



**REGULAR MEETING OF THE ZONING COMMISSION
MINUTES**

Tuesday, November 18, 2025 – 6:00 PM

1. Meeting Called to Order
Board Chair McMullin called the meeting to order at 6:30 with all members present.
2. Pledge of Allegiance
All recited the Pledge of Allegiance.
3. Roll Call
Present and Voting: Board Member Bachman, Board Member Hauser III, Board Member Westfall, Board Member Wilson, Board Chair McMullin
Present and Not Voting: Alternate Wander
4. Approval of Minutes
 - a. September 16, 2025 Minutes
Motion: Board Member Bachman motioned to to approve the minutes from September 16, 2025. Board Member Wilson seconded the motion.
Vote Result: . Yes (5), No (0), Abstained (0)
Yes: Board Member Bachman, Board Member Hauser III, Board Member Westfall, Board Member Wilson, Board Chair McMullin
5. Public Address
No members of the audience addressed the board during the Public Address portion of this meeting.
6. Final Development Plan
No Final Development Plan we presented before the board.
7. Public Hearings

- CZC-25-14:** The applicant, the Colerain Township Zoning Commission, is
 - a. requesting a Text Amendment to amend the Township-wide cap on Alternative Financial Service businesses.

- **Staff Presentation:** David Peters, Senior Planner
- **Details of case:** This case involves a Text Amendment to Section 3.4.4 regarding Alternative Financial Services. The purpose of this text amendment is to reduce the population cap on Alternative Financial Services from 1 per 10,000 to one per 9,000. This amendment was requested by a member of the

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Board of Trustees to allow one additional Alternative Financial establishment. This text amendment would increase the Township wide cap but would not change any requirements. Staff found that loosening the cap on Alternative Financial Services would not align with the Comprehensive Plan and could negatively affect community character and economic reinvestment. Mr. Peters also stated that this amendment does not meet any documented planning needs.

- **Staff Recommendation:** Denial

Motion: Board Member Wilson motioned to open the public hearing. Board Member Bachman seconded the motion.

Vote Result: Passed. Yes (5), No (0), Abstained (0)

Yes: Board Member Bachman, Board Member Hauser III, Board Member Westfall, Board Member Wilson, Board Chair McMullin

Board Member Bachman asked staff to clarify the purpose of this text amendment. Mr. Peters stated that CheckSmart wanted to close their existing location and move across the street, but would not be allowed to under the current regulations. The proposed text amendment would allow them to move across the street. Board Member Bachman inquired about why CheckSmart would want to move across the street. Mr. Peters explained that the Board of Zoning Appeals held a meeting regarding the future use of that building.

Motion: Board Member Hauser III motioned to close the public hearing. Board Member Westfall seconded the motion.

Vote Result: Passed. Yes (5), No (0), Abstained (0)

Yes: Board Member Bachman, Board Member Hauser III, Board Member Westfall, Board Member Wilson, Board Chair McMullin

Motion: Board Member Wilson motioned to deny the requested amendment to the zoning resolution as shown in Appendix B. Board Member Hauser III seconded the motion.

Vote Result: Passed. Yes (5), No (0), Abstained (0)

Yes: Board Member Bachman, Board Member Hauser III, Board Member Westfall, Board Member Wilson, Board Chair McMullin

- CZC-25-15:** The applicant, David Haley, is requesting a Map Amendment to
- rezone the property located at 3882 Colerain Avenue from RER (Rural Estate Residential) to AMN (Avenue Mixed North).

- **Staff Presentation:** David Peters, Senior Planner
- **Details of case:** The applicant is requesting to rezone 3882 Colerain Avenue from RER (Rural Estate Residential) to AMN (Avenue Mixed North). The

purpose of this meeting is to decide if this property should be rezoned from residential to commercial. This site is a 1.63 acre property. Historically, this site has been used as a seasonal produce stand. This parcel is located near several different zoning districts. This site was zoned as RER for the intentional preservation of rural residential area in the Township. Dispensaries are not allowed in any zoning district outside of AMN, AMC, and AMS. If this property were to be rezoned, the applicant would seek additional approval from the Board of Zoning Appeals. Staff found that this proposal did not align with the Comprehensive Plan, was incompatible with surrounding land uses, and does not align with the intent of recent cannabis regulations.

- **Staff Recommendation:** Denial

Motion: Board Member Hauser III motioned to open the public hearing for case CZC-25-15. Board Chair McMullin seconded the motion.

Vote Result: Passed. Yes (5), No (0), Abstained (0)

Yes: Board Member Bachman, Board Member Hauser III, Board Member Westfall, Board Member Wilson, Board Chair McMullin

Board Member Bachman asked the Mr. Peters to clarify the next steps for the site. Mr. Peters explained that this property needed to be rezoned in order to apply for a conditional use approval to become a dispensary. If the site is not rezoned, then it would not be possible to allow a dispensary at that location. Board Member Bachman inquired about notices and who would receive notices if the case moved forward to the Board of Trustees or to the Board of Zoning Appeals. Mr. Peters stated that all surrounding properties would be notified.

The applicant, David Haley, addressed the board. Mr. Haley owns Ancient Roots, a marijuana cultivator and processor in Ohio. His business was given a retail license by the State. He gave a brief overview of the zoning and the property's location near the new Wawa. He felt that this lot was not something that anyone would want to build on from a residential standpoint. His goal is to build a nice modern building with good curb appeal and he also wanted a drive-through if permitted. He explained that at one point there was a business on this property, but that there was a point when the property was taken by the State of Ohio through eminent domain. He explained that the current use of this site is for a produce stand, which is a commercial use.

The board had no questions for the applicant. Board Chair McMullin then invited residents to address the board regarding this case.

