

COLERAIN TOWNSHIP ZONING COMMISSION

Regular Meeting Minutes

Tuesday, October 17, 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. Hauser - yes, Mr. Wilson - , Mr. Gehring - here, Mr. Westfall – here, Ms. McMullin – here.

Mr. Hauser (alternate) sat on behalf of Mr. Wilson (absent)

Present was Justin Becker and David Miller as Staff.

Approval of Minutes: None

Public Address: None

Final Development Plan: None

Public Hearings:

1. Case ZA2023-17: Zoning Map Amendment from R-6 to “B-1” – Neighborhood Business District at 3541, 3551 Banning Rd.
2. Case ZA2023-13: Minor Amendment to FDP Case ZA1999-06, ZA5-88, and Consent Decree A0007121 at 3800 Struble Rd.

Case ZA2023-17: Zoning Map Amendment from R-6 to “B-1” – Neighborhood Business District at 3541, 3551 Banning Rd.

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: ZA2023-17,
Application for: Zoning Map Amendment from R-6 to B-1,
Property Address: 3541, 3551 Banning Rd.
Parcel ID: 510-0080-0108-00, 510-0080-0107-00,
Applicant: Jonathan Woche, with McBride Dale Clarion
Property Owner: Rick Davis

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

1. None

This concluded Staff's presentation.

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

Hearing none, Ms. McMullin then asked for a motion to open the public hearing.

A motion to open the public hearing was made by Mr. Gehring. The motion was seconded by Mr. Westfall.

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

All parties, including the applicant(s), were sworn in to speak by Mr. Miller.

Public speaker #1: Jonathan Wocher (Applicant), 5721 Dragon Way, emphasized the development potential with 2.5 acres of "B-1" zoning.

Public speaker #2: Mark Cowens, 3523 Banning Rd., asked what the new development would consist of, particularly emphasizing the wrecks, traffic, and congestion at the corner of Blue Rock and Banning. Mr. Cowens also emphasized issues with open space, trash, waterline connections, early noise from construction, emergency response, theft, and trespassing.

Mr. Gehring asked what is occurring in the early hours that is causing loud noise.

Mr. Cowens emphasized that equipment is being stored and moved in and out of the site. Mr. Cowens again emphasized the issues with traffic and congestion, particularly with lot access along Banning Rd.

Ms. McMullin asked if there was anyone else in the audience that wished to speak.

Seeing none, Ms. McMullin then asked for a motion to close the public hearing.

A motion to close the public hearing was made by Mr. Gehring. The motion was seconded by Mr. Westfall.

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

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

Staff/Applicant.

Mr. Gehring asked the Applicant/Property Owner if heavy vehicles were being moved in and out of the property during early morning hours.

Mr. Woche emphasized that the hearing today is working to put forth change and create development potential.

Mr. (Kyle) Davis explained that heavy vehicles do enter/leave the site, but it is not a daily occurrence.

Mr. Bachman asked the Applicant/Property Owner what the next steps moving forward were for addressing the concrete/recycling on-site.

Mr. (Kyle) Davis explained that is in the midst of being cleaned up.

Mr. Bachman asked if the property was a recycling facility.

Mr. (Kyle) Davis explained that while some material is being stored, the goal is for it to be repurposed as part of their construction business.

Mr. Bachman asked if concrete/recycling was appropriate next to residences.

Mr. Woche explained that with the rezoning of the property, the property will be cleaned up and redeveloped.

Mr. Bachman asked if, in the interim, the concrete/debris will be filled for the redevelopment.

Mr. (Kyle) Davis was unsure.

Mr. Gehring asked whether a Zoning violation was present due to the concrete being stored on residential property, emphasizing that the case should not move forward until such violations are addressed.

Mr. Miller highlighted that such concrete cannot be stored on residential property.

Mr. Woche asked if Case ZA2023-17 could be tabled/continued until next month.

Mr. Bachman agreed with this request. Mr. Bachman also emphasized that while traffic will certainly increase with a new development at this location, the ability to generate a curb-cut further down Blue Rock (from the intersection) allows for added safety measures in regard to ingress/egress.

Ms. McMullin asked the Commissioners if they had any additional questions.

Hearing none, Ms. McMullin asked Staff how to proceed with Case ZA2023-17.

Mr. Miller suggested, based on Mr. Wocher's request, that the case be tabled/continued to next month.

Mr. Bachman made a motion to table/continue case ZA2023-17 to next month. The motion was seconded by Mr. Gehring.

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

Case ZA2023-17 was tabled/continued to the November 21, 2023 meeting (5-0).

Case ZA2023-13: Minor Amendment to FDP Case ZA1999-06, ZA5-88, and Consent Decree A0007121 at 3800 Struble Rd.

