



COLERAIN TOWNSHIP ZONING COMMISSION

Regular Meeting Minutes
Tuesday, May 16, 2023- 6:00 p.m.

Colerain Township Government Complex
4200 Springdale Road - Cincinnati, OH 45251

Meeting called to order: 6:00 pm by Ms. McMullin.

The Pledge of Allegiance was led by Ms. McMullin.

Roll Call: Mr. Bachman – yes, Mr. Gehring – here, Mr. Wilson – here, Ms. McMullin – here.

Mr. Westfall was seated as an alternate.

Also present was Jarrod Alig as Staff.

Approval of Minutes:

Minutes of the April 18, 2023, Meeting.

Ms. McMullin asked the Commissioners if they had any comments related to the April 18, 2023, Meeting Minutes; hearing none she requested a motion to approve.

Mr. Gehring made a motion to approve the minutes as presented. Motion was seconded by Mr. Westfall.

Roll Call: Mr. Bachman – aye, Mr. Gehring – aye, Mr. Westfall – aye, Mr. Wilson – aye, Ms. McMullin – aye.

Motion carried.

Public Address: None.

Final Development Plan: Case ZA2023-04: Minor Amendment to FDP “ZA2011-04 Northgate Mall (HH Gregg)”

Ms. McMullin introduced the case and asked if Staff had a presentation. Staff indicated that a presentation had been prepared for the hearing and provided their presentation on:

Case: ZA2023-04,
Application for: Minor Modification to Final Development Plan,
Property Address: 9659 Colerain Ave.,
Parcel ID: 510-0103-0107-00,
Applicant: Wendy Hall, with Greenberg Farrow (representing proposed tenant),
Property Owner: T NG Retail Dill OH, LLC / (Grocery Outlet Bargain Market
proposed tenant).

Staff's recommendation for the proposed minor modification to the FDP was **APPROVAL** with the following conditions:

1. None.

This concluded Staff's presentation.

Ms. McMullin asked the Zoning Commissioners if they had any questions for Staff. Hearing no questions for Staff, Ms. McMullin asked if the applicant was present:

Applicant: Mr. Chris Nowicki with GreenbergFarrow (1230 Peachtree Street NE, Suite 2900, Atlanta, GA 30309) spoke on behalf of the proposed tenant / property owner.

Ms. McMullin asked the Zoning Commissioners if they had any questions for the applicant.

Mr. Bachman asked the applicant to describe the proposed façade improvements.

Mr. Nowicki elaborated on the proposed façade, and site improvements contained within the Site Plan.

Ms. McMullin inquired about the applicant's plan to prevent shopping carts from being taken off-site.

Mr. Nowicki indicated that the issue had not been a problem at other sites.

Ms. McMullin stated that the issue had been a problem for both Kroger and Aldi, and stated that the applicant should look into the issue.

Mr. Nowicki agreed.

Ms. McMullin asked Staff if the proposed canopies would affect the proposed plan regarding zoning regulations.

Staff answered that the canopies would most likely not be an issue, but that the proposed slats within the chain-link fencing as mentioned by the applicant would not be permitted by the Colerain Township Zoning Resolution.

Ms. McMullin asked the Zoning Commissioners if they had any remaining questions for Staff or the applicant. Hearing no questions remaining, Ms. McMullin asked for a motion to be made.

A motion to APPROVE with modifications was made by Mr. Gehring. Motion was seconded by Mr. Westfall.

With a standing motion, Ms. McMullin asked the Commissioners if they would consider an additional condition requiring the retention of shopping carts on-site.

The Commissioners agreed and the condition was included with the motion and second.

Hearing a motion and second, Ms. McMullin asked Staff for a roll call vote on the item.

Roll Call: Mr. Bachman – aye, Mr. Gehring – aye, Mr. Westfall – aye, Mr. Wilson – aye, Ms. McMullin – aye.

