

COLERAIN TOWNSHIP ZONING COMMISSION

Regular Meeting Minutes

Tuesday, Sept. 19, 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. Wilson - here, Mr. Bachman - here, Mr. Hauser - here, Mr. Westfall - here, Ms. McMullin - here.

Mr. Gehring was not present. Mr. Hauser (alternate) was seated on his behalf.

Present was Justin Becker as Staff.

Approval of Minutes: 6/20/23, 7/18/23, 8/15/23

Roll Call: Mr. Bachman - yes, Mr. Hauser - yes, Mr. Westfall - yes, Mr. Wilson - yes, Ms. McMullin - yes

Public Address:

- Several residents spoke regarding concern over Mobile Food Service regulations, advocacy, communication, lighting, noise, air quality, open space, buffers, fencing, and swales/flooding for the proposed Wawa on Colerain Ave., how “planned developments” are utilized and implemented, and potential conflicts of interest between Zoning Staff and Development Staff.

Final Development Plans:

1. Case ZA2023-09: Major Amendment to Case ZA2005-006 PDP/FDP and Zoning Map Amendment from R-3 to PD-B at 10345, 10329 Colerain Ave.

Public Hearings:

1. Case ZA2023-12 – Text Amendment to the Colerain Township Zoning Resolution: Recreational Marijuana

Informal Concept Review:

1. ICR2023-05: Informal Concept Review for Outdoor Storage at 6401 Colerain Ave.

Case ZA2023-09: Major Amendment to Case ZA2005-006 PDP/FDP and Zoning Map Amendment from R-3 to PD-B at 10345, 10329 Colerain Ave.

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: ZA2023-09,

Application for: Major Amendment and Map Amendment from R-3 to PD-B,

Property Address: 10345, 10329 Colerain Ave.

Parcel IDs: 510-0182-0006-00, 510-0182-0008-00

Applicant: Jay Adams, with Unicorp National Developments, Inc.

Property Owner: Klei 2 Management LLC, Klei Family Properties LLC

Staff's recommendation for the proposed Major Amendment and Zoning Map Amendment was **APPROVAL** with the following conditions:

1. Parcels 510-0182-0006-00 and 510-0182-0008-00 shall be combined prior to submission of a Final Development Plan to the Colerain Township Zoning Commission.
2. That the Colerain Township Zoning Commission may grant any variance(s) to the Colerain Township Zoning Resolution that the Commission deems are warranted during the public meeting to be held upon submission of the Final Development Plan.
3. That no variance is hereby granted to the requirements listed within §9.3 "PD – Planned Development District" of Colerain Township Zoning Resolution. The only aspect of the submitted Preliminary Development Plan being approved is allowing for the specific use of the property to be permitted as "Automotive Fuel Services," in accordance with §9.3.5;(A).

This concluded Staff's presentation.

Applicant: Chuck (Charles) Whittall, 7940 Via Dellagio Way, touched on efforts to address lighting, noise, screening, fencing, drainage, sewage, engineering, etc. concerns.

Applicant: Patrick Warnement, 260 W. Baltimore Pk., highlighted the model and functions of Wawa as a company and touched on Mr. Whittall's comments regarding screening, fencing, noise, etc. management.

Applicant: Bill (William) Skebba, 7965 N. High St., touched on ingress/egress, detention basin plans, swale plans, and lighting plans.

Public speaker #1: Tony Blackburn, 4136 Raeann Dr., expressed concern regarding sound mitigation, water detention, sewage, lighting, traffic, sidewalks, and safety.

Public speaker #2: Mandy Blackburn, 4136 Raeann Dr., expressed concern regarding air and soil quality.

Public speaker #3: Carrie Davis, expressed solutions for addressing noise, sound, air quality issues, etc.

A motion to **APPROVE** Case ZA2023-09 is made by Mr. Bachman with the following conditions:

- TV monitoring be programmed to shut off between 12 AM and 6 AM.
- The proposed vinyl fence be modified from 8' to 12' high.
- There shall be zero (0) footcandles of light at the property line of the site.
- There shall be a reading of zero decibels at the property line bordering any residential site at any point of the day.

The motion is seconded by Mr. Wilson.

