



COLERAIN TOWNSHIP ZONING COMMISSION
Regular Meeting Minutes
Tuesday, February 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 – aye, Mr. Gehring – absent, Ms. Smith – absent, Mr. Wilson – aye,
Ms. McMullin – aye.

Mr. Westfall was seated as an alternate.

Also present was Jarrod Alig as Staff.

Approval of Minutes:

December 20, 2022, Meeting Minutes.

Ms. McMullin asked the Commissioners if they had any comments related to the December 20, 2022, Meeting Minutes, hearing none she requested a motion to approve.

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

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

Motion carried.

Public Address: Ms. Stephanie Wright, 3729 Blue Rock Rd. Cincinnati, OH 45247 stated that after reviewing the Township's record books related to the Colerain Township Zoning Commission Minutes, that "some of them were not there". (Staff has reviewed the record book containing the Colerain Township Zoning Commission Minutes and verified that signed Minutes exist for each meeting held by the Colerain Township Zoning Commission.) Ms. Wright also indicated her concern regarding "documents, zoning certificates, or whatever the proper term is" that are submitted to the zoning department

and then forwarded to [the Zoning Commission] are missing a date stamp. She was thanked by the Colerain Township Zoning Commission for her input.

Final Development Plan: None

Public Hearings:

ZA2023-02 Text Amendments “Fireworks”; “Medical Marijuana”; and “Micro-Breweries / Micro- Distilleries”

Ms. McMullin introduced the case and asked if Staff had a presentation. Staff indicated that a presentation had been prepared for the hearing,

Staff indicated that due to a change in Ohio state law, the sale of fireworks was now permitted within the state. As such, it was Staff’s opinion that the Colerain Township Zoning Resolution needed to better clarify the definition of “fireworks”, and what district(s) in which they were permitted. Citing the specific and extensive safety requirements by the Fire Marshal, it was Staff’s opinion that to protect the health, safety, and welfare of the community, Fireworks sales should be permitted within I-1 districts, as was already Staff’s current interpretation of the Colerain Township Zoning Resolution.

Staff indicated that the definition of “Medical Marijuana” had been previously approved but had not been properly added to the Colerain Township Zoning Resolution definitions. It was Staff’s opinion that the matter before the Zoning Commission was more of a formality than a requirement but sought to remain as transparent as possible.

Staff indicated that it was the department’s opinion that Micro-Breweries / Micro-Distilleries” could be an appropriate use, with the inclusion of the appropriate restrictions, in districts other than B-3 where they were currently approved.

This concluded Staff’s presentation.

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

“Fireworks”

Mr. Bachman asked if the proposed amendments “dovetail” with the Ohio Revised Code requirements regarding the sale of fireworks, and the classifications of fireworks.

Staff answered that the proposed text amendments align with the three (3) classifications as listed within *R.C. §3743.01* and that the proposed text amendments would permit the sale of “1.4G fireworks” but would prohibit the sale of 1.3G fireworks” within Colerain Township.

Ms. McMullin asked where within Colerain Township are “I-1” districts located.

Staff displayed the districts upon the projection screen.

Mr. Wilson asked for clarification on what differentiated a permitted use, versus a conditional use.

Staff described the Colerain Township Zoning Resolution's regulation regarding "permitted uses", "uses permitted with conditions", and "conditional uses".

Mr. Bachman added that he believed that given the extra requirements in place related to fireworks by the state Fire Marshal, that the Township should also have measures in place for additional review (referring to a review of an application for a proposed conditional use).

Ms. McMullin stated that she was inclined to avert permitting the sales or manufacturing of fireworks within "B" districts given the use of fireworks within the community already.

(Staff displayed the areas within Colerain Township that are zoned as "I-1" districts.)

After discussion among the Commissioners, and with valuable guidance from the audience, Ms. McMullin requested a roll call vote to open the public hearing portion of the meeting.

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

Ms. McMullin noted that members of the audience in attendance had indicated their desire to speak on the matter.

Ms. Stephanie Wright, 3729 Blue Rock Rd. Cincinnati, OH 45247 addressed the commission.

The additional individuals listed upon the sign-in sheet indicated that they wished to speak on other matters.

Ms. McMullin requested a motion to close the public hearing.

Mr. Wilson made a motion to close the public hearing, seconded by Mr. Westfall.

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

Motion carried.

Mr. Bachman asked Staff how fireworks sales would be handled relative to vendor markets.

Staff replied that currently fireworks are prohibited in vendor markets, and no change to that was being proposed.

Ms. McMullin requested a motion on the proposed “fireworks” text amendment. Mr. Bachman motioned to recommend approval of the proposed text amendment to define fireworks, and to permit the sales and manufacturing of fireworks as a conditional use in “I-1” districts. Mr. Bachman’s motion was seconded by Mr. Westfall.

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

Motion carried.

“Medical Marijuana”

Ms. McMullin requested a motion to open a public hearing on the proposed “Medical Marijuana” text amendment.

Mr. Wilson made a motion to open the public hearing, seconded by Mr. Bachman.

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

Motion carried.

Ms. Stephanie Wright, 3729 Blue Rock Rd. Cincinnati, OH 45247 addressed the commission.

Ms. McMullin requested a motion to close the public hearing.

Mr. Bachman made a motion to close the public hearing, seconded by Mr. Wilson.

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

Motion carried.

