

**COLERAIN TOWNSHIP ZONING COMMISSION**  
Regular Meeting Minutes  
**Tuesday, February 20, 2018 - 6:00 p.m.**

Colerain Township Government Complex  
4200 Springdale Road - Cincinnati, OH 45251

Meeting called to order.

The Pledge of Allegiance was led by Mr. Westfall.

Roll Call: Mr. Fehring – Aye, Mr. Grote - Aye, Mrs. Smith – aye, Mr. Taylor – aye, and Mr. Westfall – aye.

Also present were staff members Jenna LeCount and Jesse Urbancsik and alternate Bruce Gehring.

Election of Officers:

Mrs. Smith made a motion to open the Election of Officers for 2018 and was seconded by Mr. Grote. The motion passed by acclamation.

Mr. Taylor made a nomination for Mr. Westfall as Chairman and Mr. Grote as Vice Chairman. Mrs. Smith seconded the nomination. Mr. Grote asked if there were any other nominations. No further nominations were made.

Roll Call: Mr. Fehring – Aye, Mr. Grote - Aye, Mrs. Smith – aye, Mr. Taylor – aye, and Mr. Westfall – aye.

Approval of Minutes:

Mr. Grote made a Motion to approve the November 21, 2017 meeting minutes as submitted and was seconded by Mrs. Smith.

Roll Call: Mr. Fehring – Aye, Mr. Grote - Aye, Mrs. Smith – aye, Mr. Taylor – aye, and Mr. Westfall – aye.

Public Address: None.

## Final Development Plan:

### A. ZA2010-06 Liberty Nursing, 8440 Livingston Road

Ms. LeCount gave a presentation on the case and told the Board that this was presented on the November 21, 2017 Zoning Commission meeting.

Jonathan Woche with McBride Dale Clarion has submitted an application on behalf of Liberty Nursing Properties of Colerain, LTD (owner) for a Final Development Plan. The proposal is to construct a 100 bed assisted living facility in the PD-R Planned Development Residential district where assisted living facilities are a permitted use subject to Zoning Commission approval. The applicant proposes to construct the second phase of the existing assisted living facility to include a three-story, 32,000 square foot building with 57 parking spaces utilizing the existing driveway access from Livingston Road.

The applicant proposed to construct a three floor, 32,000 square foot assisted living facility. The development includes parking with 57 spaces, landscaping, a monument sign, a gazebo, and fencing. At the Zoning Commission Public Hearing on November 21, 2017, several concerns were discussed. Surrounding residents and Zoning Commission expressed concerns regarding the exterior lighting on the site, landscape buffering on the Livingston Road frontage and the south side of the existing nursing facility, and the height of the building. The gazebo and signage will be permitted separately. Staff has noted that some of the landscaping proposed in the first phase was not planted.

Staff's recommendation is for approval of the Final Development Plan subject to the following conditions:

1. Landscaping and buffering materials required for the Phase I of the development must be planted and restored according to the approved 2010 Final Development Plan. All deciduous trees must be 2.5 inches DBH at planting per section 14.4.4(B)(1)(a).
2. A dumpster screen is required per section 12.5.3.
3. Lighting levels must be provided at the Livingston Rd. right-of-way per section 12.9.4.
4. Reconcile the discrepancy between the light pole locations and proposed trees in the parking area.
5. The freestanding sign allowance in the PD-R zone is not clear in the Zoning Resolution, however the additional proposed sign is not visible from the street or surrounding properties and is directional in nature. This additional sign should be approved as presented with landscaping at the base equal to the size of the sign face per section 15.5.4.

Applicant Jonathan Woche, AICP representing Liberty Healthcare and Chris Weigner, a partner with WDC Group were present. Mr. Woche stated that Liberty hopes to begin construction in late Spring or early Summer.

Mr. Taylor asked to clarify if the entire building will have the same look and feel as the front of the building. Mr. Scott additionally asked how many employees will be working at the proposed building. Mr. Woche said all the employees would pay into the JEDD tax and property taxes.

