

COLERAIN TOWNSHIP ZONING COMMISSION

Regular Meeting **Tuesday, February 21, 2017 - 6:00 p.m.**

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

- Meeting called to order.
 Pledge of Allegiance.
 Roll Call.
- 2. Approval of Minutes: January 17, 2017 meeting.
- 3. Public Address: None.
- 4. Final Development Plan: None.
- 5. Public Hearings:
 - A. ZA2017-01 Text Amendment modifying language to address Breweries and Distilleries as Permitted Uses within the I-1 District and Micro Breweries and Micro Distilleries as Permitted Uses in the B-3 District.
- 6. Informal Concept Review: None.
- 7. Old Business: None.
- 8. New Business: None.
- 9. Administration: None.
- 10. Announcements: Board Member Education
- 11. Next Meeting: March 21, 2017.
- 12. Adjournment.



Department of Planning & Zoning
4200 Springdale Road Colerain Township, Ohio 45251

Staff Report: **TEXT AMENDMENT**

Case #: ZA 2017-01 Breweries & Distilleries February 21, 2017

Prepared By: Jenna M. LeCount, AICP

Director of Building, Planning & Zoning

Project Summary:

This amendment to Article 8.2 Permitted Uses and Article 16.2 Definitions is to add the use categories of Micro Brewery and Micro Distillery as permitted uses to the B-3 Zoning District and to add the use categories of Breweries and Distilleries as permitted uses in the I-1 district. This amendment was initiated by Rusty Wayne, a property owner within a B-3 Zoning District.

Zoning Summary:

Breweries, Distilleries, Micro Breweries and Micro Distilleries are not defined uses within the Colerain Township Zoning Resolution. As the Resolution currently exists, it would be difficult to properly place these uses within one of the defined zone districts. Breweries and Distilleries can cause confusion about how the uses should be identified in zoning due to their nature to have a mixture of activity types, which are more clearly defined within the Resolution. These activities might include light industrial type activities, retail components, or even a restaurant type character; all of which are handled differently within the current Resolution. The proposed language is as follows:

Article 16.2 Definitions

Brewery shall mean a large-scale facility for the brewing of beer and ale for sale on the premises, as well as for off-site sales and distribution, that produces more than 10,000 barrels annually and may include restaurant/bar space, tasking or retail space. The brewing operation processes the ingredients to make beer and ale by mashing, cooking and fermenting. The brewing operation does not include the production of any other alcoholic beverage.

<u>Distillery</u> shall mean a large-scale facility for the distilling of spirits and liquor, including wine, for sale on the premises, as well as for off-site sales and distribution, that produces more than 50,000 proof gallons annually and may include restaurant/bar space, tasking or retail space.

Micro Brewery shall mean an establishment that is primarily used for the production of beer and ale and must include restaurant/bar space, tasking or retail space. The brewing operation processes the ingredients to make beer and ale by mashing, cooking and fermenting. The brewing operation does not include the production of any alcoholic beverage other than beer or ale. The brewery shall not produce more than 10,000 barrels of beer or ale per year.

Micro Distillery shall mean an establishment that is primarily used for the production of spirits and liquor, including wine, in small quantities of a maximum of 52,000 cases or a maximum of 50,000 proof gallons annually and must include restaurant/bar space, tasking or retail space.

See Attachment A for proposed updates to Table 8-1: Business Use Table

Other Agency Review:

Hamilton County Regional Planning Commission (HCRCP)

The Regional Planning Commission moved to recommend approval of the proposed text amendment at the February 2, 2017 meeting. Please see the attached staff report for additional detail on staff findings. HCRPC staff commented that parking requirements should be explored in the future since parking demands are generally lower for microbreweries due to the fact that large areas of floor space are devoted to brewing equipment and there are generally fewer employees for this use than for a typical restaurant use.

Conclusion:

Colerain Township is recognizing some potential economic development opportunities within the region, which may be attractive uses within the Township; however, the current Zoning Resolution makes it difficult for some emerging uses/markets to fit comfortably into any one of the current zone district permitted use definitions.