Ms. McMullin asked if the Commissioners had any questions on proposed text amendment. Hearing none, she requested a vote on the proposed “Medical Marijuana” text amendment.

Mr. Wilson motioned to recommend approval of the proposed text amendment to define medical marijuana. Mr. Wilson’s motion was seconded by Mr. Westfall.

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

Motion carried.

“Micro-Breweries / Micro-Distilleries”

Ms. McMullin requested a motion to open a public hearing on the proposed “Micro-Brewery / Micro-Distillery” text amendment.

Mr. Wilson made a motion to open the public hearing, seconded by Mr. Bachman.

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

Motion carried.

Ms. McMullin asked if anyone in attendance wished to speak on the matter. As none indicated such, Ms. McMullin requested a motion to close the public hearing on the matter.

Mr. Bachman made a motion to close the public hearing, seconded by Mr. Westfall.

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

Ms. McMullin asked if the Commissioners had any questions on proposed text amendment.

Mr. Bachman asked Staff where the use of “Micro-Brewery / Micro-Distillery” is currently permitted.

Staff answered “B-3”.

Mr. Bachman asked Staff to explain the “P*” use designation.

Staff answered that “P*” indicated that a use is permitted with supplemental conditions and approved on an administrative level.

Mr. Bachman asked for clarification on the reason for suggesting “P*”.

Staff answered that typically, “B-1” districts are intended to separate residential uses from more intense business or commercial uses. And the reason for suggesting administrative conditions upon this specific use was to help protect residential districts.

Ms. McMullin asked Staff to distinguish between “bars / taverns”, and “micro-brewery / micro-distillery”

Staff referenced §16.2 of the Colerain Township Zoning Resolution.

Ms. McMullin asked Commissioners if they had any further questions on the proposed text amendment. Hearing none she requested that a motion be on the proposed text amendment.

Mr. Wilson motioned to recommend approval of the proposed text amendment to permit with conditions the use of “Micro-Brewery / Micro-Distillery” within B-1 districts (with those conditions being the same as listed for bars / taverns in §8.4.3.); and to permit the use of “Micro-Brewery / Micro-Distillery” within B-2, and I-1 districts. Mr. Wilson’s motion was seconded by Mr. Bachman.

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

Motion carried.

Informal Concept Review:

ICR2023-01 6401 Colerain Ave. “BIDFTA.com”

Staff explained the Informal Review Process and introduced the case to the Colerain Township Zoning Commission.

Ken Schuermann, with Schuermann Properties addressed the Commission. He described his business and indicated that he was seeking the Commission’s feedback on adding “customer pick-up” as an approved use to the property.

Mr. Schuermann and the Commissioner’s engaged in dialog related to the color scheme and proposed repainting of the north and east walls, the “BIDFTA.com” business model, proposed store layout, customer entrance, and truck deliveries.

Staff indicated that the “similar use provision” would be discussed at a later portion of the meeting.

ICR2023-02 8940 Colerain Ave. “Northgate Ford”

Staff introduced the case to the Colerain Township Zoning Commission.

The applicant Bryant Builders, L.L.C. explained their desire to rezone a portion of the parcel from R-6 to B-2 in order to permit the construction of a 8,000 ft² service bay.

Discussion focused on the portion of the parcel being proposed to rezone, adjoining parcels (both business and residential), application of the Colerain Township Comprehensive Plan: Imagine Colerain, and potential methods the applicants could employ to rezone the property to allow the proposed use.

Old Business: None.

New Business: None.

Administration: Staff requested a discussion with the Colerain Township Zoning Commission regarding §10.1 *Similar Use Provision* of the Colerain Township Zoning Resolution as it relates to the proposed use of the property in located at 6401 Colerain Avenue. Where the current approved use is “warehouse” and the applicant is stating that

Mr. Bachman asked Mr. Schuermann what the timeline of his purchase contract was.

Mr. Schuermann stated that they were finalizing the purchase contract, and once finalized would have 60 days for due diligence.

Mr. Bachman asked if within that timeframe Mr. Schuermann could have more detailed renderings of the proposed project.

Mr. Schuermann answered in the affirmative.

Mr. Bachman asked Staff if there was an option to apply the similar use provision to the property, but still require the applicant to present the final plans to the Colerain Township Zoning Commission at a later date.

Staff indicated that prior to the current meeting the only discussion that had taken place was related to the use of the property. Where Mr. Schuermann presented renderings indicating partial changes to the exterior of the building, Staff indicated that those changes could only be approved through the Minor Modification process by the Colerain Township Zoning Commission, and by the default the Zoning Commission would have to approve those changes as they fell outside the limited provision of an Administrative Modification as listed within §4.5.7

Ms. McMullin indicated her willingness to hold a special meeting of the Colerain Township Zoning Commission should it be required on the matter.

Staff indicated that review and verification would be performed based upon the existing Final Development Plan and the proposed renderings of the building, and that they would contact the Colerain Township Zoning Commission and Mr. Schuermann the following day.

Announcements: None

Next Meeting: To be determined.

Adjournment: Ms. McMullin conducted a straw poll vote to adjourn the meeting.

In favor - All

Opposed – None

The meeting was adjourned at approximately 8:49 P.M.



Respectfully submitted:
Jarrod Alig
Zoning Administrator



Accepted:
Lori McMullin
Zoning Commission – Chair