



Approval of Meeting Minutes

Colerain Township Zoning Commission

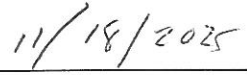
4200 Springdale Rd

Cincinnati, OH 45251

Meeting Date: Tuesday, August 19, 2025 - 6:00 P.M.

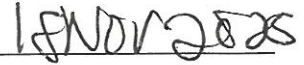
Respectfully Submitted:


Mr. David J. Peters, Zoning Commission Administrator


Date

Accepted By:


Ms. Lori McMullin, Chair


Date



REGULAR MEETING OF THE ZONING COMMISSION MINUTES

Tuesday, August 19, 2025 – 6:00 PM

1. Meeting Called to Order
Board Chair McMullin called the meeting to order at 6:00 PM with all Board 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
4. Approval of Minutes
 - a. June 17, 2025 Minutes
Motion: Board Member Wilson motioned to motion to pass the June 17, 2025, Minutes. 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
5. Public Address
Jill Keiger 4330 Raeann Drive — Stated that she feels the hill at the Wawa site is not going to plan and does not feel that the seeding is good. She stated that mud flooded her pool, but she did not ask Wawa to reimburse her, it cost hundreds and hundreds of dollars to fix and caused algae issues. She wants the hill to be seeded properly, and does not feel that Wawa is not doing a good job and feels that the back was abandoned. She is worried about mud problems and is disappointed in Wawa and the County for not doing more to help her. She wants the hill to be stabilized and also wants some trees to be planted so that some mud is absorbed so that there are fewer drainage issues. She has a vested interest in the issues at the site being cleaned up because she lives behind the site. She thanked staff for their time and consideration.

Steve Schnebeli 4296 Raeann Drive — Acknowledge, that he has contacted the Township and the media multiple times. He feels that the Final Development Plan that was approved in 2023 is not being followed. He feels that he is getting unclear answers. He stated that the plans that we approved had flat ground, but that is no longer the case. He is not sure how the changes happened and stated that he does not often see berms. He feels that there was a bait and switch with the plans, and now he has a ski slope in his backyard. He then stated

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that the County is considering giving Wawa a temporary occupancy certificate, and he does not feel that it is right because it is extending the time they have to fix issues at the site. He asked who approved the berm. He then brought up an email from Hamilton County. He wants help from the Township because he feels that Wawa does not have the residents' best interests at heart. He then continued to elaborate on the email he got from soil and water. He then asked about the soil and questioned if the soil at the site was contaminated, and mentioned that the grass was not properly growing and water was flowing off the hill. If the soil is contaminated, he is concerned about the run-off going into people's properties, pools, and ponds and then mentioned that this water goes to larger bodies of water and is concerned with larger contamination. He stated that there are issues on the north, south, and west sides of the Wawa property. He stated that the County is claiming to monitor the situation, but he does not feel that it is being correctly monitored. He asked the Township and the Board to contact him and work with the County. He wanted someone to support this case and do something to help the residents of Raeann Drive because doing a zoning review is an expensive process. He feels that he has done everything he can to do to help this situation, but there is not much more he can do, and this process is taking a toll on him. He feels like this process is going in circles and that nothing is being resolved. He emphasized that he wanted support and help to solve this issue.

Mandy Blackburn 4136 Raeann Drive — She stated that she never thought she would be in the position to police rules and regulations from a company that claims they want to be good neighbors. She did not feel that Wawa has not been a good neighbor and that nothing had been done to fix the issues at the site. She also felt that Township officials have not been truthful and explained some of the issues she is having on her property, such as water issues, flooding in her yard and house, and sump pump issues. She stated that her sump pump is pumping 6000 gallons of water in a 24 hour period and this was not happening prior to Wawa moving in. She also discussed missing trees, shrubs, and missing buffer. She questioned the purpose of zoning if no one would hold developers accountable. She asked about the monitoring process and lack of communication from the Township. She is concerned about potentially contaminated water running into her house. She felt that Township officials were not doing enough to help the residents. She feels that something needs to change in the Township. She has a smart pump in her and stated that she is seeing an increase in water flowing through her sump pump. She stated that she had a waterfall in her house water pouring into her house, and it caused lots of damage to her property. She feels that these issues have arisen as a result of Wawa and that they did not exist before Wawa came to the property. She stated that she contacted Wawa and they stated they would not work with her on the issues she addressed to them.

Sherry Schnieder 4381 Raeann Drive — She felt that Wawa came with so many promises. She stated that she had addressed the board prior to this meeting. She stated that she tried to appeal to the Trustees, but felt they did not respond to her pleas. She is upset about the earth mound, lack of a buffer zone, and that the previously existing trees are gone. She stated that she thought any changes to the plans needed to be brought before the zoning board and that this did not happen. She believes that the soil is contaminated and that the

runoff could cause contamination issues in local waterways. She asked the board what they could do to help her and remedy the situation. She stated that it is the responsibility of the zoning board to ensure the zoning ordinances are being followed. She asked the board to please do their jobs and ensure that Wawa complies with the Final Development Plan. She stated that she does not feel that the Trustees have the residents of Racann's best interests at heart.