Recommendation:

<u>APPROVAL</u> of the text amendment as requested. *The recommendation made at this meeting will be forwarded to the Colerain Township Trustees for an additional public hearing and final action.*



P.O. Box 265 6770 Kepler Road Cleves, Ohio 45002-9534 www.waynebuildings.com

513-353-9000 Fax: 353-3802

January 25, 2017

Jenna M. LeCount, AICP Director Building, Planning & Zoning Colerain Township 4200 Springdale Road Colerain Township, OH 45251

Subject:

Amendment to B-3 district

Dear Ms. LeCount,

I would like to request for the Colerain Township Zoning Regulations to be amended to allow for a micro-brewery in the B-3 district.

Sincerely,

Russell Wayne, Owner 6750-6780 Kepler Road Cleves, Ohio 45002 Case# ZA2017-01 Text Amendment

Suggested update for the B-3 and I-1 Zoning Districts

Request:

A Text Amendment to Article 8.2 Permitted Uses and Article 16.2 Definitions to add the use categories of Micro Brewery and Micro Distillery as permitted uses to the B-3 Zoning District and to add the use categories of Breweries and Distilleries as permitted uses in the I-1 district.

Article 16.2 Definitions

- (29) **Brewery** shall mean a large-scale facility for the brewing of beer and ale for sale on the premises, as well as for off-site sales and distribution, that produces more than 10,000 barrels annually and may include restaurant/bar space, tasking or retail space. The brewing operation processes the ingredients to make beer and ale by mashing, cooking and fermenting. The brewing operation does not include the production of any other alcoholic beverage.
- (53) **Distillery** shall mean a large-scale facility for the distilling of spirits and liquor, including wine, for sale on the premises, as well as for off-site sales and distribution, that produces more than 50,000 proof gallons annually and may include restaurant/bar space, tasking or retail space.
- (137) **Micro Brewery** shall mean an establishment that is primarily used for the production of beer and ale and must include restaurant/bar space, tasking or retail space. The brewing operation processes the ingredients to make beer and ale by mashing, cooking and fermenting. The brewing operation does not include the production of any alcoholic beverage other than beer or ale. The brewery shall not produce more than 10,000 barrels of beer or ale per year.
- (138) **Micro Distillery** shall mean an establishment that is primarily used for the production of spirits and liquor, including wine, in small quantities of a maximum of 52,000 cases or a maximum of 50,000 proof gallons annually and must include restaurant/bar space, tasking or retail space.

	T	able 8-1: Bu	isiness Use	Table		
Use		Zo	Additional			
P=Permitted Use			Regulations			
P* = Permitted with Conditions	B-1	B-2	B-3	O-1	I-1	Refer to
C= Conditional Use						Section:
Brewery					<u>P</u>	
Broadcasting Studios			Р	Р		
<u>Clubs</u>	С	Р	P	Р		
Commercial Kennels		P*	P*		P*	Section 8.4.4
Contractor or Construction Sales		P*	Р		Р	Section 8.4.5
Day Care Centers	P	P	P	P		
<u>Distillery</u>					<u>P</u>	
Distribution Facilities					Р	
Drive-Through Facilities	P*	P*	P*	P*		Section 8.4.6
Funeral Services		P*	P*	P*	P	Section 8.4.7
Heavy Industrial Uses					С	Section 8.4.8
Hotels and Motels		Р	P	P		
Laboratories			P	P	P	
Light Industrial Uses			P		P	
Micro Brewery			<u>P</u>			
Micro Distillery			<u>P</u>			
Nurseries		P			P	
Personal Services	P	P				
Professional or Business Offices	P	P	P	P		
Restaurants	P	P		P*		Section 8.4.9
Retail Commercial Uses	P	P	P*	P*		Section 8.4.10
Service Commercial Uses	P	P	P*	P*		Section 8.4.11
Storage Facilities					P	
Telecommunications Towers	P	P	P	P	Р	
Theaters		Р				
Type A Family Day Care Home	P	P		P		
Vendor Markets	P*	P*				Section 8.4.13
Veterinary Facilities	P*	P*		P*	Р	Section 8.4.12
Warehouses			Р		Р	
Wholesale Commercial Uses			Р		Р	

Institutional/Public Uses						
Active Parks and Recreational Facilities	p*	P*	P*	P*	p*	Section 7.4.1
Cemeteries	P*	P*	P*	P*	P*	Section 7.4.4
Educational Facilities	С	P*	P*	P*		Section 7.4.5
Essential Services and Utilities	P	P	P	P	Р	

