

COLERAIN TOWNSHIP ZONING COMMISSION

Meeting Minutes

**Thursday, Nov. 21, 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 - here, Mr. Gehring - here, Mr. Westfall - here, Mr. Wilson - here, Ms. McMullin – here.

Present was Justin Becker and David Miller as Staff.

Approval of Minutes: None

Public Address: None

Final Development Plan: None

Public Hearings:

1. Case ZA2023-16: Zoning Text Amendment to Article 8.4.15 and Article 8.2 of the Colerain Township Zoning Resolution: Mobile Food Services
2. Case ZA2023-17: Zoning Map Amendment from R-6 to B-1 at 3541, 3551 Banning Rd.
3. Case ZA2023-18: Minor Amendment to Case ZA4-89 at 6401 Colerain Ave. for Outdoor Storage

Case ZA2023-16: Zoning Text Amendment to Article 8.4.15 and Article 8.2 of the Colerain Township Zoning Resolution: Mobile Food Services

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: ZA2023-16

Application for: Text Amendment to Article 8.4.15, 8.2

Applicant: Colerain Township Planning & Zoning Staff

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

1. None

This concluded Staff's presentation.

Ms. McMullin then asked for a motion to open the public hearing.

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

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

Public speaker #1: Brian Swafford (Big Bear BBQ), 6150 Thompson Rd., simply expressed concern over trash and picnic table maintenance. Ms. McMullin and Staff clarified that picnic tables are no longer required for Mobile Food Service stations, but trash receptacles must be provided within 10' of the point of sale. All trash must be removed from the site at the end of every day.

Ms. McMullin asked for a motion to close the public hearing.

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

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

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

Mr. Bachman asked if the previous thirty-day expiry period for Mobile Food Services was encumbering for Staff.

Mr. Miller clarified that given the stringent nature of the conditions associated with Mobile Food Services, it was difficult for applicants to *acquire* a Zoning Certificate and difficult for Staff to *issue* a Zoning Certificate. Therefore, regarding the expiration of a Zoning Certificate for a Mobile Food Service station, we chose to align our registration periods with that of the County, including the ability to pro-rate registrations, so that way both entities are

harmonious with one another.

Ms. McMullin then asked the Commissioners for a motion.

A motion to approve Case ZA2023-16 was made by Mr. Gehring. The motion was seconded by Mr. Westfall.

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

Case ZA2023-16 was approved unanimously (5-0).

Case ZA2023-17: Zoning Map Amendment from R-6 to B-1 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: Map Amendment from R-6 to B-1
Property Address: 3541, 3551 Banning Rd.
Parcel IDs: 510-0080-0108-00, 510-0080-0107-00
Applicant: Jonathan Woche, with McBride Dale Clarion
Property Owner: Rick Davis and R&K Developers, 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 then asked for a motion to resume the public hearing.

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

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

Public speaker #1: Jonathan Woche, 5721 Dragon Wy Ste. 300, emphasized that the rezoning of the two parcels would allow for an approximately 2.6-acre developable site amid adjacent B-1 Zoning that would otherwise be stagnant without its rezoning. Mr. Woche also emphasized that Mr. Rick Davis had made significant efforts to alleviate the pre-existing Zoning concerns on the property, particularly the piles of concrete that were on-site. Mr. Woche further explained that Mr. Davis also intended to incorporate additional landscaping and screening between 3541 and 3531 Banning Rd.

Public speaker #2: Rick Davis, 5346 Race Rd., reiterated Mr. Woche's point, highlighting that the rezoning of *both* parcels creates a "uniform" corridor for B-1 Zoning that would otherwise "bottleneck" if left as is. Mr. Davis emphasized that he intends to raze the existing, rundown buildings on-site. Mr. Davis also touched on his concrete clean-up efforts, emphasizing that, at the time, cleaning efforts had already taken place and were still underway. Mr. Davis emphasized his plans to incorporate added landscaping/buffering to appropriately screen (sight/noise) the proposed B-1 site from the neighboring R-6 sites.

Mr. Gehring asked Mr. Davis when he ideally expects to raze the buildings on-site.

Mr. Davis highlighted that he expects demolition to occur in Spring (April/May).

Mr. Bachman asked Mr. Davis if additional concrete material was being brought into

the site, or if the process only consisted of removal.

Mr. Davis highlighted that because he operates a staging business, some additional material was being brought into the site, but the removal and transfer of such concrete from the site on Banning Rd. to the new site was more substantial.

Mr. Bachman asked Mr. Davis if he intended to crush the concrete on-site.

Mr. Davis highlighted yes. However, once all materials are fully moved over to the new site, Mr. Davis emphasized that he has no intention of marketing the site again.

Ms. McMullin asked Stan Schmale (Colerain Township Code Enforcement, 4200 Springdale Rd.) to speak on the matter.

Mr. Schmale highlighted that Mr. Davis has acted in good faith to bring the subject properties into compliance with both Code and Zoning requirements and that April/May is a realistic time frame for demolition.

