

BLUE ASH CITY COUNCIL

October 25, 2018

Page 1

1. MEETING CALLED TO ORDER

A regular meeting of the Council of the City of Blue Ash, Ohio, was held on October 25, 2018. Mayor Thomas C. Adamec called the meeting to order in Council Chambers at 7:00 PM.

2. OPENING CEREMONIES

Mayor Adamec led those assembled in the Pledge of Allegiance.

3. ROLL CALL

MEMBERS PRESENT: Vice Mayor Marc Sirkin, Councilman Joe Leet, Councilman Pramod Jhaveri, Councilman Jeff Capell, Councilman Lee Czerwonka, and Mayor Tom Adamec

MEMBERS ABSENT: Councilwoman Linda Bauer

Councilman Czerwonka moved, Vice Mayor Sirkin seconded to excuse Councilwoman Bauer from the meeting. A voice vote was taken. All members present voted yes. Motion carried.

ALSO PRESENT: Solicitor Bryan Pacheco, Clerk of Council Jamie Eifert, Assistant City Manager Kelly Harrington, Treasurer Sherry Poppe, Parks & Recreation Director Chuck Funk, Public Works Director Gordon Perry, Assistant Fire Chief Chris Theders, Lieutenant Roger Pohlman, Administrative Assistant Karla Plank, Assistant Parks & Recreation Director Brian Kruse, Community Development Director Dan Johnson, Economic Development Director Neil Hensley, Parks & Rec Leader Carolyn Scippio, and interested citizens

4. ACCEPTANCE OF REVISED AGENDA

Councilman Czerwonka moved, Vice Mayor Sirkin seconded to accept the revised agenda. A voice vote was taken. All members present voted yes. Motion carried.

1. *MEETING CALLED TO ORDER*
2. *OPENING CEREMONIES*
3. *ROLL CALL – Clerk of Council Jamie K. Eifert*
4. *ACCEPTANCE OF REVISED AGENDA*
5. *APPROVAL OF MINUTES*
 - a. *Regular Meeting of October 11, 2018*
6. *COMMUNICATIONS*
 - a. *Communications to Council – Clerk of Council Jamie K. Eifert*
 - b. *Reports From Outside Agencies*
7. *HEARINGS FROM CITIZENS*
8. *COMMITTEE REPORTS*
 - a. *Planning & Zoning Committee, Marc Sirkin, Chairperson*
 1. *Ordinance No. 2018-10, approving a Concept Planned Unit Development and Zoning Map Amendment at Oak Avenue in the R-3 Residential High Density Zoning District (second reading)*
 2. *Ordinance No. 2018-11, approving a Concept Planned Unit Development and Zoning Map Amendment at 9933 Alliance Road in the Summit Park Zoning District (second reading)*
9. *MISCELLANEOUS BUSINESS*
 - a. *Oak Park (Hazelwood)*
10. *EXECUTIVE SESSION*
 - a. *Economic Development Assistance – to consider confidential information related to the marketing plans, specific business strategy, production techniques, trade secrets, or personal financial statements of an applicant for economic development assistance, or with respect to negotiations with other political subdivisions regarding requests for economic development assistance.*
11. *ADJOURNMENT*

BLUE ASH CITY COUNCIL

October 25, 2018

Page 2

5. APPROVAL OF MINUTES

Councilman Czerwonka moved, Councilman Jhaveri seconded to approve the minutes of the regular meeting of October 11, 2018. A voice vote was taken. All members present voted yes. Motion carried.

6. COMMUNICATIONS

a. Communications to Council

The Clerk noted the City received a notice from the Ohio Division of Liquor Control for a Transfer of Stocks (Permit No. 75769890295) for Ruby Tuesday, Inc. at 11255 Reed Hartman Hwy. The transfer is a requirement of the Ohio Division of Liquor Control to report any changes of Corporate Stock Ownership. The Police Department has reviewed the stock ownership transfers and had no objections. There were no objections by Council.

The Deputy Clerk of Council noted the City also received a notice from the Ohio Division of Liquor Control for a request of a Liquor License Transfer (Permit No. 0398305) to Shree Balaji, LLC d/b/a Food Mart, 10440 Plainfield Road, from Veera Anjaneyam LLC, d/b/a Reddy Food Mart. The Police Department reviewed the request and had no objections. There were no objections expressed by Council.