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: ZA2023-13,
Application for: Minor Amendment to FDP Case ZA1999-06,
ZA5-88, and Consent Decree A0007121
Property Address: 3800 Struble Rd.
Parcel ID: 510-0124-0059-00
Applicant: Scott Huber, with Abercrombie & Associates
Property Owner: Rumpke Sanitary Landfill, Inc.

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

1. None

This concluded Staff's presentation.

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

Hearing none, Ms. McMullin then asked for a motion to open the public hearing.

A motion to open the public hearing was made by Mr. Gehring. The motion was seconded by Mr. Bachman.

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

All parties, including the applicant(s), were sworn in to speak by Mr. Miller.

Public speaker #1: Scott Huber (Applicant), 8111 Cheviot Rd. emphasized that the proposed project works to serve the upcoming changes to EPA regulations regarding the scaling process, where all vehicles need to be weighed inbound *and* outbound. Because of this, traffic congestion is bound to accrue, and the new scale house project works to address that congestion ahead of time (at the Struble Rd. entrance). With this, the plan is for residential traffic and Rumpke traffic to be completely separated.

Public speaker #2: Dave Redwine (representing Rumpke), 3800 Struble Rd. emphasized Mr. Huber's point that with the proposed project, there will be no "crisscrossing" between the residents/small haulers and the Rumpke trucks, and

will instead be entirely separated, therefore producing a safer route for both parties.

Mr. Hauser asked Mr. Redwine if both parties would still be using the existing entrance that is there now.

Mr. Redwine confirmed, yes.

Ms. McMullin asked if there any additional questions for Staff/Applicant.

Seeing none, Ms. McMullin then asked for a motion to close the public hearing.

A motion to close the public hearing was made by Mr. Gehring. The motion was seconded by Mr. Westfall.

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

Ms. McMullin asked the Commissioners if anyone would like to make a motion on Case ZA2023-13.

A motion to approve Case ZA2023-13 was made by Mr. Gehring. The motion was seconded by Ms. McMullin.

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

Case ZA2023-13 was approved unanimously (5-0).

Informal Concept Review: ICR2023-06

Case ICR2023-06: Zoning Map Amendment from B-2 to R-3

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: ICR2023-06,
Application for: Informal Concept Review of Zoning Map
Amendment from B-2 to R-3
Property Address: 7102 Springdale Rd.
Parcel ID: 510-0360-0168-00
Applicant: Charlene Younger
Property Owner: Marian Frederick

Public speaker #1: Charlene Younger (Applicant), 11426 Lincolnshire Dr. expressed concern/confusion regarding the zoning change from residential to business. Ms. Younger also emphasized difficulties with selling the property as residential due to it being zoned commercial.

Public speaker #2: Stephanie Bolden (Realtor), 4599 Philnoll Dr. emphasized that the underwriter does not see the home as collateral to back the loan (Bank of England). On top of this, the property must be legally disclosed as “commercial,” which will inevitably turn away prospective residential buyers. Ms. Bolden also emphasized Ms. Frederick’s (direct) neighbors being zoned R-3.

Mr. Bachman asked who owned the property to the East.

Mr. Miller/Mr. Becker emphasized that it is the Ohio Department of Transportation.

Ms. McMullin asked Ms. Bolden if she knew when the Zoning change was made.

Ms. Bolden emphasized that the Zoning change occurred in 1996.

Ms. McMullin asked for a recommendation from Mr. Miller

Mr. Miller suggested that the Zoning Commission pass a motion to instruct Staff to prepare a Zoning Map Amendment for 7102 Springdale Rd.

Ms. McMullin asked for a motion to initiate a Zoning Map Amendment at 7102 Springdale Rd. from B-2 to R-3.

A motion was made by Mr. Gehring. The motion was seconded by Mr. Hauser.

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

Case ICR2023-06 will be initiated as a formal Zoning Commission case for a special meeting on the earliest possible date (5-0).

Old Business: ZA2023-10 (Violations & Penalties), ZA2023-12 (Recreational Marijuana), ZA2023-16 (Mobile Food Services) will return to Zoning Commission. No further action will be taken in regard to previous discussion regarding proposed changes to Article 4.

New Business: None

Administration: None

Announcements: None

Next Meeting: Special – TBD, Regular November 21, 2023

Mr. Bachman requested that the order of the public hearings be amended to allow for the applicant to speak first, and then allow the residents to respond after. Such a process shall eliminate confusion and ensure flow between points.

Ms. McMullin requested a workflow/diagram that highlights where a particular case lies within the Zoning Commission (and Board of Trustees) process. This shall especially work to eliminate confusion for residents.

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

In favor - All

Opposed - None

The meeting was adjourned at approximately 7:19 P.M.

A handwritten signature in black ink, appearing to read "Lori McMullin". The signature is stylized with a large, sweeping initial "L" and a cursive "M".