	Т	able 8-1: Bu	isiness Use	Table		
Use		Additional				
P=Permitted Use						Regulations
P* = Permitted with Conditions	B-1	B-2	B-3	O-1	I-1	Refer to
C= Conditional Use						Section:
Government and Public Uses	P	P	P	P	P	
Higher Education Facilities		P	P	P		
Hospitals		P	P	P		
Indoor Recreational Facilities	С	P	P	С	P	
Passive Parks, <u>Recreational</u> <u>Facilities</u> , and Conservation Areas	Р	Р	Р	Р	Р	
Religious Places of Worship	С	Р	Р	Р		Section 7.4.10
		Miscella	aneous Uses	8		
Accessory Uses	P*	P*	P*	P*	P*	Section 10.2
Signs	P*	P*	P*	P*	P*	Article 15
Temporary Uses	P*	P*	P*	P*	P*	Section 10.4

	Т	able 8-1: Bu	isiness Use	Table		
Use		Zo	Additional			
P=Permitted Use				Regulations		
P* = Permitted with Conditions	B-1	B-2	B-3	O-1	I-1	Refer to
C= Conditional Use						Section:
Brewery					<u>P</u>	,
Broadcasting Studios			Р	Р		
Clubs	С	Р	Р	P		
Commercial Kennels		P*	P*		P*	Section 8.4.4
Contractor or Construction Sales		P*	Р		Р	Section 8.4.5
Day Care Centers	Р	Р	Р	Р		
Distillery					<u>P</u>	
Distribution Facilities					Р	
Drive-Through Facilities	P*	P*	P*	P*		Section 8.4.6
Funeral Services		P*	P*	P*	P	Section 8.4.7
Heavy Industrial Uses					С	Section 8.4.8
Hotels and Motels		Р	P	Р		
Laboratories			Р	P	P	
Light Industrial Uses			P		P	
Micro Brewery			<u>P</u>			
Micro Distillery			<u>P</u>			
Nurseries		P			P	
Personal Services	P	P				
Professional or Business Offices	Р	Р	P	Р		
Restaurants	P	P		P*		Section 8.4.9
Retail Commercial Uses	P	P	P*	P*		Section 8.4.10
Service Commercial Uses	P	P	P*	P*		Section 8.4.11
Storage Facilities					P	
Telecommunications Towers	P	P	P	Р	P	
Theaters		Р				
Type A Family Day Care Home	Р	P		Р		
Vendor Markets	P*	P*				Section 8.4.13
Veterinary Facilities	P*	P*		P*	P	Section 8.4.12
Warehouses			Р		P	
Wholesale Commercial Uses			Р		P	

Institutional/Public Uses						
Active Parks and Recreational Facilities	p*	P*	P*	P*	p*	Section 7.4.1
Cemeteries	P*	P*	P*	P*	P*	Section 7.4.4
Educational Facilities	С	P*	P*	P*		Section 7.4.5
Essential Services and Utilities	P	P	P	P	Р	

	Т	able 8-1: Bu	isiness Use	Table		
Use		Additional				
P=Permitted Use						Regulations
P* = Permitted with Conditions	B-1	B-2	B-3	O-1	I-1	Refer to
C= Conditional Use						Section:
Government and Public Uses	P	P	P	P	P	
Higher Education Facilities		P	P	P		
Hospitals		P	P	P		
Indoor Recreational Facilities	С	P	P	С	P	
Passive Parks, <u>Recreational</u> <u>Facilities</u> , and Conservation Areas	Р	Р	Р	Р	Р	
Religious Places of Worship	С	Р	Р	Р		Section 7.4.10
		Miscella	aneous Uses	8		
Accessory Uses	P*	P*	P*	P*	P*	Section 10.2
Signs	P*	P*	P*	P*	P*	Article 15
Temporary Uses	P*	P*	P*	P*	P*	Section 10.4

AGENDA

THE HAMILTON COUNTY REGIONAL PLANNING COMMISSION

Room 805, County Administration Building 138 East Court Street Cincinnati, OH 45202

