

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 7:03 p.m. on Thursday, August 5, 2010.

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

ALSO PRESENT: City Manager David Waltz, Assistant to City Manager Kelly Osler, Assistant Community Development Director Dan Johnson, Administrative Clerk Traci Smith, Council Member Lee Czerwonka, Council Member Stephanie Stoller 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, John Berry seconded, to approve the regular meeting minutes of July 7, 2010 as submitted. A voice vote was taken. All members present voted aye. Motion carried.

ITEM 4: Zoning Text Amendment

Proposed text amendment to add "Greenhouses and nurseries" as a Special Use in the R-3 Residential District (continued from July 7, 2010 meeting)

PRESENT: Chris McKeown – Bloomin' Garden Centre, Applicant

DECISION: Jim Sumner moved, Bev Gill seconded, to remove the Zoning Text Amendment from the table. A voice vote was taken. All members present voted aye. Motion carried.

Ray Schafer said it seemed the concerns of the last meeting were addressed in the Staff report and looked to the members who were present at the last meeting to confirm. Jim Sumner said they were looking for a way to narrow the proposal so it did not have broader implications across Blue Ash. They felt the proposal was very broad.

Dan Johnson said he included options for the Commission to consider in a way that would include this property, but not others. He said the options provided seemed to be the ones that were discussed or seemed to apply to other Special Uses that appear to be similar in the way they might impact a Residential district.

Jim Sumner said at the previous meeting they were trying to think through other places where if a couple pieces of property together there could be another proposal for a Special Use like this and if there would be difficulty with it. They noted that other Special Uses have a minimum land requirement and thought it would be appropriate for

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this use, should they proceed. Also, they want to ensure there is a large enough lot to provide adequate buffering and separation from the residential properties.

The Commission members that were in attendance at the first meeting felt the list addressed many of their concerns. There was general discussion regarding the Special Use permit being issued specifically to the owner or operator. In any case, the City has control over a Special Use permit.

The Commission reviewed the list of options for them to consider in response to their request and discussed each one. After discussion, Chairman Schafer summarized the list of proposed conditions as follows:

1. Business must have and maintain a Nursery Dealer Certificate (USDA).
2. A lighting plan must be submitted that demonstrates compatibility with the surrounding residential environment
3. No exterior loudspeakers
4. Minimum site area of 2.5 acres
5. Maximum site area of 3 acres
6. The parking area shall be located a minimum of ten (10) feet from the street right-of-way, twenty five (25) feet from all property lines and comply with Chapter 1188 for visual screening. The design, location, and surface of the parking areas and vehicular approaches shall be subject to approval by the Planning Commission so as to reduce congestion, promote safety, and reduce the impact on the residential character of the neighborhood
7. Hours of operation limited to weekdays from 7:30 a.m. to 8 p.m. and weekends from 8 a.m. to 6 p.m.
8. No outside parking or storage of trucks and trailers designed and manufactured for or used for specific commercial purposes including, but not limited to, wreckers, dump trucks, tracked vehicles, buses, construction vehicles, equipment vehicles and equipment carriers, bottling works delivery trucks, grain trucks and refrigerated trucks. Any vehicle, excluding recreational trailers and recreational vehicles, in excess of 10,000 pounds gross vehicle weight is not permitted.
9. Must have direct access to an arterial roadway

Ray Schafer revisited the question under the Special Permit application as to whether or not it should be specific to the operator/owner. The majority of the Commissioners felt it should be to the operator/owner, so that it would not automatically transfer to a new owner.

Jim Sumner said he is still uncomfortable with the planning principle of extending a non-conforming use. Jim Sumner said he blames the City of Blue Ash for not enforcing the property maintenance standards and allowing the property to deteriorate to the point that it became an eyesore.

Chairman Schafer opened the floor to public comment requesting that comments not be a repeat of what was discussed at the meeting last month.

Rick DeAngelis lives at 8845 Kenwood Road and said he is in favor of granting a Special Use specifically to the applicant (McKeown) in the event that they decide to sell the property to another owner.

