

# CITY OF BLUE ASH

## Interoffice Memo – City Manager's Office

**TO:** City Council  
**FROM:** City Manager and Department Directors  
**SUBJECT:** Agenda Items for the October 25<sup>th</sup> Council Meeting  
**DATE:** October 23, 2012  
**COPIES:** Department Directors, Press, Clerk of Council, Solicitor

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This memo offers a brief description of the topics included on the October 25<sup>th</sup> Council agenda.

**4. PUBLIC HEARING – 7:05 PM – to consider a proposed Zoning Map Amendment to rezone two parcels at 9012 Blue Ash Road (Sandy's Stagecoach Saloon, LLC) from C-1 General Commercial and R-3 Residential to C-2 Planned Commercial (first reading)**

Sandy Copenhaver owns Sandy's Stagecoach Saloon and the two parcels that are the subject of this request for a Zoning Map Amendment to C-2 Planned Commercial. The Saloon property is currently zoned C-1 General Commercial District; the adjacent property to the north is currently zoned R-3 Residential.

She plans to improve the property with an addition to the rear of the existing building and an expansion of the parking area. The proposed changes to the site and building are not possible without this Zoning Map Amendment. If the Map Amendment is approved by Council after recommendation by the Planning Commission, then any proposed improvements require a separate Planned Development approval (next agenda item).

The Planning Commission recommended approval of the Amendment. The area proposed to be rezoned is recommended for Commercial use on the Land Use Plan map contained within the City of Blue Ash 2003 Comprehensive Plan and the Land Use Implementation Program (also in the Comprehensive Plan) specifically identifies this location for Commercial Redevelopment.

The Comprehensive Plan is online at:

[http://www.blueashadvance.com/files/uploaded/BA\\_Master\\_Plan\\_2003.pdf](http://www.blueashadvance.com/files/uploaded/BA_Master_Plan_2003.pdf)

This is the first reading of this ordinance and the public hearing. The second reading and vote will be scheduled for November 8, 2012.

Please direct questions regarding this ordinance to the Community Development Director, Dan Johnson.

**5. PUBLIC HEARING – 7:10 PM – to consider a proposed Planned Development application at 9012 Blue Ash Road (Sandy's Stagecoach Saloon LLC) for an addition to the existing building and to expand the parking and driveway areas and make other site improvements (first reading)**

If the Zoning Map Amendment proposed in the prior Agenda item is approved, Sandy Copenhaver plans to build an addition on the rear of the existing structure that contains ADA compliant bathrooms and a new bar/service area that can be opened to the outside with roll-up style doors (depicted in attached drawings). The site would also be modified to satisfy the C-2 access, parking, lighting, and landscape buffering requirements of the C-2 district.

The plan was originally submitted as a two-phase project, but the applicant submitted additional information prior to the Planning Commission recommendation to ensure that it would be done in a single phase. There is language contained in the Ordinance that limits the hours of

operation and addresses other concerns raised by the Planning Commission during its deliberations.

The Planning Commission recommended denial of the proposed Planned Development, largely due to its proximity to the adjacent residents. The Ordinance requires a super-majority of Council for approval. Also, if the Zoning Map Amendment is not approved, this application is moot.

This is the first reading of this ordinance and the public hearing. The second reading and vote will be scheduled for November 8, 2012.

Please direct questions regarding this ordinance to the Community Development Director, Dan Johnson.

#### **11.a.1. Ordinance No. 2012-60 – transferring funds**

Although there are several issues listed on the attachment which merit explanation, one might classify this transfer ordinance as primarily focused on “housekeeping” in several specific funds. Those would include the OVI Grant Fund beginning with the prefix “281”, FEMA Intergovernmental Grant Revenue Fund 290, the Law Enforcement Liaison Fund 294, as well as the employee benefit related “FSA” Fund 903. All of the previously mentioned funds, and the listings on the attachment related thereto, are routine in nature and represent balancing restricted funds generally unrelated to on-going City operations.

One of the items that deserves comment is a shift within “Transfers within Expenditure Appropriations” from the Contingency area in the General Fund to Property Acquisition. This shift of \$100,000 covers funding for the anticipated demolition costs for removing the warehouse at 4699 Malsbary Road acquired earlier this year. The estimate of \$100,000 was employed and at the present time, the project is going out for bid and will likely be awarded and the final number to be determined at the December Council meeting.

