the Board’s discussion by stating his concerns which involve;

- Density is too high.
- The open space is not sufficient even when using the existing green space in Liberty Center.
- Parking is not sufficient.
- Having a 4-story building on Liberty Way will stand out.
- Mr. Dunn stated he is not ready to approve the apartment on this location.

Mr. Stater felt there were some positives in the application but they did not out way the concerns he had:

- Mr. Stater felt removing all those parking spaces was an issue, despite the very technical parking study. Mr. Stater also stated he was concerned that a perception of not having enough parking could hurt Liberty Center.
- Mr. Stater does not feel the apartments are the “Hail Mary” necessary to save Liberty Center as stated by Mr. Morrison in his presentation.

Mr. Bradshaw discussed the lack of commercial space in Liberty Township and is still looking forward to seeing the original vision for Liberty Center being complete. Mr. Bradshaw continued by stating he would rather see an office building on Liberty Way to add to the vibrancy of the Center.

MR. DOBROZSI ASKED FOR A MOTION ON THIS CASE.

Mr. Stater made a motion to make a recommendation of denial for Case ZC21-035: Mr. Dunn seconded. Upon call of the roll: **Mr. Stater** – Yes; **Mr. Dunn** – Yes; **Mr. Bradshaw** – Yes; **Mr. Dobrozi** – Yes; Motion **approved 4-0**.

Mr. Dobrozi called for case **ZC21-036: Major Modification to the Liberty Center PUD**

Mrs. Anne McBride (applicant) approached the podium and requested to have her case tabled.

MR. DOBROZSI ASKED FOR A MOTION TO TABLE CASE ZC21-036.

Mr. Dunn made a motion to approve the tabling of Case ZC21-036 as requested by the applicant: Mr. Stater seconded. Upon call of the roll: **Mr. Dunn** – Yes; **Mr. Stater** – Yes; **Mr. Bradshaw** – **Mr. Dobrozi** – Yes; Motion **approved 4-0**.

Mr. Dobrozi called for case **ZC22-001: Final PUD Relay 129 – Freedom Pointe**

Mr. Uhl rejoined the meeting

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

Mr. Stater asked about the water feature on the sign at the clubhouse and how it could impact the residential to the north.

Mr. Elma explained the applicant has not provided the design for the sign in front of the club house.

Mr. Stater asked if the buffer was considered as part of the green space.

Mr. Behrmann clarified the buffer requirements.

Mr. Dobrozi asked to hear from the applicant.

Applicant: Jim Obert (4901 Hunt Road): Mr. Obert stated they agreed 100% with the staff report and comments. Mr. Obert provide clarification on the townhome building materials and building signs on the MF units. Mr. Obert stated they were not asking for any variance for the sign sizes. Mr. Obert also stated all apartments would meet the 50% brick and stone requirements.

Mr. Bradshaw asked about exterior elevations on the outbuildings (maintenance buildings and garages).

Mr. Obert stated they would match the rest of the architecture of the apartments.

Mr. Bradshaw asked about secondary access points and signage on the buildings.

Mr. Obert provided clarification. A short discussion followed regarding the roads and building signs. The Board felt the signs on the buildings were unnecessary.

Mr. Stater asked if the roads were sufficient to handle the traffic generated.

Mr. Obert explained they were and were also approve with the traffic impact study.

Mr. Dobrozi asked if anyone wanted to speak as a **proponent** (in favor) of the application.

– No one spoke.

Mr. Dobrozi asked if anyone wanted to speak as an **opponent** (against) of the application.

- No one spoke.
- Mr. Dobrozsi asked if anyone wanted to make a **neural** comment.
- No one spoke.

MR. DOBROZSI ASKED FOR 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**.

Mr. Dunn stated they seem to meet all the criteria of the staff report and agree to all the comments.

Mr. Bradshaw questioned having building signs on top of three of the buildings.

Mr. Behrmann provided an explanation of the sign regulations and provided examples of apartments that were approved with buildings signs.

