

**BLUE ASH PLANNING COMMISSION**

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**ITEM 1: MEETING CALLED TO ORDER**

Chairman Schafer called the regular meeting of the Blue Ash Planning Commission to order at 7:01 p.m. on Thursday, September 6, 2012.

MEMBERS PRESENT: Raymond Schafer, John Berry, Beverley Gill and Jim Sumner

MEMBERS NOT PRESENT: John Moores

ALSO PRESENT: City Manager David Waltz, Assistant City Manager Kelly Osler, Community Development Director Dan Johnson, Council Member Lee Czerwonka, and interested citizens

**ITEM 2: OPENING CEREMONY**

Pledge of Allegiance

**ITEM 3: APPROVAL OF THE MINUTES**

Commission members waived the reading of the minutes.

DECISION: Jim Sumner moved, Bev Gill seconded, to approve the regular meeting minutes of August 15, 2012 as submitted. A voice vote was taken. All members present voted aye. Motion carried.

**ITEM 4: HEARINGS**

**a. 9012 Blue Ash Road – Sandy’s Stagecoach Saloon, LLC**

Planned Development application for an addition to the existing building and to expand the parking and driveway areas at the site (Tabled on August 15, 2012)

DECISION: Jim Sumner moved, John Berry seconded, to remove item from table. A voice vote was taken. All members present voted aye. Motion carried.

PRESENT: Sandy Copenhaver – Applicant

In response to a request at the last meeting from Chair Schafer to look into whether or not the City had allowed alternate types of fencing as part of the standard buffer between C-2 and an R district, Dan Johnson said there have been some cases where it was varied. One is City Barbeque, where C-2 abuts R-2, and there was an existing wooden fence which was allowed to remain instead of building a new brick wall. Another is the Shoppes of Hazelwood on Cornell Road that does not have a 6-foot brick wall. When it was originally approved, it had a landscaping plan that met the requirement without a fence or a wall at all. After the development went bankrupt, the new owners requested an 8-foot wood privacy fence to meet the requirement in an alternate manner. The neighbors that moved in after that development was approved preferred a fence over just the vegetative buffer.

Sandy Copenhaver, owner of Sandy’s Stagecoach Saloon, said there is already an existing wood fence around the property and would like to proceed with the proposed addition, restrooms, and parking lot to further her business.

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In answer to a question from Bev Gill, Mr. Johnson said the heating company lot at Blue Ash Road and Alpine Avenue included a 50-foot buffer on the residential side of the proposed planned development. It would satisfy the C-1 buffer requirement even though it was zoned C-2.

Chair Schafer asked Dan Johnson if all the items the Commission requested to be addressed from the last meeting were adequately covered.

Mr. Johnson said the alternate site plan submitted did address the two parking spaces that were too close to the right-of way along the entry drive. The revised site plan was sent to the Engineer and he had the same comments, which were that it may meet the Code but is very tight from a design engineering standpoint. The Fire Department also said their comments were the same, which basically dealt with sprinkler requirements and so forth.

To answer another question with regards to where the fence would be located, Mr. Johnson said the information submitted by the applicant stated the location of the six foot high wooded fence would be approximately one foot from the property line and with the landscaping on the commercial side of the fence rather than the residential side, which is typical.

The lighting plan was not revised to meet the Code. Mr. Johnson said he assumes it could be met but does not do so in the form it was submitted.

Items regarding their hours were confirmed in writing such as the hours of operation, closing off the proposed garage doors at 11:00 and closing of the facility at 2:30. They also eliminated the idea of doing the project in two phases and propose one phase instead.

To meet the Code as a result of eliminating the two parking spaces, they reduced the size of the patio by 160 square feet, 4 feet from the patio along the east side. In doing that, they are able to increase the width of the drive which was one of the concerns from the Engineer as to how narrow that drive area was.

As far as addressing the Commissioners' concerns, Mr. Johnson said they have addressed the ones that were specifically talked about at the last meeting.

Before addressing specifics, Jim Sumner suggested discussing the viability of the project as a whole. Chair Schafer agreed and asked Mr. Johnson if there was any more feedback from nearby residents. There was none.