Carrie Davis 8364 Royal Heights Drive — She stated that she is the director of Greater Community Groups. She had a question for the board about the Public Hearing portion of the meeting. She wanted to ask about the text amendment regarding administrative waivers, and stated that she feels that there have been a lot of mistakes made by zoning department staff that are costly and damaging to residents. She wanted to prevent staff from having more discretion and to tighten the reigns. She stated that she felt that the zoning commission had the residents' best interests at heart and wants the board to direct the Zoning Administrator to direct Wawa to submit their changes to the Final Development Plan which she feels will allow the Zoning Commission to decide if the amendment is major or minor. She stated that the developer bears all responsibility to ensure that the process is done correctly. She feels doing a zoning review will allow the Zoning Commission to order any remedies that they see fit within the legal framework. She stated that the only reason that they have not filed a complaint themselves is because a zoning review costs 2000 dollars. She stated that the day before the meeting the soil and water district, and she referenced a conversation she had with a member of their staff with regard to the approved Final Development Plans. She stated that she feels that the Township is not following processes and is back tracking. She stated that she was surprised that a legal opinion had not been issued prior to this meeting since this issue has been going on since April. She feels, based on her research, that Colerain has the authority to implement any conditions they want relative to storm water. She read a decision from the Attorney General. She also stated that The Colerain Township zoning code states that the zoning department is in charge of landscaping and buffer zones. She felt that many conditions have been violated and wants to bring the decision back to the Zoning Commission board. She reiterated her desire to have the Zoning Commission exercise their powers and have Wawa resubmit their plan.

Ben Miller 4228 Racann Drive — He stated that the Wawa is directly behind his house. He feels that the Zoning Commission did help the residents the first time this issue came before the board. He explained that he stands in solidarity with his neighbors and the comments that they made, but he has one additional concern. He stated that Wawa promised that there would be zero candlelight on their property. He is worried that this will not be the case. He wants someone to make sure that Wawa keeps their promise to not have light on his property and that he is particularly concerned because they operate 24/7.

6. Final Development Plan
No Final Development Plans were reviewed before the board at this meeting.
7. Public Hearings

No Public Hearings were heard before the board.

8. Informal Concept Review

No Informal Concept reviews were heard before the board.

9. Old Business

David Peters, the Senior Planner, brought one matter to the board's attention. He stated that Ms. Klein, a Planner, had been working to get a meeting about the Agriculture Use case that was discussed at a prior meeting. He announced that the meeting would take place on August 28th at 6:30 PM in the Trustee Chambers and that a report of what occurred at that meeting would be presented to the board at the next meeting.

10. New Business

11. Administrative Matters

Discussion on whether to instruct the Law Director to research the extent of

- a. zoning authority regarding the regulation of earth mounds and movement of dirt on site.

- **Staff Presentation:** David Miller

- **Details of case:** This discussion was initiated by a Trustee. He stated the need for a legal opinion on whether the Township has any jurisdiction over moving earthmounds. Mr. Miller briefly outlined the development process. He stated that in the interim period between the building phase and final phase of construction there have been issues that have come up with the site, specifically with the earthmound. He stated that staff has had discussions with Hamilton County. He then explained that the motion is to ask the board to direct staff to get the opinion of the Law Director to examine whether a Township's planning and zoning department had the authority to regulate the movement of dirt and earthmounds and how that would apply to landscaping plans. He feels that this would help guide Administration on next steps and what also clarify what may come back before the board. He stated that the motion is to direct staff to ask this opinion of the Law Director. Mr. Bachman asked Mr. Miller to explain where the Wawa project is at in the process and to talk the board through the process. Mr. Miller stated that the development is still in process. He said that Wawa is communicative with the Township and residents. Mr. Miller stated that as staff continue their conversation with Wawa they bring resident concerns to them and will continue to do so. He stated that some of the concerns are monitored by the Hamilton County Soil and Water department and that staff will check the site at the end of the development process to ensure that Wawa complied with the conditions of the Final Development Plan. Mr. Miller stated that some of the concerns need to be dealt with by the developer and Hamilton County Soil and Water because they