A short discussion followed regarding the need for the building signs. The Board expressed their concerns about the larger building signs.

Mr. Obert spoke stating they would be willing to lose one of the three buildings signs.

MR. DOBROZSI ASKED FOR A MOTION ON THIS CASE.

Mr. Bradshaw made a motion to approve case ZC22-001 with the modification of building signs permitted on buildings 4 & 8 only; Mr. Dunn seconded. Upon call of the roll: **Mr. Bradshaw – Yes; Mr. Dunn – Yes; Mr. Stater – Yes; Mr. Uhl – Yes Mr. Dobrozsi – No; Motion approved 4-1.**

Mr. Dobrozsi called for case **ZC22-002: AOMS – Oral Surgeon – Freedom Pointe**

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

Mr. Dobrozsi asked if the Board had any questions of staff.

- Mr. Bradshaw asked about the reserve portion of the lot to the north. Mr. Elma provided clarification.
- Mr. Bradshaw asked if the canopy was tall enough for an ambulance. Mr. Elma stated it would have to be as part of the Fire Department’s permit approval.

Applicant: Christian Stone (4779 Redbank Expressway) Mr. Christian stated he was the applicant with Cincinnati Commercial Contracting and provided material samples and stated they did not have any concerns with staff comments.

Mr. Stater asked about the HVAC equipment. Mr. Elma stated they are not shown on the drawing but would be required to be screened.

Mr. Dobrozsi asked about the design of the buildings.

Applicant: Bill Shock (29 High Street) Mr. Shock introduced himself as the architect on the project and addressed Mr. Dobrozsi questions.

Mr. Stater asked about hours of operation and excess parking. Mr. Shock provided an explanation stating there would be normal office type hours and the additional parking was for people waiting to pick up patients.

Mr. Dobrozsi asked if anyone wanted to speak as a **proponent** (in favor) of the application.

- No one spoke.

Mr. Dobrozsi asked if anyone wanted to speak as an **opponent** (against) of the application.

- No one spoke.
- Mr. Dobrozsi asked if anyone wanted to make a **neural** comment.
- No one spoke.

MR. DOBROZSI ASKED FOR A MOTION TO CLOSE THE PUBLIC HEARING.

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

Mr. Dobrozsi began the Boards discussion asking if this project meets the overlay district standards.

Mr. Elma provided clarification that office was approved as part of the PUD.

Mr. Bradshaw asked for clarification that the applicant agreed with all staff comments. Mr. Dobrozsi confirmed.

MR. DOBROZSI ASKED FOR A MOTION ON THIS CASE.

Mr. Bradshaw made a motion to approve case ZC22-002 as presented by staff Mr. Uhl seconded. Upon call of the roll: **Mr. Bradshaw – Yes; Mr. Uhl – Yes; Mr. Stater – Yes; Mr. Dunn – Yes Mr. Dobrozsi – Yes; Motion approved 5-0.**

Mr. Dobrozsi called for case **ZC22-003: Zoning Map Amendment – Liberty Food Park**

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

Mr. Dobrozsi asked if the Board had any question of staff.

- The Board did not.

Applicant: Christian Stone (4779 Redbank Expressway) Mr. Christian spoke again stating he was also the applicant for this project. Mr. Stone stated they did not have any issues with the staff comments. Mr. Stone introduced the owners of the restaurant to provide a better explanation of the unusual use.

Applicant: Mike Ewers (8126 Cherry Laurel Drive) Mr. Ewers explained the concept and their history in restaurant ownership in Belize. Mr. Ewers explained why he and his wife wanted to bring the concept to Liberty Township and why it would be the first one in the US.

Mr. Bradshaw asked about the outdoor seating around the building and details of the site plan, including netting around the outdoor activities, alcohol use, lighting and buffering. Mr. Christian addressed all the questions he could at this preliminary PUD stage.

Mr. Ewers stated there was no age restrictions but all Ohio Liquor laws would be followed.