Case ZA2023-04 approved unanimously (5-0) by the Colerain Township Zoning Commission with the following conditions:

1. Applicant shall include a sufficient method to retain shopping carts on-site.
2. Applicant shall propose screening of the trash enclosures consistent with the requirements of the Colerain Township Zoning Resolution.

Case ZA2023-05: Minor Modification to a Final Development Plan “ZA2011-04 Northgate Mall”

Ms. McMullin introduced the case and asked if Staff had a presentation. Staff indicated that a presentation had been prepared for the hearing and provided their presentation on:

Case: ZA2023-05,
Application for: Minor Modification to Final Development Plan,
Property Address: 9725 Colerain Ave.,
Parcel ID: 510-1013-0205-00,
Applicant: Iris Orellana, InterPlan (representing proposed tenant),
Property Owner: ISO Northgate Holdings, LLC / (PetVet 365 proposed tenant).

Staff's recommendation for the proposed minor modification to the FDP was **APPROVAL** with the following conditions:

1. None.

This concluded Staff's presentation.

Ms. McMullin asked the Zoning Commissioners if they had any questions for Staff. Hearing no questions for Staff, Ms. McMullin asked if the applicant was present:

Applicant: Melanie Wardell (2994 Montezuma Dr. Cincinnati, OH 45251) spoke on the proposed request.

Ms. McMullin asked the applicant if they had prepared a presentation or had any addition or clarification regarding Staff's presentation.

Ms. Wardell stated that as referenced in Staff's presentation her clinic is "fear free" clinic and as such kennels for overnight stays were not necessary.

Ms. McMullin asked the Zoning Commissioners if they had any questions for the applicant or any additional questions for Staff.

Mr. Bachman asked if any exterior modifications were proposed.

Ms. Wardell stated that signage was the only proposed exterior change.

Ms. McMullin asked the applicant what their plan was for managing any pet waste.

Ms. Wardell stated that proper disposal facilities would be provided.

Mr. Wilson asked the applicant what measures would be necessary to protect against any potentially harmful effects of the proposed X-Ray equipment.

Ms. Wardell stated that all appropriate and required measures would be implemented, and approval from additional public safety entities would be necessary.

Ms. McMullin asked the other applicant to state her name and address for the record.

Ms. Ashley Egan (1407 Whispering Pines Dr. Hebron, KY 41048) also spoke on behalf of the proposed request.

Mr. Gehring asked what types of animals would be treated at the facility.

Ms. Wardell stated that the extent of her practice consisted primarily of cats and dog (with an occasional Guinea pig or rabbit) but did not include birds, reptiles, or large animals.

Mr. Gehring asked for clarification on the proposed hours of operation.

Ms. Wardell stated that her hours of operation are 9:00 a.m. - 5:00 p.m. Monday – Friday, 10:00 a.m. - 2:00 p.m. Saturday, and 11:00 - 3:00 p.m. Sunday.

Ms. McMullin asked the Zoning Commissioners if they had any remaining questions. Hearing no questions remaining, Ms. McMullin requested a motion.

A motion to APPROVE Case ZA2023-05 was made by Mr. Bachman. Motion was seconded by Mr. Wilson.

Hearing a motion and second, Ms. McMullin asked Staff for a roll call vote on the item.

Roll Call: Mr. Gehring – aye, Mr. Westfall – aye, Mr. Wilson – aye, Mr. Bachman – aye, Ms. McMullin – aye.

Case ZA2023-05 approved unanimously (5-0) by the Colerain Township Zoning Commission with the following conditions:

1. None.

Case ZA2023-06: Minor Modification to a Final Development Plan “ZA2011-04 Northgate Mall”

Ms. McMullin introduced the case and asked if Staff had a presentation. Staff indicated that a presentation had been prepared for the hearing and provided their presentation on:

Case: ZA2023-06,
Application for: Minor Modification to Final Development Plan,
Property Address: 6401 Colerain Ave.,
Parcel ID: 510-1013-0205-00,
Applicant: Ken Schuermann, with Schuermann Properties
Property Owner: Realty Income Properties 6, L.L.C..