are the ones monitoring storm water drainage which is not under the Township's jurisdiction. He then stated that the Township does not get involved in other jurisdictions projects, but that the development department will do a final inspection to ensure that the Final Development Plan was adhered to. Mr. Bachman restated his question and stated that they could open with a temporary certificate of occupancy or a final certificate of occupancy. Mr. Bachman asked if it would be safe to say that the Township's review is part of the certificate of occupancy process. Mr. Miller stated that no one in the Township is involved in the certificate of occupancy process. But that Wawa would also need to be compliant with the Townships final review of the site. He then stated that the Township could contact the County if Wawa failed the Township's final inspection and ask them to not issue a certificate of occupancy. Mr. Peters clarified that the County is not waiting for any Township documents in order to issue a certificate of occupancy and reiterated what Mr. Miller said about contacting the County is a violation was found. Mr. Peters gave an overview of County roles and Township roles. Mr. Bachman asked question if the Certificate of Occupancy process was a standalone process. Mr. Peters stated that it was a stand alone process and that Wawa was already issues a zoning certificate in 2023. The board continued to discuss the development process and the final inspection process, the violations and penalties section of the Resolution, and the Certificate of Occupancy process. Ms. McMullin asked Mr. Miller about the lighting plan and how to ensure that it is followed. Mr. Peters stated Wawa will be held to the lighting plan they submitted as part of their Final Development Plans. He stated that staff has devices to ensure that Wawa follows their lighting and sound plans. Ms. McMullin asked Mr. Miller if he could go out with the County during their inspection to help prevent the County from issuing a Certificate of Occupancy if conditions of the Final Development Plan aren't being met. Mr. Bachman asked staff to clarify what the motion was a general motion or if it is specific to Wawa. Mr. Miller stated that it is up to the board to determine. Mr. Wilson asked if the Final Development Plan did not include the large earthbound how could the final development be in compliance. Mr. Miller explained that it has not been decided how the mound will be dealt with. Mr. Bachman asked if that should be included in the motion to the Law Director. Mr. Hauser asked a question about the buffer, the existing trees, the fence and made note that these are things for staff to take note of when doing the review. He asked if the lawyer could complete their review in time. Mr. Miller stated he feels that the lawyer will be able to create a report that can be given to the board at the meeting next month. The board and staff worked together to correctly word the motion.

- **Motion:** Board Chair McMullin motioned to instruct the law director to research the extent of zoning authority regarding the regulation of earthmounds and movement of dirt on site, and to get a legal opinion on what

the options are to remedy any deviations to the earthwork plans regarding the mound, drainage, and the buffer at the Wawa site. 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

- b. Initiate a text amendment to Section 4.8.5 – Signage Compliance Standards to strengthen and improve existing processes for addressing maintenance issues, abandoned signage, and signage that has lost its nonconforming status.

- **Staff Presentation:** David Peters
- **Details of case:** Staff provided a brief overview of the proposed amendment and the need to do text amendments.

Motion: Board Member Wilson instructed Colerain Township Zoning Staff to prepare a staff report and proposed text amendments to Section 4.8.5 Compliance Standards with the purpose to strengthen and improve existing processes for addressing maintenance issues, abandoned signage, and signage that has lost its nonconforming status. 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

- c. Initiate a text amendment to Section 6.3.6 – Administrative Waiver to provide greater flexibility and fairness for residents applying for a zoning certificate by allowing administrative approval of minor deviations from the zoning resolution.

- **Staff Presentation:** David Peters
- **Details of case:** Staff provided a brief overview of the proposed amendment.

Board Chair McMullin asked Mr. Peters if this waiver would be more focused on residents or businesses. Mr. Peters explained that this text amendment could benefit businesses, but the amendment would be created with residents in mind with the goal of making the permitting process easier for residents.

Motion: Board Member Bachman motioned that the Colerain Township Zoning Commission instruct the Planning and Zoning Department to generate a staff report and proposed text amendment to Section 6.3.6 – Administrative Waiver with the purpose of providing greater flexibility and fairness for residents applying for a zoning certificate by allowing administrative approval of minor deviations from the zoning



resolution. 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

- d. Initiate a text amendment to Section 3.2.4 (B) – Swimming Pools to establish a uniform 10-foot setback for swimming pools in all yards.

- **Staff Presentation:** David Peters
- **Details of case:** Staff provided a brief overview of the proposed amendment.

Motion: Board Chair McMullin motioned that the Colerain Township Zoning Commission instruct the Planning and Zoning Department to prepare a staff report and text amendment to Section 3.2.4 (B) – Swimming Pools with the purpose of establishing a uniform 10-foot setback for swimming pools in all yards. 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

- e. Initiate a text amendment to the Comprehensive Use Permissions Table to ensure permitted uses in each zoning district align with the Comprehensive Plan.

- **Staff Presentation:** David Peters
- **Details of case:** Staff provided a brief overview of the proposed amendment.

Motion: Board Chair McMullin motioned that the Colerain Township Zoning Commission instruct the Planning and Zoning Department to prepare a staff report and text amendment to the Comprehensive Use Permissions Table with the purpose of ensuring that permitted uses in each zoning district align with the Colerain Township Comprehensive Plan. 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

- f. Initiate a text amendment to remove short-term rental regulations from the zoning resolution and place them under the Police Department's rental registration program.

- **Staff Presentation:** David Peters
- **Details of case:** Staff provided a brief overview of the proposed amendment.



Motion: Board Chair McMullin motioned that the Colerain Township Zoning Commission instruct the Planning and Zoning Department to prepare a staff report and proposed text amendment to remove short-term rental regulations from the zoning resolution and place them under the Police Department's rental registration program in alignment with the Colerain Township Comprehensive Plan. 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

12. Announcements

13. Next Meeting: September 16, 2025

14. Adjournment

A motion to adjourn was voted on unanimously by the Board at 7:16 PM.