The second issue involves all listings beginning with the prefix “752” which relates to the Golf Course Enterprise Fund and the operation of the Cooper Creek Event Center. A review of the various listings shows the additional appropriation of revenue in the Golf Course Enterprise Fund of approximately \$570,000, with accompanying appropriation of additional expenditure of \$200,000. The items included in this transfer represent an effort to structure the revenue and expenditure appropriations for the Golf Course and Cooper Creek Event Center for the remainder of 2012.

Revenues in both the Golf Course, the Sandtrap, and the Cooper Creek Event Center have come in ahead of original budgetary estimates, and the need exists to recognize those revenues as well as those expected to be received during the remainder of the year, and to also appropriate whatever additional expenses are anticipated. The net effect permits a reduction of \$350,000 of anticipated General Fund transfers to the Golf Course Enterprise Fund for 2012.

This is a favorable outcome for the Golf Course, the Sandtrap, and the Cooper Creek Event Center for nearly a full year of operation, which will permit further analysis upon closing of the books at the end of the year.

Please direct questions regarding this ordinance to the Treasurer.

#### **11.b.1. Ordinance No. 2012-61 – authorizing payment to City of Cincinnati regarding easement for sidewalk path at golf course**

The Public Works Department has been working for a number of years on a project that involves installation of a new sidewalk/bike path to be built on the east side of Plainfield Road between Cooper Road on the south and Glendale-Milford Road on the north. This sidewalk as envisioned to assist in providing pedestrian and bicycle access to the new Summit Park. The

Public Works Department has been successful in securing an ODOT-monitored Congestion Mitigation and Air Quality (CMAQ) Program grant in the amount of \$525,000, to assist in the construction of this project. Given the involvement of ODOT on this grant, the necessary environmental assessment has been completed, and ODOT has selected a team which has been working on securing the necessary easements and/or right-of-way to permit the installation of the project as planned in 2013. In August of 2012, the Public Works Director approached Council with Ordinance No. 2012-45 securing Council's authorization for the acquisition of the necessary easements and right-of ways to move ahead with the project. This was done concurrent with ODOT's right-of-way acquisition team's efforts to acquire the necessary easements for property owners. Within Section II of the Ordinance, it was specifically stated that "should compensation in excess of \$25,000 be requested from the City from any property owner, such easement shall be brought to Council in the form of a future ordinance." It would appear at this time that it is necessary to address City Council with a separate Ordinance No. 2012-61 to secure a necessary easement from the City of Cincinnati as it relates to this project.

The complexities encountered in the acquisition of these easement rights or right-of-way are related to valuation disparities of the 98-acres "runway" parcel still owned by the City of Cincinnati following the closure of the Blue Ash Airport.

The area required from the City of Cincinnati is substantial, representing a strip of land, for both temporary and permanent easements and right-of-way, of over 1/3 of an acre on the western most portion of the 98-acres where the runway parcel abuts Plainfield Road. The initial appraisal provided through the right-of-way acquisition firm indicated a fair market value for all of the easements, temporaries, etc. of \$14,594, utilizing a \$20,000 per acre valuation. The contact that the City Administration has had with the Real Estate Department of the City of Cincinnati has found that evaluation to be too low, and in an effort to meet the deadline, and to reflect some understanding as to the valuation concerns that the City of Cincinnati has about the 98-acres, the Assistant City Manager provided an alternative valuation to the City of Cincinnati of \$41,006 on October 9, 2012. Of course, the offer "was contingent upon approval by the City Council via ordinance."

Although there are a number of avenues open to the City of Blue Ash for a quick and reasonable resolution of this easement situation, given the timeline provided by ODOT for the completion of the right-of-way acquisition process, it is recommended that City Council favorably consider this Ordinance so that we may move ahead should all obstacles to our progress be addressed and resolved in the near future.

The Ordinance asks for authorization for further negotiations with the City of Cincinnati and potential compensation of an amount not exceed \$43,000 to resolve this matter.

We remain hopeful that the efforts expended by the City of Blue Ash to assist Cincinnati in their recent funding issue with the FAA will be recognized, and that this matter can be resolved in a less expensive, more rational, and cooperative fashion; however, given the timeline for the completion of the right-of-way/easement acquisition process as determined by ODOT under the grant, it would be prudent to be prepared for whatever is necessary to move ahead with the project as originally planned.

Please direct questions regarding this ordinance to the Assistant City Manager James Pfeffer at (513) 745-8507 or [jpfeffer@blueash.com](mailto:jpfeffer@blueash.com).