FEBRUARY 2, 2017

Administrative Session – 12:30 PM
Development Review Session – 1:00 PM

Hal Franke, Chairperson/Presiding Officer

1. ADMINISTRATIVE SESSION

SESSION CALLED TO ORDER

ROLL CALL OF COMMISSIONERS

ADMINISTRATIVE ACTIONS:

A. ADM 05: RPC Financial Report – January

B. ADM 06: Disposition of Minutes, January 5, 2017 Regular Meeting

PROGRAM REPORTS:

Zoning Services Systems / Data Products
Planning Partnership Community Development OKI Board of Trustees

Other Reports

2. PUBLIC HEARING: (1:00PM)
SESSION CALLED TO ORDER

LAND USE PLAN:

A. NAME: LUP Anderson 2017-01; Anderson Township

REQUEST: To consider adoption of the Anderson Township Comprehensive Plan Update 2016

INITIATED BY: Anderson Township Board of Trustees

LOCATION: Anderson Township

B. NAME: LUPA Green 2017-01; Race & Ruebel Retail

REQUEST: Adoption of a Land Use Plan Amendment from Single-Family to General Retail

INITIATED BY: Green Township Trustees

LOCATION: Green Township: 4551 Ruebel Place; on the south side of Ruebel Place, east of Race

Road (Book 550, Page 121, Parcel 98)

3. DEVELOPMENT REVIEW SESSION:

SESSION CALLED TO ORDER

PRELIMINARY SUBDIVISION PLANS:

A. NAME: Miami 17-01; Vista View Phase 2

REQUEST: To revise the western undeveloped portion of an expired preliminary plan to include a

lower overall density, fewer lots and the removal of one cul-de-sac street

APPLICANT: Robert G. Rothert, Abercrombie & Associates, Inc.

OWNER: Vista View Ventures. LLC

LOCATION: Miami Township: Located approximately 2.150 feet west of US 50 at the intersection of

Brunsman Way and Mt. Nebo Road in the Vista View Subdivision (Book 570, Page 170,

Parcels 95 & 136)

COUNTY ZONING MAP AMENDMENT:

A. CASE: Green 2017-01; Race & Bridgetown Retail

REQUEST: FROM: "E" Retail & "C" Residence

TO: "E PUD" Retail – Planned Unit Development

PURPOSE: To construct a 1,840 sq. ft. drive-thru restaurant with 29 parking spaces, driveways onto

Bridgetown Road and Race Road, and two 28-foot tall pylon signs

APPLICANT: Anne F. McBride, McBride Dale Clarion (applicant); Kenneth & Gertrude Meyers TR,

Dennis & Nancy Haussler C/O Corelogic, Green Township Board of Trustees (owners)

LOCATION: Green Township: on the northeast corner of the Bridgetown Road and Race Road

intersection (Book 550, Page 121, Parcels 98, 99, 100, 101, 102, 425, 523, 639, 640, 663,

664, 665, 666 and 671)

TOWNSHIP ZONING MAP AMENDMENT:

A. CASE: Sycamore 2017-03Z

REQUEST: FROM: "B" Residential

TO: "OO" Planned Office

PURPOSE: To construct a 75,605 sq. ft. assisted living senior retirement community with 86 units

and 56 parking spaces with two driveways onto Montgomery Road

APPLICANT: C. Francis Barrett, Attorney for NorthPoint Development LLC (applicant); 8760

Montgomery LLC, Manju Kejriwal, Mary R. Hensel, and Elizabeth K. Toft (owners)

LOCATION: Sycamore Township: 8760, 8784, 8800, 8810 and 8812 Montgomery Road; on the east

side of Montgomery Road, south of Glenover Drive and north of Miami Road

(Book 600, Page 60, Parcels 9, 10, 55, 56, 85 and 86)

TOWNHIP ZONING TEXT AMENDMENT

A. NAME: Colerain ZA2017-01; Text Amendments

REQUEST: To amend articles 8.2 and 16.2 of the Colerain Township Zoning Resolution related to the

regulation of breweries, microbreweries, distilleries and micro-distilleries

PURPOSE: To add definitions of Brewery, Distillery, Micro Brewery, and Micro Distillery

and to amend the regulation of these uses in the "I-1" Industrial District to allow Breweries and Distilleries and in the "B-3" Commercial District to allow Micro

Breweries and Micro Distilleries

INITIATED BY: Rusty Wayne, Wayne Buildings, Inc.