Applicant Team: Johnathan Evens (4240 Airport Road) Mr. Evens is the engineer on the site and provided an explanation regarding the fencing for the outdoor uses.

Mr. Behrmann explained this was a preliminary plan review and if approved by the Trustees the Board would take a closer look at the details during the Final PUD stage.

A short discussion followed in response to Mr. Bradshaw's questions.

Mr. Stater asked several questions regarding.

- A question of the proximity to the High School and the establishment becoming a teen age hang out during the day.
- Volleyball netting.

- Lighting.

Mr. Ewers stated there would be a three-year lease for all the food vendor spaces, and the individual vendors would be required to meet all their standards.

Mr. Dobrozsi commented about the interior design and moving the stairs from the middle of the space. Mr. Dobrozsi clarified that his comment was not based on zoning concerns it was just a professional preference for interior design.

Mr. Ewers circled back to Mr. Stater question regarding alcohol sales in close proximity to the High School. Mr. Ewers introduced Dan Wyman who runs the Truck Stop in Belize to comment on the alcohol sales.

Applicant Team: Denial Wyman (1-mile north San Pedro Belize) Mr. Wyman discussed the alcohol sales, restaurant procedures and training programs for all staff. Mr. Wyman continued by reviewing the stamp protocol the business uses for patrons who are 21 years of age. Mr. Wyman also discussed the security company they hire to train staff in ID identification certification process.

Mr. Dobrozsi asked if anyone wanted to speak as a **proponent** (in favor) of the application.

- No one spoke.

Mr. Dobrozsi asked if anyone wanted to speak as an **opponent** (against) of the application.

- No one spoke.

Mr. Dobrozsi asked if anyone wanted to make a **neural** comment.

- No one spoke.

MR. DOBROZSI ASKED FOR A MOTION TO CLOSE THE PUBLIC HEARING.

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

Mr. Dunn began the Board discussion asking staff if the township had any regulations regarding alcohol sales in proximity to the high school.

Mr. Behrmann stated there were none, and reviewed the liquor license procedures for the state.

Mr. Stater asked if there were any overlay district requirement that would need to be addressed for approval of this use. Mr. Dobrozsi followed up asking about the alleyway the township is required to maintain.

Mr. Behrmann provided clarification that the alley was north of Wyandot but continued discussing the outdoor use being permitted in the overlay district and how it applied to this proposal.

MR. DOBROZSI ASKED FOR A MOTION ON THIS CASE.

Mr. Uhl made a motion to make a recommendation of approval for Case ZC22-003 as presented by staff: Mr. Stater seconded. Upon call of the roll: **Mr. Uhl – Yes; Mr. Stater – Yes; Mr. Dunn – Yes; Mr. Bradshaw – Yes; Mr. Dobrozsi – Yes; Motion approved 5-0.**

Mr. Dobrozsi called for the next item on the agenda, the approval of the meeting minutes from the November 15, 2021 Zoning Commission meeting.

- o Mr. Bradshaw made a motion to approve the meeting minutes for the November 15, 2021 Zoning Commission meeting: Mr. Stater seconded. Upon call of the roll: **Mr. Bradshaw – Yes; Mr. Stater – Yes; Mr. Dunn – Abstain; Mr. Uhl – Abstain; Mr. Dobrozsi – Yes; Motion approved 3-0 (with 2-abstaining).**

Mr. Dobrozsi called for the next item on the agenda, the approval of the Notice of Decisions and Meeting Minutes from the December 20, 2021 Zoning Commission meeting.

- Mr. Uhl made a motion to approve the Notice of Decisions and Meeting Minutes from the December 20, 2021; Mr. Dunn seconded. Upon call of the roll: **Mr. Uhl** – Yes; **Mr. Dunn** – Yes; **Mr. Dobrozsi** – Yes; **Mr. Stater** –Yes; **Mr. Bradshaw** – Abstain; Motion **approved 4-0 (with 1-abstaining).**

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

Bryan Behrmann, Secretary