

BLUE ASH PLANNING COMMISSION

October 7, 2010

Page 1

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, October 7, 2010.

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

MEMBERS NOT PRESENT: 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 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: John Moores moved, John Berry seconded, to approve the regular meeting minutes of September 2, 2010 as submitted. A voice vote was taken. All members present voted aye. Motion carried.

ITEM 4: 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 August 5, 2010 meeting)

PRESENT: Chris McKeown – Denny McKeown Inc., Applicant
James Wood – Denny McKeown Inc., Designer

Dan Johnson reviewed the timeline of the request for the Special Use Permit. In July of 2010, the Commission discussed a zoning text amendment that would change the Code to allow a Special Use Permit to be considered, which would allow the applicant to incorporate the adjacent property into the existing business in the manner they have proposed. The zoning text amendment is a separate application from the Special Use Permit, which is the actual plan review for the site. At the first meeting in July, the Commission discussed the zoning amendment and ended up tabling it for more information. The Special Use permit application was also tabled at that meeting. On August 5, 2010, the Commission discussed the text amendment and recommended approval to City Council with conditions that would limit its scope. At that meeting, the Commission also discussed the Special Use Permit based upon the plans they had at the time. Council has since held the public hearing and first reading of the text amendment ordinance; the second reading and vote will be at the October 14, 2010 Council meeting. So this meeting of October 7, 2010 is the second time the Commission will have discussed the Special Use Permit application.

BLUE ASH PLANNING COMMISSION

October 7, 2010

Page 2

At the first discussion, the Planning Commission requested a more detailed plan relative to the distance of the new 3-car garage/accessory building to the northern property line, a detailed landscaping plan that calls out the plant species, and more detail about the proposed fences. The more detailed plan that was submitted as a result addresses those requests. The fence along the north property line is noted as “optional”; therefore, he recommended that the Commission specifically discuss that fence and include any decision in the recommendation to City Council.

Chris McKeown said the drawing they have now is more detailed and reiterated that the retail side of their operation will not be expanded to the northern parcel. There are a few important things they want to accomplish with that piece of property. The first is to connect the driveway from 8821 Kenwood Road to 8793 Kenwood Road to give more distance between the two driveways for customers entering and exiting and to receive deliveries without disrupting traffic on Kenwood Road. The other function would be their display gardens to showcase plants in a more mature size and it would also allow them to be able to demonstrate their landscape services. They would also like to have this garden area as a benefit to the community. He said Blue Ash is very well noted for its flowers and the beauty in all the public areas, but even though this is privately owned they would like this to be a piece of property that Blue Ash can be proud of.

James Wood, designer for Denny McKeown Landscape, explained that they plan to forego the 3-car garage that was shown on the original plans and instead upgrade the existing 2-car garage with new siding, roof, and garage doors. The architectural treatment would match the proposed new structure. The existing 34.2-foot setback from the north property line will result in a nice border between this property and the neighbor, Mr. DeAngelis. This will be like a mini arboretum and will have all the different elements and plants that work right here in our community. Hardscape elements such as patios, seating walls, and different style pathways will also be showcased. It will be a place where people can come to get ideas for their yard. It will be completely surrounded by a buffer on all sides and intended to be a private area.

Chris McKeown noted that the application is also to replace the existing house on 8793 Kenwood Road that is 150 years old and in bad condition. They would like to remove that house and build a new building that will have the appearance of an old farmhouse residence, but inside would be more functional. The garage would be changed to match the appearance of this new building. Mr. McKeown added that the new building would be the same size of the existing building.

There was general discussion regarding the “optional” fence located near the north property line. The Commission generally agreed that it would only affect the adjacent property owner, who was not present. David Waltz said he thinks the 2-board fence should be required along Kenwood Road and along the south side of the 8821 property to help separate the retail operations from the proposed gardens.

At this point, Chairman Schafer opened the meeting to public comments.

Jim Burnside lives at 8826 Kenwood Road, which is directly across from the new (8821) property. He said that headlights have shined on his house every night since that property was purchased by the McKeowns two years ago. There are commercial vehicles that have parked and used the property during that time. He also said he wanted all comments he has made at previous meetings that pertain to this specific

October 7, 2010

Page 3

property to be included in these minutes. Dan Johnson said those can just be referenced and that what is discussed at this meeting is what will be in the minutes. Mr. Burnside then restated his other concerns.

Mr. Burnside explained that before they bought the house where they have lived for 18 years, he asked the City about what the law allowed for the nursery property across the street. He was told at the time that it could not expand and it would revert back to residential property if any changes were made illegally. He asked that the City enforce Section 1187.02 and require that the property be used only as residential. He noted that the 2003 Land Use report does not support the proposed commercial use and he would like that to be enforced also. He pointed out that there is a third piece of property in the very back that is also zoned residential, but that has been used for commercial for the last 15 years. This situation should have been taken care of a long time ago. He said he did not want to get to this point and tried to be a good neighbor, but not with semis pulling in late at night and power equipment that runs continually.

Chairman Schafer closed the floor to public comments.

Ray Schafer asked Dan Johnson if he had received those requests that were indicated with regard to 1187.02, the 2003 Land Use Plan, and the property in back being residential. Mr. Johnson said he has heard Mr. Burnside say in previous meetings that he believes the use has expanded and it is a direction that in contrary to what he feels it should be. Mr. Johnson explained that enforcement of the Code provisions that he noted is an administrative matter and the Planning Commission should continue down whatever path they feel is appropriate relative to the application for a Special Use Permit regardless of the history of the property. The Commission is not required to take testimony on the past or how a specified Code provision should be enforced. The Commission's job is to consider whether a Special Use Permit should be granted based upon the application that was submitted.

In response to a question, Dan Johnson explained that the proposed Special Use Permit would not be eligible for Council approval unless and until Council approves the proposed text amendment that would make it possible.

DECISION: John Moores moved, John Berry seconded, to recommend to Council approval of the Special Use Permit application at 8793 Kenwood Road to allow the renovation of the existing Bloomin' Garden Centre site and to expand the business onto 8821 Kenwood Road as proposed with the following conditions:

1. Two-board fences as shown on the plan along the south and east sides of 8821 Kenwood Road are required.
2. The privacy fence along the north lot line, as shown on the plan, is optional based upon the agreement of the adjacent property owner.
3. Based upon the site plan and exhibits as submitted.

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

ITEM 6: MISCELLANEOUS BUSINESS

There was no miscellaneous business.

BLUE ASH PLANNING COMMISSION

October 7, 2010

Page 4

ITEM 7: ADJOURNMENT

DECISION: There being no further business to be discussed, John Berry moved, Bev Gill seconded, to adjourn the meeting. A voice vote was taken. All members present voted aye. Motion carried. The meeting was adjourned at 7:50 p.m.

Raymond Schafer, Chairman

MINUTES RECORDED BY:

Traci Smith