Mrs. Smith asked to clarify the total number of beds. Mr. Wocher stated that 100 beds are proposed in the assisted living building. 100 beds are existing in the nursing home. There will be a requests for a future approval for wing expansion for 48 for a total of 248 beds. Mrs. Smith asked if it will be twice as big as the existing building. Mr. Wocher stated that the new 100 beds would be assisted living.

Ms. LeCount stated that applicant will have to come back to be reapproved for the new nursing wing expansion.

Mr. Grote stated that he voted against the development in the November 2017 meeting because of the need for three stories. He asks to reduce the proposed building to two stories.

Mr. Wocher responded back that his client says it is not functional and does not utilize an optimal design for daily operations and business. The client wants to keep separate assisted living and nursing.

Mr. Wocher said he presented to the Board of Trustees about the demand for assisted living which Mr. Grote asks him to deliberate more on.

Mr. Taylor reiterated that, if Liberty Nursing did not think there was a demand for assisted living, they would not be spending the money to build this proposal.

Mr. Westfall spoke about Colerain Township's rapid growth and the need of multi-floor developments.

With no further discussion Mr. Taylor made a motion for the approval of the Final Development Plan with two modifications of the five conditions included in the staff recommendation. The first modification correlates with the landscaping and buffering materials required for the Phase 1. The modification to Condition 1 is that the landscaping for Phase 1 shall be installed prior to the issuance of a Zoning Permit for Phase 2 construction. The second modification regards the lighting presented in Condition 4, and that the applicant will provide a photometric diagram for staff's approval. The other three conditions are fine as written.

Mr. Fehring seconded the Motion with two modified conditions.

Roll Call: Mr. Fehring – Aye, Mr. Grote - Aye, Mrs. Smith – aye, Mr. Taylor – aye, and Mr. Westfall – aye.

Public Hearings: None.

Informal Concept Review: None.

Old Business: None.

New Business:

Motion to initiate Text Amendment: Medical Marijuana.

Zoning Commission was asked by the Board of Trustees to initiate a text amendment concerning Medical Marijuana. Ms. LeCount presented a memo to the Board summarizing the policy announcements at the Federal level rescinding the previous policy of medical marijuana. The Text Amendment will prohibit all land uses associated with medical marijuana including cultivation, processing, or retail dispensing. Staff felt as if it was an appropriate time to begin the text amendment process. At the February 13<sup>th</sup> Board of Trustees meeting requested the text amendment. It will then be passed to Regional Planning Commission to be heard at the April 5<sup>th</sup> meeting and then back to the April 17<sup>th</sup> Zoning Commission meeting. A recommendation will be made to the Board of Trustees for a second Public Hearing and final decision in May of 2018.

Ms. Smith questioned if there is an available spot where a dispensary could be developed. Ms. LeCount responded that there is a moratorium in place and state-wide licenses were established and Colerain Township was not selected.

Mr. Grote asked if someone has a prescription for medical marijuana, where would they go to retrieve their prescriptions. Ms. LeCount said that there will be three dispensaries within Hamilton County. Colerain Township cannot prohibit the use of medical marijuana but can prohibit the land uses associated with medical marijuana. Mr. Grote clarified that staff is only looking for a Motion and approval to initiate the Text Amendment process.

With no further discussion Mr. Grote made a motion to initiate the text amendment and Mrs. Smith seconded.

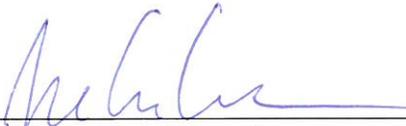
Roll Call: Mr. Fehring – Aye, Mr. Grote - Aye, Mrs. Smith – aye, Mr. Taylor – aye, and Mr. Westfall – aye.

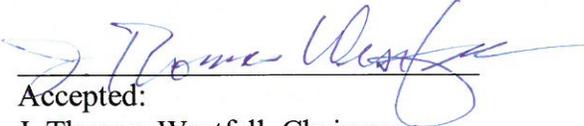
Administration: There was some discussion regarding the meeting time and it was decided to keep the current start time of 6:00 pm.

Announcements:

Next Meeting: April 17, 2018.

A Motion was made to adjourn the meeting at 6:42 p.m.

  
Respectfully submitted:  
Jesse Urbancsik, Planner

  
Accepted:  
J. Thomas Westfall, Chairman