There were no further communications presented to Council.

b. Reports From Outside Agencies

There were no representatives from outside agencies present at the meeting.

7. HEARINGS FROM CITIZENS

Rob Ryan, 9514 Conklin Avenue, expressed his appreciation to the Police and Fire Department for their service during a minor car accident he was recently involved in on Cooper Road. He recommended that the City place rumble strips on the road for traction.

Paul Ojanen, 11066 Oak Avenue, stated his concerns with the proposed PUD on Oak Avenue. During the October 11th Council Meeting, he stated numerous ways that the plans of Monarch go against the character of the Hazelwood neighborhood. He requested Council to not allow Monarch Homes to use side setbacks and believes a front setback would be more appropriate. He further requested Council to be careful in what is allowed in the neighborhood.

Hearings from Citizens was declared closed at 7:10 PM.

8. COMMITTEE REPORTS

Prior to the Council meeting, Council members received the following report describing agenda items:

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

8.a.1. Ordinance No. 2018-10 approving a Concept Planned Unit Development and Zoning Map Amendment at Oak Avenue, in the R-3 Residential High Density Zoning District (second reading)

On August 2, Planning Commission recommended approval of a Concept Planned Unit Development Plan and a Zoning Map Amendment that includes 4 building lots and one lot of common open space on a site of the east side of Oak Avenue in Hazelwood. The building lots are designed for single-family homes; the common lot would be in the floodplain of the adjacent creek and maintained by a homeowners association. The plan does not create any new public rights-of-way.

The Planning Commission did not recommend approval of a Final Development Plan because the application included only building envelopes on each lot. The Commission asked for more details about the actual building locations and details about the proposed structures.

If approved, the Zoning Map will be changed to reflect that this property is a PUD and the property may not be used in any way other than as approved by the Ordinance.

A public hearing and first reading was held on October 11, 2018. Several items should be clarified from that meeting:

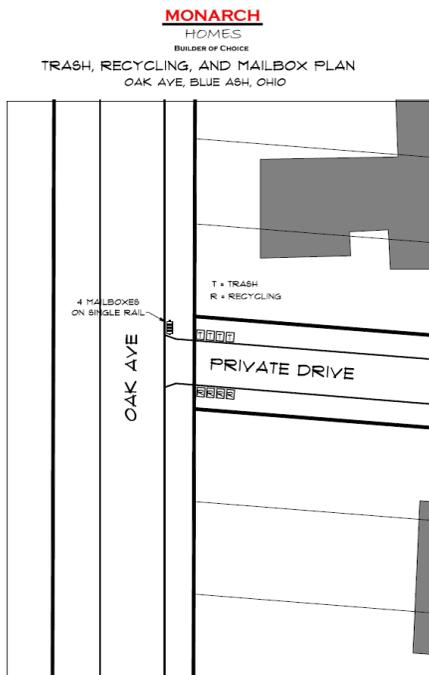
- *As proposed in the PUD, Lots 1 and 2 meet the normal code requirements*
- *As proposed, Lots 3 and 4 would be smaller than the normal code requirements*

October 25, 2018

Page 3

- The setbacks in relation to the properties to the west meet normal code requirements for all lots. The PUD site plan displayed by the applicant at the public hearing did not match the plan attached to the Ordinance. The Ordinance plan shows a 25-foot setback from the west lot lines (which is the normal rear setback) but the plan displayed at the public hearing showed a 40-foot setback from the west lot lines (which is the normal front setback).
- If approved as written, the Ordinance attachment would govern; however, Planning Commission may accept minor modifications when approving the final PUD.
- There were questions about mail delivery and trash/recycling collection; the applicant provided a diagram (below) showing how those items would normally be addressed for a shared private drive.
- Council has full discretion in all elements of a PUD and can approve or deny for any reason
- If the PUD is not approved, the applicant may still be able to develop to the same density and in largely the same configuration as proposed in the PUD. He would not, however, be able to create the “common” parcel, which would have implications for how each of the lots is impacted by the FEMA floodplain. Floodplain regulations require grading and building elevations that reduce the risk of flooding and may result in additional insurance requirements for the property owners.