4. ADJOURNMENT

NOTE: Individuals with disabilities requiring special accommodations to participate in or attend any meeting or hearing should call the Planning & Development Department at 946-4550 seven days prior to the meeting.

>>>FOR ADDITIONAL INFORMATION ON ANY AGENDA ITEM, PLEASE CALL 946-4550<



HAMILTON COUNTY

Regional Planning Commission

STAFF REPORT

FOR CONSIDERATION BY THE REGIONAL PLANNING COMM. ON FEB 2, 2017 FOR CONSIDERATION BY COLERAIN TWP. ZONING COMM. ON FEB 21, 2017

TEXT AMENDMENT CASE: **COLERAIN ZA2017-01**

TEXT AMENDMENTS

REQUEST: To amend Articles 8.2 and 16.2 of the Colerain Township Zoning Resolution

related to the regulation of breweries, microbreweries, distilleries and micro-

distilleries

PURPOSE: To add definitions of Brewery, Distillery, Micro Brewery, and Micro Distillery

and to amend the regulation of these uses in the "I-1" Industrial District to allow Breweries and Distilleries and in the "B-3" Commercial District to allow Micro

Breweries and Micro Distilleries.

INITIATED BY: Rusty Wayne, Wayne Buildings Inc.

SUMMARY OF

RECOMMENDATIONS: APPROVAL

PROPOSED AMENDMENTS:

On January 25, 2017, Rusty Wayne, Wayne Buildings Inc., initiated text amendments to amend Articles 8.2 and 16.2 of the Colerain Township Zoning Resolution related to the regulation of breweries, micro breweries, distilleries and micro distilleries. The proposed regulations were transmitted to the Regional Planning Commission for consideration and are included in Exhibit A of this report. The main purpose of the amendment is to allow small scale breweries and distilleries that serve food to operate in the "B-3" Commercial District where they currently appear to be prohibited as no definitions exist in the Township's Code for any of these new proposed terms. Also, the amendment would continue to prohibit larger scale breweries, the size or scale of which is determined by the amount of proof gallons or barrels that are produced, from operating in the "B-3" Commercial District and permit them only in the "I-1" Industrial District. The Township would also add definitions of Brewery, Distillery, Micro Brewery, and Micro Distillery in their definitions section.

ANALYSIS:

Staff of the Regional Planning Commission received the case on January 25, 2017, and had limited time to review and make findings as it relates to the entire Township Zoning Resolution. However, staff has reviewed the proposed amendments and has the following findings:

Findings:

- Overall, staff supports the proposed changes to allow small scale brewing facilities to be located in the "B-3" Commercial District and to restrict larger scale breweries and distilleries to the "I-1" Industrial District.
- Staff finds that microbreweries have been permitted in the "E" Retail District of the Hamilton County Zoning Resolution through a recent text amendment similar to the current request. Further, a recent and similar request was approved in Anderson Township.
- There appears to have been no proposed changes to the parking requirements for the proposed new uses. Parking requirements are generally lower for microbreweries to acknowledge that large areas of floor space are devoted to brewing equipment and there are generally fewer employees for this use than for a typical restaurant where kitchen space is included in the parking calculation because kitchen staff is generally greater than brewing staff. The township may want to consider amending the parking chapter to address this concern.
- Staff recognizes that "Bars and Taverns" and "Restaurants" are currently permitted uses in the "B-1" Neighborhood Business District and the "B-2" General Business District. The Township may want to consider allowing micro breweries and micro distilleries in the "B-1" Neighborhood Business District and the "B-2" General Business District as the uses seem to be of similar intensities as bars and restaurants.

CONCLUSION:

Generally, staff finds that the proposed text amendments would result in an improved set of development guidelines and regulations. The Township has received a request to permit these types of uses and staff finds that these uses are appropriate for retail districts and industrial districts as proposed. The potential parking issue identified by staff does not indicate a lack of support for the concept to allow these uses in commercial and industrial districts. Staff suggests only that the Township consider amending the parking requirements to reflect these new uses and consider allowing them in other Business Zoning Districts. Therefore, staff finds the request to be appropriate and recommends approval of the proposed text amendments.