Public speaker #3: Eusebio Gau, 3515 Banning Rd., emphasized disruptions from crushing activities, including loud noise as well as the presence of piles of concrete. Mr. Gau also emphasized issues with traffic and the potential worsening of traffic in the future. Mr. Gau also highlighted potential issues with sewage in the future.

Public speaker #4: Julie Gau, 13130 Overlook Pass, submitted photographs of Mr. Davis' site for the record. Such photographs consisted of existing piles of concrete on-site. Such photographs can be viewed online or in the Planning & Zoning office at 4200 Springdale Rd.

Public speaker #5: Mark Cowens, 3523 Banning Rd., emphasized that the site still consisted of piles of concrete. Mr. Cowens also emphasized issues with traffic and accidents. Mr. Cowens also highlighted issues with trash.

Mr. Bachman asked Staff what the screening and buffering requirements were when a B-1 site abuts an R-6 site.

Staff clarified that a horizontal buffer of 25 feet is required. A 6-foot-high fence or berm (vertical buffer) is required as well. Mr. Wocher clarified that these would be implemented.

Mr. Bachman asked what the general steps are for site plan approval, particularly in the case of rezoning.

Mr. Miller clarified that the Zoning Commission is voting on a recommendation for the Board of Trustees, of which the latter Board will have the final vote on whether the two subject parcels are rezoned. Following the vote, a 30-day referendum period is initiated. If no action is taken by the time this period ends, the rezoning officially commences. In summary, the next steps would be lot consolidation through Hamilton County, site plan development and approval

from the Township and Hamilton County Building Department for Zoning and building compliance, and review and approval from MSD and the County Engineer regarding sewage and traffic.

Mr. Gehring suggested denial of the case until Mr. Davis brings the subject property into further compliance with Zoning and Code requirements. Ms. McMullin asked Staff what would happen if the Zoning Commission recommended denial of the zoning change *and* the Board of Trustees voted to deny the zoning change.

Mr. Miller clarified that the applicant could work to bring the subject properties into further compliance with Zoning and Code requirements and reapply in the same manner. Mr. Bachman emphasized that the rezoning would make the subject properties more marketable and help with traffic circulation with ingress/egress changes. Mr. Wilson emphasized that, in essence, the rezoning would help expedite the removal of the existing concrete activities on-site.

A motion to approve Case ZA2023-17 was made by Mr. Bachman. The motion was seconded by Mr. Wilson.

Roll Call: Mr. Bachman - yes, Mr. Gehring - no, Mr. Westfall - yes, Mr. Wilson – yes, Ms. McMullin - yes.

Case ZA2023-17 was approved (4-1).

Case ZA2023-18: Minor Amendment to Case ZA4-89 at 6401 Colerain Ave. for Outdoor Storage

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: ZA2023-18,
Application for: Minor Amendment to Case ZA4-89
Property Address: 6401 Colerain Ave.
Parcel ID: 510-0070-0177-00
Applicant: Ken Schuermann
Property Owner: 6401 COLERAIN LLC

Staff's recommendation for the proposed Minor Amendment was **DENIAL**.

This concluded Staff's presentation.

Ms. McMullin then asked for a motion to resume the public hearing.

A motion to resume the public hearing was made by Mr. Wilson. The motion was seconded by Mr. Gehring.

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

Mr. Schuermann was sworn in by Mr. Miller.

Public speaker #1: Ken Schuermann, 3450 Vista Ave., simply detailed the plans attached in the Agenda Packet.

Mr. Bachman asked Mr. Schuermann if any changes to the size of the outdoor storage could be made considering the denial recommendation. Staff clarified that the denial recommendation was particularly due to Section 12.10.4 and 12.10.6 of the Colerain Township Zoning Resolution, which highlights that a maximum of 2,500 sq. ft. of area is to be permitted for outdoor storage, and such outdoor storage areas must be in the side or rear yard of the site.

Mr. Schuermann emphasized that the size is paramount to the functions of the business.

Mr. Wilson asked if there was any room for area reduction of the outdoor storage area.

Mr. Schuermann highlighted that the "future" triangle emphasized in the site plan will no longer be proposed, taking the total square footage down from 39,000 sq. ft. to 28,000 sq. ft.

A motion to approve Case ZA2023-18 was made by Mr. Gehring. The motion was seconded by Ms. McMullin.

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

Case ZA2023-18 was approved (5-0).

Informal Concept Review: None

Old Business: None

New Business: None

Administration: Oaths of Offices and Election of Officers will occur at the February 20, 2024 Zoning Commission meeting.

Announcements: Review of Articles 1 & 2 of the proposed Zoning Resolution update will occur at the February 20, 2024 Zoning Commission meeting.

Next Meeting: January 16, 2024 (Meeting cancelled due to a lack of cases; next meeting to be held on February 20, 2024).

Adjournment: Ms. McMullin made a motion to adjourn the meeting.

In favor - All

Opposed - None

The meeting was adjourned at approximately 8:18 PM