Please direct questions regarding this Ordinance to the Community Development Director.



8.a.2. Ordinance No. 2018-11 approving a Concept Planned Unit Development and Zoning Map Amendment at 9933 Alliance Road, in the Summit Park Zoning District (second reading)

On August 2, Planning Commission recommended approval of a Concept Planned Unit Development Plan and a Zoning Map Amendment for 9933 Alliance Road that includes a conceptual site layout and would allow some uses that are otherwise nonconforming in the Summit Park Zoning District. The list of uses includes light manufacturing and others that were permitted in the former M-1 Office Industrial district. The owner intends to create a “Summit Innovation Center” that will allow high-end and high-tech tenants to the site. Although none have been yet identified, the owner hopes that having the ability to allow such uses will provide the ability to more quickly respond to tenants that may be a good fit for a desirable reuse of the property.

A Final Development Plan application would need to be filed before any specific use could be allow that is inconsistent with the standard Summit Park Zoning District regulations. If approved, the Zoning Map will be changed to reflect that this property is a PUD and the property may not be used in any way other than as approved by the Ordinance.

A public hearing and first reading was held on October 11, 2018.

Please direct questions regarding this Ordinance to the Community Development Director.

BLUE ASH CITY COUNCIL

October 25, 2018

Page 4

a. Planning & Zoning Committee, Marc Sirkin, Chairperson

Vice Mayor Sirkin asked the Clerk to read Ordinance No. 2018-10 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2018-10

APPROVING A CONCEPT PLANNED UNIT DEVELOPMENT AND ZONING MAP AMENDMENT AT OAK AVENUE IN THE R-3 RESIDENTIAL HIGH DENSITY ZONING DISTRICT CONTAINING 4 BUILDING LOTS AND TOTALING APPROXIMATELY 0.786 ACRES (CURRENT HAMILTON COUNTY AUDITOR'S PARCELS 612-0190-0427, 612-0190-1239, 612-0190-1255, AND 612-0190-1256)

Vice Mayor Sirkin moved, Councilman Czerwonka seconded to adopt Ordinance No. 2018-10.

Vice Mayor Sirkin stated that Planning Commission and City Council can approve a PUD for less than three acres if there are special site characteristics. He does not believe this PUD is a special site and feels two or three homes on the site with less density is more appropriate.

Councilman Capell indicated concerns whether four homes were appropriate and questioned what other options were for the builder to which Community Development Director Dan Johnson replied that a default option could be to work with the zoning code as the lot exists and meet all the regulations that the code currently requires and propose another alternative that divides the area into three parcels.

Councilman Leet feels the development is not in the best interest of the City. He believes the PUD will allow the applicant to put a house in the flood plain without FEMA protection. He does not want to set a precedence for a neighborhood rezoning change. The lot has room for two to three houses with concrete driveways.

Mayor Adamec stated that the lot sizes, as presented, are smaller than what the zoning code requires. He does not believe that the development would be in the best interest of the neighborhood.

Councilman Jhaveri felt that there are too many houses on such a small lot and was concerned about the water runoff issues behind the houses.

Councilman Czerwonka stated the PUDs are the exception but they are not the rule. He was concerned about the environmental/drainage issues behind the houses and prefers it to be developed to the required density.

There being no further discussion, the Clerk called the roll. Councilpersons, Leet, Jhaveri, Capell, Czerwonka, Sirkin, and Mayor Adamec voted no. Six nos. Ordinance No. 2018-10 did not pass.

Vice Mayor Sirkin asked the Clerk to read Ordinance No. 2018-11 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2018-11

APPROVING A CONCEPT PLANNED UNIT DEVELOPMENT AND ZONING MAP AMENDMENT AT 9933 ALLIANCE ROAD IN THE SUMMIT PARK ZONING DISTRICT ON A SITE CONTAINING APPROXIMATELY 14 ACRES (HAMILTON COUNTY AUDITOR'S PARCEL 612-0120-0199)

Vice Mayor Sirkin moved, Councilman Jhaveri seconded to adopt Ordinance No. 2018-11.

Council Members expressed their appreciation to the proposed improvements which will help attract new businesses to the City.

There being no further discussion, the Clerk called the roll. Councilpersons Leet, Jhaveri, Capell, Czerwonka, Sirkin, and Mayor Adamec voted yes. Six yeses. Ordinance No. 2018-11 passed.