Jim Sumner commented that Staff recommended denial because of the use and he strongly agreed, stating they are really packing this lot with parking and an outside patio that would be open until 11:00. He feels the nature of the business, with the late hours, has too big of a potential impact on the residential areas. He stated there is a house 85 feet away and they have held off noisy, outdoor activities that were further away at other restaurants that have made similar requests. In keeping with that prior decision as well as looking at the arrangement of this location, it just does not seem appropriate even though he appreciates the investment and interest in improving this legacy building.

Dan Johnson said when this was first proposed he had serious reservations because of the type of use so close to the adjacent residential properties, particularly with the

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idea of an outdoor patio. However, there is a noise regulation for this type of business which is enforced by the Police Department. He added that a Planned District gives them decision criteria in the Code to tell if it's the right use in the right location. In reading the decision criteria, it's hard not to be concerned about the impact of an open patio concept. Jim Sumner said it is more than just the patio that concerns him; it's the increased traffic by expanding the facility.

John Berry said he tends to support it as he feels it goes toward what the City is trying to do with redevelopment in that area and the owner feels they need to expand to keep their business viable.

Chair Schafer asked for clarification in the comments made by Dan Johnson in the Staff report, regarding the impact as they see it in the areas where it exists today. Dan Johnson said his consideration is limited by the decision criteria in the Code. The Planned Districts requires that the decision criteria spelled out for Special Uses be used: Part F states that the added noise level created by activities associated by the proposed use and the impact of the ambient noise level of the surrounding area and neighborhood; and, Part E states the capacity of adjacent streets to handle traffic increase in terms of traffic volume. In reviewing them all, his greatest concern was the criteria that dealt with potential noise.

Jim Sumner said part of the criteria is also compatibility and, even though it's been there forever, it's always been small. The proposed project will double the impact with noise and traffic. Even with the patio closed in, there will still be a traffic problem.

Bev Gill said he agreed with Mr. Sumner regarding noise and traffic. He was also concerned that there were no details on the fence.

Ray Schafer said, as always, he is concerned with the abutting residential property and element of being impactful. To him, it does seem that it would be a negative impact to nearby residences.

At this point, Chair Schafer opened the floor for public comment.

Sandy Copenhaver said she went around to every neighbor that abuts the property and got signatures for their approval of it. She showed them pictures of what it was going to look like and they were happy with what she was proposing. She said she has already done a facelift on it with painting and cleaning up; however, she'd like to expand her business with the addition, which includes handicap accessible accessible restrooms. She said the additional on-site parking will keep patrons from parking on the side streets.

Ed Boesing, architect for the preliminary layout and design, said his understanding was that the main concern was it being a patio. In his opinion, the concern in the Staff Report about noise from the patio should not be as appropriate as it was originally since Ms. Copenhaver has agreed to do the project in one phase.

As there were no additional public comments, Chair Schafer closed the public hearing.

Dan Johnson said that what Mr. Boesing said was true that it did change from a patio, so it is less of a concern as originally mentioned but it is still a concern. Mr.

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Johnson pointed out that they did submit details for a typical 6-foot, dog-eared, wooden privacy fence.

Mr. Schafer said he has mixed feelings with this project with regards to the concerns of the immediate residents even though they did not hear any negative input at the public hearing.

DECISION: Jim Sumner moved, Bev Gil seconded, to recommend that City Council deny the proposed Planned Development for Sandy's Stagecoach Saloon as submitted. A voice vote was taken. Three members present voted aye and John Berry voted nay. Motion carried to deny recommendation.

**ITEM 5: MISCELLANEOUS BUSINESS**

None

**ITEM 6: ADJOURNMENT**

DECISION: There being no further business to be discussed, Jim Sumner moved, Bev Gill seconded, to adjourn the Planning Commission meeting. A voice vote was taken. All members present voted aye. Motion carried. The meeting was adjourned at 7:38 p.m.

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Ray Schafer, Chair

MINUTES RECORDED BY:

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Traci Smith