Dennis and Pam Fernbach: The Fernbach family stated that they have owned the property since the early 1940s. At the time the land was acquired, Route 27 did not exist. Following the construction of Route 27, the business that previously operated on the property closed, and the site remained dormant for many years until the seasonal

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corn stand began. The property has historically been used for commercial purposes, and Mr. Fernbach listed several of the former commercial uses. It was noted that Hamilton County rezoned the property at one time, although the Fernbachs themselves have never initiated a rezoning. The family previously obtained a variance permitting the operation of the produce stand; however, they explained that they now intend to sell the property. Ms. Fernbach stated that constructing a single-family residence on the site would not be feasible due to its location and surrounding conditions. Mr. Fernbach added that truck traffic from Rumpke would make the site undesirable for a home. Board Chair McMullin asked whether the property is being sold and inquired about the future of the Burwinkel stand. Mr. Fernbach stated that the Burwinkels are no longer using the property and that his wife is now selling corn at the stand. Pam asked the Board whether they could envision a home being built at the site. Board Member Bachman asked if the parcel was currently on the market. Mr. Fernbach stated that it has only been advertised once. He added that while he has received calls from interested buyers, he did not feel any of the offers were substantial.

Chris Henson: A resident and property owner stated that they were speaking only on behalf of themselves and not on behalf of any community groups. She expressed a desire to maintain the rural character of the community and to preserve the historic nature of Dunlap. She also noted that following the approval of the Wawa project, residents believed they had been assured that further development in the area would slow or stop. She shared concerns that expanding business zoning would lead to additional commercial development and stated that there are already vacant commercial properties elsewhere in the Township that should be prioritized for infill before creating new business areas. She also expressed concerns about existing traffic issues at the intersection and stated that additional development would worsen those conditions. Ms. Henson strongly encouraged the Board to keep Old Colerain residential and rural.

Rebecca Rolferfeld: She encouraged the board to deny the request from the audience.

Chad Rolfered: A resident stated that his primary concern is traffic safety. He noted that he is already worried about the impacts of the Wawa development and how additional traffic will affect the only access road to his property. He expressed that there is no need for more commercial uses in the area and asked the board to deny the request.

Josh Parsons: A resident who lives near the route stated that it is already a nightmare to enter and exit the intersection, and he is bracing for the additional that the Wawa development will bring. He expressed that he does not want to see development extend further north. He also noted that nearby property owners may experience a loss in home value and stated that this could upset many residents.

Matt Tietzort: A resident stated that he does not support the proposed change and feels the site should remain residential. He noted that, regardless of the proposed use,



he does not want to see any additional development on the north side of Old Colerain Avenue. He stated that while he understood the rationale behind the Wawa approval, he believes this request should be denied.

Connie Gordon: A resident expressed concerns about traffic safety, specifically noting issues with turning left onto Old Colerain. She stated that the left-turn signal allows continuous turns rather than a protected left, creating potential conflicts with oncoming traffic. She stated she is opposed to the request and does not want a dispensary located near her home.

Board Member Bachman asked Mr. Peters about site access and sewer.

Motion: Board Member Hauser III motioned to close the public hearing. Board Member Westfall seconded the motion.

Vote Result: Passed. Yes (5), No (0), Abstained (0)

Yes: Board Member Bachman, Board Member Hauser III, Board Member Westfall, Board Member Wilson, Board Chair McMullin

Motion: Board Chair McMullin motioned to deny the requested amendment to the zoning map for case CZC-25-15. Board Member Wilson seconded the motion.

Vote Result: Passed. Yes (5), No (0), Abstained (0)

Yes: Board Member Bachman, Board Member Hauser III, Board Member Westfall, Board Member Wilson, Board Chair McMullin

Mr. Peters explained that the final decision regarding the zone change at this site will be made by the Board of Trustees at the Trustee meeting on December 9, 2025.

8. Informal Concept Review
No Informal Concept Reviews were presented before the board.
9. Old Business
No Old Business was presented before the board.
10. New Business
No New Business was presented before the board.
11. Administrative Matters

- a. Proposed Initiation of a Text Amendment to the Colerain Township Zoning Resolution: Section 3.4.12 - Charitable Donation Containers.

- **Staff Presentation:** David Peters, Senior Planner
- **Details of case:** The proposed action is to request that the Zoning Commission initiate a text amendment to the Zoning Resolution to clarify Section 3.4.12 - Charitable Donation Container. The amendment will allow all



institutional uses to have charitable donation bins.

Motion: Board Member Hauser III motioned to have the Zoning Commission initiate a text amendment to update the regulations for charitable donation containers by clarifying eligible zoning districts and institutional use criteria, and to direct staff to prepare a formal staff report and draft text reflecting these changes for consideration at a future public hearing. Board Chair McMullin seconded the motion.

Vote Result: Yes (5), No (0), Abstained (0)

Yes: Board Member Bachman, Board Member Hauser III, Board Member Westfall, Board Member Wilson, Board Chair McMullin

12. Announcements

13. Next Meeting: December 16, 2025

14. Adjournment

The Zoning Commission Board unanimously agreed to adjourn the meeting.



Approval of Meeting Minutes

Colerain Township Zoning Commission

4200 Springdale Rd

Cincinnati, OH 45251

Meeting Date: Tuesday, November 18, 2025 - 6:00 P.M.

Respectfully Submitted:

A handwritten signature in black ink, appearing to read "David J. Peters", written over a horizontal line.

Mr. David J. Peters, Zoning Commission Administrator

18 Dec 2025

Date

Accepted By:

A handwritten signature in black ink, appearing to read "Lori McMullin", written over a horizontal line.

Ms. Lori McMullin, Chair

16 DEC 2025

Date