Staff’s recommendation for the proposed Minor Modification to Final Development Plan was for APPROVAL with the following conditions:

1. None.

This concluded Staff's presentation.

Ms. McMullin asked the Zoning Commissioners if they had any questions for Staff.

Mr. Bachman noted that Staff mentioned that the existing site conditions did not meet the requirements of the Colerain Township Property Maintenance Code or the Colerain Township Zoning Resolution. He asked Staff if a "punch-list" existed detailing exactly what items or actions were necessary for compliance.

Staff indicated that a detailed "punch-list" had not been created, but that the Final Development Plan dictated the approved conditions and any deviation from the Final Development Plan would be a violation of the Colerain Township Zoning Resolution. Additionally, any portion of the property that did not adhere to the Colerain Township Property Maintenance Code would also be an existing violation.

Mr. Gehring asked for clarification regarding the case previously presented to the Colerain Township Zoning Commission.

Staff answered that a Major Modification to the Preliminary Development Plan had been approved by the Zoning Commission per Case ZA2022-04 Grippos.

Mr. Gehring asked why Staff's report said for "BIDFTA" or "similar business".

Staff answered that in a conversation with the applicant, the applicant stated that the company "BIDFTA" would no longer be the company occupying the space, but that it would a company similar to "BIDFTA".

Ms. McMullin asked the Zoning Commissioners if they had any remaining questions for Staff. Hearing no remaining questions, Ms. McMullin asked if the applicant was present:

Applicant: Ken Schuermann (3450 Vista Ave. Cincinnati, OH 45208).

Mr. Gehring asked Mr. Schuermann to describe the "BIDFTA" or "similar business" item.

Mr. Schuermann stated the reason for the discrepancy was that BIDFTA.com had recently been sold, but that the new company would continue with the same business model.

Mr. Schuermann also stated that he felt that he had a "good handle" on the "punch list" as his company had spent an extensive amount of time "landscaping, sealing and striping the parking lot, painting all the telephone poles, painting all the curbs, clearing out the entire perimeter of the whole property and repairing and replacing the fence."

Mr. Gehring asked Mr. Schuermann how he intended to prevent the tractor-trailers from parking at the site.

Mr. Schuermann that as the new property owner they would monitor the issue.

Mr. Bachman asked if Mr. Schuermann would be the new property owner.

Mr. Schuermann stated that they would be closing on the property tomorrow.

Ms. McMullin asked the Zoning Commissioners if they had any questions for the applicant. Hearing no questions for the applicant, Ms. McMullin requested a motion.

A motion to APPROVE Case ZA2023-X was made by Mr. Gehring. Motion was seconded by Mr. Bachman.

Hearing a motion and second, Ms. McMullin asked Staff for a roll call vote on the item.

Roll Call: Mr. Westfall – aye, Mr. Wilson – aye, Mr. Bachman – aye, Mr. Gehring – aye, Ms. McMullin – aye.

Case ZA2023-06 Minor Modification to Final Development Plan (ZA1994-04)
APPROVED unanimously (5-0) by the Colerain Township Zoning Commission with the following conditions:

1. None.

Case ZA2023-07: Minor Amendment to FDP “ZA2022-07 Wyler Honda”

Ms. McMullin introduced the case and asked if Staff had a presentation. Staff indicated that a presentation had been prepared for the hearing and provided their presentation on:

Case: ZA2023-07,
Application for: Minor Modification to a Final Development Plan,
Property Address: 8944-8996 Colerain Ave.,
Parcel ID: 510-0093-0010-00; 510-0093-0014-00; & 510-0093-0212-00,
Applicant: James Watson, with McGill Smith Punshon, Inc.,
Property Owner: Mountain Agency Colerain, L.L.C.

Staff's recommendation for the proposed Minor Modification to a Final Development Plan was for APPROVAL with the following conditions:

1. None.

This concluded Staff's presentation.

Ms. McMullin asked the Zoning Commissioners if they had any questions for Staff.

Mr. Gehring asked if he understood the circumstances of the case being presented.