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Walter Albrecht lives at 8849 Kenwood Road and said he is very disappointed in the City for allowing the property to deteriorate for more than 20 years. Mr. Albrecht also asked if he could purchase the property and carry out the plan that Mr. McKeown is proposing. Chairman Schafer explained that question is outside of the topic and suggested that he meet directly with City Staff to discuss a different plan than the item on the agenda.

Chairman Schafer closed public comments.

DECISION: John Berry moved, John Moores seconded, to recommend to Council the approval of the zoning text amendment to allow “Greenhouses and nurseries” as a Special Use in the R-3 District with the following specific criteria for approval:

1. Business must have and maintain a Nursery Dealer Certificate (USDA)
2. A lighting plan must be submitted that demonstrates compatibility with the surrounding residential environment
3. No exterior loudspeakers
4. Minimum site area of 2.5 acres
5. Maximum site area of 3 acres
6. The parking area shall be located a minimum of ten (10) feet from the street right-of-way, twenty five (25) feet from all property lines and comply with Chapter 1188 for visual screening. The design, location, and surface of the parking areas and vehicular approaches shall be subject to approval by the Planning Commission so as to reduce congestion, promote safety, and reduce the impact on the residential character of the neighborhood
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9. Must have direct access to an arterial roadway

A roll call vote was taken. All members present voted aye. Motion carried.

ITEM 5: 4815 Prospect Avenue – Tony Nasser

Proposed map amendment to rezone the property at 4815 Prospect Avenue from R-3 Residential to D-1 Downtown Commercial

PRESENT: Tony Nasser – KT Design Group, Applicant

Tony Nasser said the owner of the commercial building located at 9708 Kenwood also owns the residential property located at 4815 Prospect. One of the challenges of the

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commercial building has been a lack of parking. They are proposing to provide 10 additional parking spaces at the rear of 4815 Prospect, primarily as employee parking for the commercial building. The residential zoning prohibits any commercial use of the property, including for parking. Currently, commercial parking “spills over” along Prospect. Providing parking as shown would help minimize street parking while addressing the commercial need. The house at 4815 Prospect is currently rented the owner would like to keep it as-is, knowing that it would become a nonconforming use.

Mr. Nassar said the alley behind the commercial building would be improved for access to the parking lot. Dan Johnson explained that the “alley” is right-of-way and that he was unsure of whether the City would want to have an alley on that property or whether the City would somehow allow the applicant to build it or to what standards. Jim Sumner said the City may consider vacating the right-of-way.

There was general discussion regarding lighting and buffering. Mr. Nassar noted that the plan does not indicate any new lighting and that the lot would be buffered as much as possible to prevent disturbance to the adjacent properties.

Dan Johnson reiterated that this application is for re-zoning only. The alley access would have to be allowed by the City, the parking lot arrangement would have to be approved by the Downtown Design Review Committee. Many more details would be required to get to that point. David Waltz clarified that the actions of the Commission and eventually Council would simply be making them eligible to ask to pursue the development plan at this location. Currently, they are not even eligible to ask. The specific designs are not intended to be addressed tonight; just conceptually does the Commission want to change the zoning to allow a parking lot.

Mr. Nassar explained that employees parking in the lot would likely walk back out to Prospect to get around to the front of the building. John Moores asked whether the alley would go through to Fairview. Dan Johnson answered that the right-of-way does go through, but that the details of whether that would be connected have not been addressed.

David Waltz said there have been comments by some Prospect Avenue residents and City Staff that it would be nice to have some off-street parking to relieve some of the on-street parking. It needs to be balanced so that the additional parking to get people away from on-street parking does not intrude with the residential feel of the rest of the neighborhood. That is something the Downtown Design Review Committee would do with making sure there is enough buffering, lighting and landscaping.

Chairman Schafer opened the floor to comment; however, there were none so the floor was closed.

Jim Sumner stated that re-zoning is permanent and they do not even know if this will work; however, he also added that it was consistent with the Master Plan.