October 25, 2018

Page 5

9. MISCELLANEOUS BUSINESS

Assistant Parks & Recreation Director Brian Kruse addressed certain questions during the last three public sessions regarding the proposed Oak Park Renovation Project in Hazelwood. After an additional review of the Community Center's renovation costs, the City's Facility Department determined renovations such as paint, windows, soffit, roof, foundation work, electrical work, ADA compliance, mold/asbestos inspections, etc., would cost approximately \$212,000. This estimate did not include any furniture, fixtures, and equipment items. He reminded that the facility is still a 40-year old structure and such renovations would not solve future deteriorating issues. The proposed Oak Park Project would cost between \$400,000 and \$500,000 which would include a shelter, restrooms, a playground, parking and basketball court. The shelter alone would be approximately \$120,000; and the restroom construction would be approximately \$90,000. Mr. Kruse predicts the new shelter could have up to 50 rentals in the first year. The center's current rental history averages between 15 to 17 rentals per year. The center's annual operation costs (salaries and utilities) are \$25,000 to \$30,000. If the City were to increase the hours of operation, the costs could increase to \$40,000 to \$45,000 per year. Based on state-bid projects, shelters with three open sides, kitchenette areas with roll up doors, and exterior accessed restrooms, all encompassed into one structure, could cost as much as \$475,000. Facilities such as enclosed sides and large garage doors (similar to Summit Park) could more than double or triple the cost of the proposed shelter. Mr. Kruse stated that the center is currently opened during the school year on Tuesday and Thursday (4:00 pm to 7:00 pm), and Saturday (12:00 to 5:00 pm); summer hours are Monday, Wednesday, Friday, and Saturday (1:00 pm to 7:00 pm). All residents are eligible to use the City's recreation inventory (Recreation Center, Summit Park, and park shelters). Fifty-one percent of the Hazelwood residents are members of the Recreation Center, similar to other neighborhood residents. A determination needs to be made whether the City should duplicate services; determine what the success of services provided should be; and how it serves the community as a whole.

Assistant City Manager Kelly Harrington suggested that a formal motion be made during the next Council meeting concerning the matter.

Public Works Director Gordon Perry met with a new for-profit recycling company called Simple Recycling who provides a free service to residents for recyclable clothing. In conjunction with scheduled garbage pick-up days, Simple Recycling provides door-to-door service to collect clothing, in a provided special bag, and haul it to a recycling center. The company is part of a waste-diversion effort to avoid clothing going into landfills. The company has reached out to local jurisdictions and the Sycamore School District. Simple Recycling requests a two-year commitment from the City with no costs associated. As a result, the City could receive a small return on a certain percentage on the tonnage that is collected. Council requested Mr. Perry to pursue reviewing and entering into a contract agreement with Simple Recycling.

In answering Councilman Jhaveri's question, Mr. Funk explained that the fence along Reed Hartman Road from Plainfield Road to near Cooper Road was recently removed due to poor conditions. The City does not plan to replace the fence. The fence was cost prohibitive to repair.

10. EXECUTIVE SESSION

After all items on the agenda were acted upon, Councilman Czerwonka moved, Councilman Jhaveri seconded to convene an Executive Session to discuss matters pertaining to Economic Development Assistance. The Clerk called the roll. Councilpersons Jhaveri, Capell, Czerwonka, Sirkin, Leet, and Mayor Adamec voted yes. Six yeases. Motion carried.

After matters pertaining to Economic Development Assistance were discussed, Vice Mayor Sirkin moved, Councilman Czerwonka seconded to convene to the regular meeting. A voice vote was taken. All Council members voted yes. Motion carried.

BLUE ASH CITY COUNCIL

October 25, 2018

Page 6

11. ADJOURNMENT

All items on the agenda having been acted upon, Councilman Czerwonka moved, Councilman Capell seconded to adjourn the meeting. A voice vote was taken. All members voted yes. The Council meeting was adjourned at approximately 8:10 PM.

Thomas C. Adamec, Mayor

Jamie K. Eifert, Clerk of Council

MINUTES RECORDED AND WRITTEN BY:

Karla Plank, Administrative Assistant