Staff affirmed Mr. Gehring's understanding of the matter.

Mr. Gehring expressed his concern that the Zoning Commission would be setting a precedent for future cases.

Mr. Bachman stated his desire to have the applicant explain what changes had taken place upon the site since the applicant had last presented before the Zoning Commission (December, 2022).

Mr. Gehring noted the turnout for the previous meetings and asked Staff if the community had received notice of this meeting.

Staff indicated that notice had been sent out in accordance with the policy on the matter.

Ms. McMullin asked the Zoning Commissioners if they had any remaining questions for Staff. Hearing no questions remaining, Ms. McMullin asked if the applicant was present:

Applicant: Mr. Tim Burke (of the Manley-Burke Law Firm 225 W. Court St. Cincinnati, OH, 45202) as legal counsel for the property owner.

Mr. Burke explained the circumstances that led to the case as presented to the Zoning Commission.

Mr. Gehring stated his desire to have the meeting postponed in order to have Staff verify that the lighting upon the site was congruent with the site plan proposed to the Zoning Commission. (No motion was made on the matter.)

Mr. Brian McNair, general counsel to Jeff Wyler Automotive Family, 401 Milford Pkwy., Suite A, Milford, OH, 45150 spoke on behalf of the property owner.

Mr. Gehring asked the applicants why Wyler presented one lighting plan to the Commission, and then a few months later altered the plan that was presented to the Commission.

Mr. Burke stated the previous plan indicated levels that were not in compliance were not in compliance with the Colerain Township Zoning Resolution, and that the plan before the Commission solved that issue.

Mr. Bachman asked Mr. Burke to clarify the application letter, specifically if new lighting had been installed, or if the existing lighting had been dimmed.

Mr. Burke stated that the lighting had been dimmed.

Mr. Bachman stated that he had a question regarding when the lighting study had been performed.

Applicant: Ms. Brittany Koester (1450 Rambling Hills Dr., Cincinnati, OH 45230 with BR Lighting and Controls)

Ms. Koester stated that a lighting survey had not been carried out post-dimming using a meter. However, Ms. Koester confirmed that the energy output as reported by the lighting grid did align with the dimming of the lights.

Mr. Bachman asked Ms. Koester when the lights were dimmed.

Ms. Koester stated the lights were “reconditioned” around March 14th, or March 15th.

Mr. Bachman asked Ms. Koester to describe what “reconditioning” meant.

Ms. Koester stated that “reconditioning” in this case meant that lights were reprogrammed step-dimming to match the ambient lighting conditions. Additionally, the lighting fixtures were set to “11 percent” which was the setting required to meet the 2.0 footcandle requirement of Colerain Township Zoning Resolution.

Mr. Bachman stated that the lighting fixtures met the Colerain Township Zoning Resolution requirements in theory, as the footcandles had not been measured using a light meter.

Ms. Koester stated that a light meter had not been used to verify. But the energy reports indicated that the lighting level had met the requirements.

Mr. Bachman asked Ms. Koester if the proposed lighting fixtures would be the same as what had been discussed so far.

Ms. Koester stated that was correct.

Mr. Bachman asked Ms. Koester to explain the “ninety percent of life” metric used in her report to describe the age of the existing lighting.

Ms. Koester stated that according to her memory the lighting fixtures were installed in December 2018, or January 2019.

Ms. McMullin asked if the sensor Ms. Koester displayed to the Zoning Commission was a common item. (Ms. Koester previously stated that the device was used to control the light fixture.)

Ms. Koester stated that the device had recently gained popularity in the region, but was common in areas subject to more intense sunlight (Nevada, and California).

Ms. McMullin stated her reason for asking was that in her profession it is common to rely on the data provided by the sensor as confirmation that the lighting system was performing as indicated, as opposed to requiring onsite measurements.

Discussion among Mr. Bachman, Mr. Burke, Mr. Gehring, and Staff took place over the ability for the applicant to move forward and the ability of the department to verify compliance with the lighting plan as proposed to the Zoning Commission.