RECOMMENDED MOTION:

To consider approval of case Colerain ZA2017-01; Text Amendments, a request for approval of zoning text amendments to the Colerain Township Zoning Resolution as initiated by Rusty Wayne, Wayne Buildings Inc.

NOTE: Recommendations and findings in this staff report reflect the opinions of the staff of the Hamilton County Planning and Zoning Department, but may not necessarily reflect the recommendation of any Commission. This staff report does not include detailed analysis of compliance with local zoning standards since the site is located in a township that is not a member of the Hamilton County Regional Planning Commission. The report is also prepared in advance of public hearings and often in advance of other agency reviews. Therefore, the advisory and final decisions of such commissions and boards may result in findings and conclusions that differ from the staff report.

Prepared By:

lohn 9 Huth

Senior Planner

Reviewed By:

Bryan D. Shyder, AICP

Development Services Administrator

Approved By:

Todd M. Kinskev, AICP

Planning & Development Director

CITIZENS CORRESPONDENCE



P.O. Box 265 6770 Kepler Road Cleves, Ohio 45002-9534 www.waynebuildings.com

513-353-9000 Fax: 353-3802

January 25, 2017

Jenna M. LeCount, AICP Director Building, Planning & Zoning Colerain Township 4200 Springdale Road Colerain Township, OH 45251

Subject:

Amendment to B-3 district

Dear Ms. LeCount,

I would like to request for the Colerain Township Zoning Regulations to be amended to allow for a micro-brewery in the B-3 district.

Sincerely,

Russell Wayne, Owner 6750-6780 Kepler Road Cleves, Ohio 45002

EXHIBIT "A"

Case# ZA2017-01 Text Amendment

Suggested update for the B-3 and I-1 Zoning Districts

Request:

A Text Amendment to Article 8.2 Permitted Uses and Article 16.2 Definitions to add the use categories of Micro Brewery and Micro Distillery as permitted uses to the B-3 Zoning District and to add the use categories of Breweries and Distilleries as permitted uses in the I-1 district.

Article 16.2 Definitions

- (29) Brewery shall mean a large-scale facility for the brewing of beer and ale for sale on the premises, as well as for off-site sales and distribution, that produces more than 10,000 barrels annually and may include restaurant/bar space, tasking or retail space. The brewing operation processes the ingredients to make beer and ale by mashing, cooking and fermenting. The brewing operation does not include the production of any other alcoholic beverage.
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î	Т	'able 8-1: Bu	ısiness Use	Table	,	
Use		Additional				
P=Permitted Use			Regulations			
P* = Permitted with Conditions	B-1	B-2	В-3	O-1	I-1	Refer to
C= Conditional Use						Section:
Brewery					<u>P</u>	
Broadcasting Studios			P	P		
<u>Clubs</u>	С	P	P	P		
Commercial Kennels		P*	P*		P*	Section 8.4.4
Contractor or Construction Sales		P*	P		Р	Section 8.4.5
Day Care Centers	P	P	P	P	*	
Distillery			22		<u>P</u>	
Distribution Facilities					P	
Drive-Through Facilities	P*	P*	P*	P*		Section 8.4.6
Funeral Services		P*	P*	P*	P	Section 8.4.7
Heavy Industrial Uses					С	Section 8.4.8
Hotels and Motels		P	P	P		
Laboratories			P	P	P	
Light Industrial Uses			P		P	
Micro Brewery			<u>P</u>			
Micro Distillery			<u>P</u>			
Nurseries		P			P	
Personal Services	P	P				
Professional or Business Of- fices	P	P	P	P		
Restaurants	P	P		P*		Section 8.4.9
Retail Commercial Uses	P	P	P*	P*		Section 8.4.10
Service Commercial Uses	P	P	P*	P*		Section 8.4.11
Storage Facilities					P	
Telecommunications Towers	P	P	P	Р	P	
Theaters		P				
Type A Family Day Care Home	P	P		P		
Vendor Markets	P*	P*				Section 8.4.13
Veterinary Facilities	P*	P*		P*	P	Section 8.4.12
Warehouses			P		P	
Wholesale Commercial Uses			P		P	