Bev Gill asked why this building was allowed to be built with an undersized parking lot in the first place. Dan Johnson said that building was built before he came to the City but that it has always met the legal requirements for the number of spaces required.

DECISION: John Berry moved, John Moores seconded, to recommend to Council approval of the zone change presented for 4815 Prospect Avenue from

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R-3 to D-1. A roll call vote was taken. Four members present voted aye and Bev Gill voted nay. Motion carried.

ITEM 6: 8793 & 8821 Kenwood Road – Bloomin’ Garden Centre

Special Use Permit application to allow renovations to the existing Bloomin’ Garden Centre site and to expand the business onto 8821 Kenwood Road (continued from July 7, 2010 meeting)

PRESENT: Chris McKeown – Bloomin’ Garden Centre, Applicant

DECISION: Jim Sumner moved, John Moores seconded, to remove the Special Use Permit from the table. A voice vote was taken. All members present voted aye. Motion carried.

In answer to a question if it was appropriate to consider this project since it is not part of the Code yet and approved by Council, Jim Sumner stated they would be considering it contingent on Council approval.

Chris McKeown said they want to use the property located at 8821 Kenwood Road, where there is currently a dilapidated house, for a couple of uses. They would like to extend the driveway through to that side to allow better customer flow of traffic and to receive deliveries via tractor trailer without blocking Kenwood Road. They would not expand any retail operation to that area, just a large display area with permanent plantings. The only structure will be a three-car garage used to house pick-up trucks for sales staff and a few parking places. The dumpster would also be on that property in an enclosed structure that would compliment the primary structure. This would also help with the noise for the residents located on Brittany Drive.

They also would like to replace the house on the property that they currently use as an office because it is over 150 years old. The new office would be in the same location and would look like a house from the outside to keep with the residential character of the neighborhood. The first floor would be used as a sales area with a cash register, public restrooms, some storage and an employee locker room. The second floor would be used for offices for management. He said that mulch would be stored in the very back of the property.

There was discussion regarding a privacy fence and headlights shining on the adjacent property to the north. Mr. McKeown noted that there is no exterior lighting and that they are only open during daylight hours. The members agreed that plantings are a preferred buffer and would leave the final approval to the City for adequate screening.

Jim Sumner felt it would be appropriate to consider this as a concept approval and ask them to come back with a detailed design for formal approval. Considering the proximity of the adjacent home to the property line, the members agreed that the garage should be setback 30-feet from the property line. Dan Johnson suggested that the Commission should not be so specific to give the applicant the flexibility to show it in a way that satisfies the Commission’s intent without upsetting the general nature of the plan.

There were no public comments, so Chairman Schafer closed the floor and entertained a motion.

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DECISION: Jim Sumner moved, John Moores seconded, to give concept approval to the plans as submitted contingent upon submittal of a final plan for recommendation to City Council and contingent upon City Council ultimately approving the Zoning Text Amendment to allow greenhouses and nurseries as a Special Use and with the guidance that the proposed garage be located approximately 20-30 feet from the north property line in the final design. A roll call vote was taken. All members present voted aye. Motion carried.

ITEM 7: MISCELLANEOUS BUSINESS

David Waltz advised that the developer for Old Pfeiffer Road withdrew the rezoning and development proposals before they went to Council for final action based upon a desire to try to work with neighborhood.

Jim Sumner commented that the officers for Planning Commission have not been re-appointed in quite awhile and they also need to elect a Vice Chairman.

DECISION: John Berry moved that Ray Schafer continue as Chairman and volunteered himself to serve as Vice Chairman; Jim Sumner seconded. A voice vote was taken. All members present voted aye. Motion carried.

Jim Sumner mentioned that the new Property Maintenance requirements passed and were mentioned on the news, with both pros and cons.

ITEM 8: ADJOURNMENT

DECISION: There being no further business to be discussed, John Berry moved, Jim Sumner seconded, to adjourn the meeting. A voice vote was taken. All members present voted aye. Motion carried. The meeting was adjourned at 9:27 p.m.

Raymond Schafer, Chairman

MINUTES RECORDED BY:

Traci Smith