Ms. McMullin asked the Zoning Commissioners if they had any questions for the applicant, Staff, or Ms. Koester. Hearing no questions for the applicant, Ms. McMullin requested a motion.

Ms. McMullin and Mr. Bachman discussed amending Condition #2 of the December, 2022 Final Development Plan approval.

A motion to APPROVE Case ZA2023-07 was made by Mr. Bachman with the modification below. Motion was seconded by X.

Hearing a motion and second, Ms. McMullin asked Staff for a roll call vote on the item.

Roll Call: Mr. Wilson – aye, Mr. Bachman – aye, Mr. Gehring – nae, Mr. Westfall – aye, Ms. McMullin – aye

Case ZA2023-07, Minor Modification to Final Development Plan (ZA2022-07) was APPROVED by the Colerain Township Zoning Commission with the following conditions:

1. Lighting plan must indicate the maximum illumination at the property line(s) as “0.10 footcandles” where it abuts any R-6 district. At any point beyond the Applicants property line, the lighting plan must indicate an amount less than 0.10 (or less than 0.1) (Pg. L104);
2. That all lighting fixtures / systems located upon the three (3) parcels included within this proposed Final Development Plan be replaced *or compliance documented* in accordance with the lighting fixtures / systems proposed within this Final Development Plan by **December 21, 2023**;
3. That the Final Development Plan shall comply in all other respects with regulations of the Zoning Resolution;

4. Any modifications to the proposed plan (as here proposed to the Zoning Commission) as necessary or required by additional agencies and / or departments charged with the responsibility of plan review, must be submitted the Zoning Administrator for Zoning approval.
5. That a final copy of the Final Development Plan as approved by the Colerain Township Zoning Commission, including all approved conditions, a signed Deed of Acceptance, and accompanied by a signed copy of the Grant of Springing Executory Interest in Roadway Easement be submitted for recordation in the Office Hamilton County Recorder by the Colerain Township Zoning Administrator prior to issuing an[y] initial, or final Zoning Certificate(s) for the improvements proposed herein.

Public Hearings: None.

Informal Concept Review:

ICR2023-04 3636 Semloh Ave.

Staff introduced the case to the Colerain Township Zoning Commission.

Ms. McMullin explained the Informal Review Process.

Mr. Michael Matson, representing the property owner, Musatee Investments L.L.C., addressed the Commission. He described their desire to rezone the property to allow for a change of use of the property. From independent living, to assisted living. As well the inclusion of medical offices downstairs.

Zoning Commission members asked questions and gave their feedback to the applicant.

Old Business: None.

New Business: None.

Administration: Staff asked for the Zoning Commission to allow the previously requested motions for text amendments to die. Ms. McMullin obliged and no motion on the matters was made.

Announcements: Staff provided the Zoning Commission with a recap of the Open House held by Colerain Township, KZF, and Zone Co. on May 3, 2023.

Ms. McMullin stated that a lot of feedback at the meeting was focused on bringing back the Imagine Colerain website. Additionally, based on the material presented at the meeting, Ms. McMullin requested Staff to walk the Zoning Commission through the proposed changes to the Colerain Township Zoning Resolution.

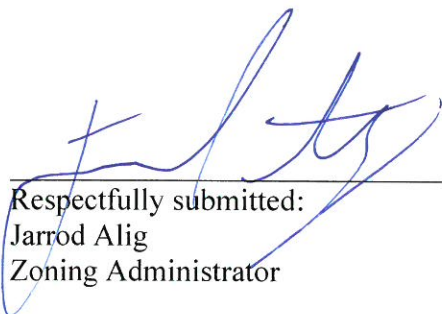
Next Meeting: June 20, 2023.

Adjournment: Ms. McMullin thanked everyone for attending, and conducted a straw poll vote to adjourn the meeting.

In favor - All

Opposed – None

The meeting was adjourned at approximately 8:05 P.M.



Respectfully submitted:
Jarrod Alig
Zoning Administrator



Accepted:
Lori McMullin
Zoning Commission – Chair