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

Roll Call: Mr. Bachman - yes, Mr. Hauser - yes, Mr. Westfall - yes, Mr. Wilson - yes, Ms. McMullin - yes.

Motion to **APPROVE** Case ZA2023-09 was carried unanimously (5-0).

Case ZA2023-12: Text Amendment to the Colerain Township Zoning Resolution: Recreational Marijuana

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: ZA2023-12,
Application for: Proposed Text Amendment to the Colerain
Township Zoning Resolution: Recreational Marijuana,
Motion passed by the Colerain Township Zoning Commission on
July 18, 2023, continued to September 19, 2023 meeting to initiate
a Text Amendment to the Colerain Township Zoning Resolution.

Staff's recommendation for the proposed Zoning Text Amendment was **APPROVAL**. The Text Amendment summary is as follows:

- A. The cultivation, processing, or retail sale of recreational marijuana will not be permitted by right, with conditions, or as a conditional use.

This concluded Staff's presentation.

Public speakers were sworn in by legal counsel.

Public speaker #1: Carrie Davis, expressed concern regarding the process between the Board of Trustees and Zoning Commission, a lack of connection between dispensaries and crime and blight, and the potential invitation for violent distributors without established dispensaries.

A motion to close the public hearing was made by Mr. Bachman. The motion was seconded by Mr. Wilson.

Roll Call: Mr. Bachman - yes, Mr. Hauser - yes, Mr. Westfall - yes, Mr. Wilson - yes, Ms. McMullin - yes.

A motion to **DENY** Case ZA2023-12 was made by Ms. McMullin. The motion was seconded by Mr. Wilson.

Ms. McMullin requested to rescind her original motion. That motion was seconded by Mr. Bachman.

A motion to **APPROVE** Case ZA2023-12 was made by Mr. Hauser with the caveat that:

- If the proposed Text Amendment does not receive a recommendation for approval at this meeting, another meeting is held with the Zoning Commission to discuss:
 - Language of the State ballot,
 - Research on impacts of recreational marijuana,
 - New proposal with additional regulations.

The motion was seconded by Mr. Bachman.

Roll Call: Mr. Bachman - no, Mr. Hauser - no, Mr. Westfall - no, Mr. Wilson - no, Ms. McMullin - no.

Motion to **DENY** Case ZA2023-12 was carried unanimously (5-0).

ICR2023-05: Informal Concept Review for Outdoor Storage at 6401 Colerain Ave.

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: ICR2023-05,
Application for: Informal Concept Review for Outdoor Storage,
Property Address: 6401 Colerain Ave.
Parcel ID: 510-0070-0177-00
Applicant: Ken Schuermann
Property Owner: 6401 COLERAIN LLC

Applicant: Ken Schuermann, detailed the plans attached within the Agenda Packet.

Discussion was centered around fencing, including color, material, and height, security, the placement of the outdoor storage sites, and the process by which such plans shall be implemented (Minor Amendment to a Final Development Plan).

Old Business:

A motion to bring back Case ZA2023-10 (Violations & Penalties) was made by Ms. McMullin. The motion was seconded by Mr. Hauser.

Roll Call: Mr. Bachman - yes, Mr. Hauser - yes, Mr. Westfall - yes, Mr. Wilson - yes, Ms. McMullin - yes.

Further information on a Draft Text Amendment to Article 4 (Development Review and Procedures) of the Colerain Township Zoning Resolution will be brought back at a future meeting.

New Business:

A motion to initiate a Text Amendment to Article 8.4.15 (Mobile Food Services) of the Colerain Township Zoning Resolution was made by Ms. McMullin. The motion was seconded by Mr. Wilson.

Roll Call: Mr. Bachman - yes, Mr. Hauser - yes, Mr. Westfall - yes, Mr. Wilson - yes, Ms. McMullin - yes.

Administration: Continued revision of the proposed Zoning Resolution update.

Announcements: None.

Next Meeting: October 17, 2023.

Adjournment: Ms. McMullin thanked everyone for attending and providing feedback.

In favor - All

Opposed - None

The meeting was adjourned at approximately 9:39 P.M.

The block contains two handwritten signatures. The top signature is in cursive and appears to read 'Lori McMullin'. Below it is another signature, also in cursive, which is more stylized and difficult to decipher but likely belongs to a second individual.