

COLERAIN TOWNSHIP ZONING COMMISSION

Regular Meeting Minutes

Tuesday, April 17, 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 – absent, and Mr. Westfall – aye.

Alternate member Mr. Gehring was seated to fill in for Mr. Taylor.

Also present were staff members Marty Kohler and Jesse Urbancsik.

Approval of Minutes:

Mrs. Smith made a Motion to approve the February 20, 2018 meeting minutes as submitted and was seconded by Mr. Grote.

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

Public Address: None.

Final Development Plan: None.

Public Hearings:

ZA2018-01 Text Amendment: Medical Marijuana

Mr. Kohler gave a presentation on the zoning text amendment for medical marijuana. The purpose of the zoning text amendment is to define the various aspects of medical marijuana and to add the uses to the table of uses in commercial and residential zones. In August 2017 the Colerain Township Trustees adopted Resolution No. 38-17 imposing a one-year extension of a previous moratorium on the issuance and processing of permits allowing retail dispensaries,

cultivators, or processors of medical marijuana within Colerain Township. On February 13, 2018, the Colerain Township Board of Trustees made a motion to initiate this text amendment. The Zoning Commission followed suit with a motion to initiate the text amendment on February 20, 2018. The text amendment was sent to the Hamilton County Regional Planning Commission for review and recommendation at their April 5, 2018 regular meeting. The County's recommendation is approval as submitted. Other communities such as Columbia Township, Liberty Township, and Sycamore Township have taken action to regulate medical marijuana.

The proposed amendment has two key components. The first is a definition to the meaning of the term "Medical Marijuana" which is to be added to Chapter 16 of the Zoning Resolution. The second is to add "Medical Marijuana" to the table of land uses in both residential zones (Section 7.2.1) and commercial zones (Section 8.2). The table of uses gives the ability to categorize uses as "P" permitted, "P*" permitted with stipulations, "C" conditional subject to BZA review, and shaded to indicate that the use is prohibited within the zoning district. The proposal is that the use table is shaded for "medical marijuana" in all residential and commercial zone classifications.

Mrs. Smith asked if the zoning could be overturned in the future. Mr. Kohler responded that once it is adopted by the Board of Trustees it could be taken to referendum to the voters. This group is simply making a recommendation to the Board of the Trustees.

Mr. Grote asked if the term medical marijuana should appear under other tables in the Zoning Resolution. Mr. Kohler responded that it is not necessary.

A Motion was made to open the public hearing by Mr. Grote. 2nd by Mrs. Smith. Motion Carried.

Public Input: Jim Acton, who has been a resident of Colerain Township for over 45 years, is for the approval of the text amendment. He asked the location of the dispensaries and how people pay for medical marijuana.

Dawn Smith, a retired nurse, is in support of medical marijuana and against the text amendment. She recalled a story about a young woman who used medical marijuana for rehabilitation purposes. She asked Mr. Kohler about the shading on the zoning classification table and clarification on the "P" and "C". She asked the Zoning Commission to consider allowing it to be permitted in the tables and to allow people easier access.

Bernie Fiedeldej summarized several articles including one that spoke of granting licenses within the state and how he thinks only a small fraction of the Township's population would benefit from the dispensing. He is for the approval of the text amendment.

Michael Inderhees, who is against the text amendment, recalled a number of articles that conducting studies concentrating on legal marijuana use and its findings. He stated that Hamilton County will only have three dispensing sites and that neighboring communities will not have access either. Mr. Grote asked Mr. Inderhees on what the Board of Trustee's position was on initiating the text amendment. Mr. Inderhees responded that the vote took place in January and he was not on the Board at that time. He was at the meeting and recalled that it was 3-0 in favor.

A Motion was made to close the public hearing by Mr. Grote. 2nd by Mr. Gehring.

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

Board: Mr. Grote asked Staff for clarification that the approach could be amended in the future. Mr. Kohler responded that any provision in the Zoning Resolution can be amended by the Zoning Commission. He reiterated that there will be three locations in Hamilton County as well. Mr. Grote asked if any sites have been identified. Mr. Kohler responded that he is not aware of the locations.

Mrs. Smith asked if there is a permitted place that would allow medical marijuana within the Township. Mr. Kohler stated that if they were to adopt this amendment, there would be no place allowed in the Township for dispensing, cultivation, and processing. She asked if this would eliminate the existing moratorium. Mr. Kohler responded that it would basically nullify it.

Mr. Grote asked if it is the State's decision on where the locations are going to be placed. Mr. Kohler responded that the State will grant certain people who have petitions for licenses at certain locations.

Mr. Gehring spoke of the issue of medical marijuana being against federal law and the aspect of the all-cash business. He spoke that he cannot see it being beneficial to the community.

Mr. Fehring asked Staff if they were to pass the amendment could the State come into the Township and make them become one of the three places within the County. Mr. Kohler responded that they cannot under the statute. Mr. Fehring stated that he does not think it's good for the Township.

A Motion was made to Approve Case Z2018-01 as recommended by Staff by Mr. Gehring, 2nd by Mr. Fehring.

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

Informal Concept Review: None.

Old Business: None.

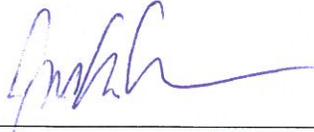
New Business: None.

Administration: Mr. Kohler stated that there were no applications for the May Meeting so the next meeting will not be until June.

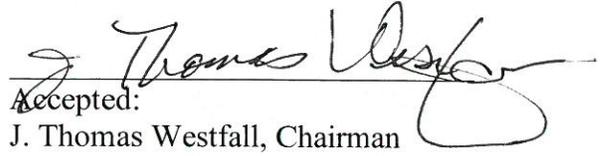
Announcements: Mr. Grote extended congratulations to Ms. LeCount and her family on the birth of her new child.

Next Meeting: June 19, 2018.

Motion to adjourn at 6:52 p.m. by Mrs. Smith, 2nd by Mr. Fehring. Motion Carried.



Respectfully submitted:
Jesse Urbancsik, Planner



Accepted:
J. Thomas Westfall, Chairman