

BLUE ASH PLANNING COMMISSION

December 6, 2007

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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, December 6, 2007.

MEMBERS PRESENT: Raymond Schafer, Beverley Gill, John Moores,  
William Sikute 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 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, Bill Sikute seconded, to approve the regular meeting minutes of November 1, 2007 as submitted. A voice vote was taken. All members present voted aye. Motion carried.

**ITEM 4 – Blue Ash Road & Alpine Avenue, Zoning Map Amendment – Merrill, Price, Novick, Knuckles and Casada**

Recommendation to City Council to amend the Zoning Map from R-3 to C-1 for certain land addressed 4615 Alpine Avenue, 9092 Blue Ash Road, 9084 Blue Ash Road, 9076 Blue Ash Road and 9110 Blue Ash Road

PRESENT: Philip Novick, Applicant

Phil Novick said he resides at 9084 Blue Ash Road and is one of five property owners requesting the zone change to C-1. He explained the homes in the requested area were constructed around the 1940's and have outlived their usefulness for residential. Most of these homes only have about 1,200 square feet of living space above grade and the market is not strong for that type of structure under residential use. With the location on the southeast corner of Ronald Reagan Highway and the east side of Blue Ash Road, they feel it would be more conducive for a softer use such as office. This is also what is reflected in the Land Use Plan map. The area of the five parcels is just over one acre. Ray Schafer asked if Mr. Novick was speaking on behalf of all five property owners. Mr. Novick confirmed.

Jim Sumner asked if there was a specific project and buyer for this property. Mr. Novick said there was no developer at this time, but since the Land Use Plan supported a commercial zoning, they want to expedite the transition to C-1 to enhance the possibility for a developer to purchase those five sites.

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There was general discussion regarding the specific location of this requested area. Bill Sikute had a concern that there was no natural dividing line such as a creek, highway, right-of-way or railroad track. In the past, areas have not been rezoned that did not have a natural boundary defined. He noted that this goes right between two homes on Alpine Avenue. Phil Novick said there would be a buffer between residential and commercial.

Ray Schafer asked City Staff about the Master Plan thought process for the transition. Dan Johnson said he was not involved in the Master Plan process and there is no specific language in the Plan that describes this area in detail.

Ray Schafer asked about the permitted uses for C-1 and the Commission's ability to control those uses. Dan Johnson said C-1 is not a planned district so, if the land were to be rezoned, any of the C-1 uses would be available to the property owner assuming they satisfied the Board of Site Arrangement requirements relative to the design of the lot itself. The permitted uses include retail sales, offices, restaurants, food service, entertainment, etc.

John Moores said he had this same concern as Mr. Sikute and added that the C-1 setback for side yard is only 5-feet and wanted to know if there was a way of protecting or buffering the adjoining property. Dan Johnson said not in this process as this request is for rezoning only. The Board of Site Arrangement would look at things such as buffering and could require additional buffering during the plan review process. Additionally, there are landscape standards that do require additional setback where commercial property abuts residential. Mr. Johnson quoted from the zoning code that there is a 50-foot side and rear yard setback required with a certain amount of planting. At a minimum, the setback would be increased from the where the current structure is.

Jim Sumner commented that with the C-1 district the Planning Commission would have little control over what could be developed. He said in the past he has generally been reluctant to rezone residential to commercial, but the few times that it has been done they have always been able to leverage the rezoning to get a quality, compatible project. Doing the rezoning upfront puts a risk of something that is not as compatible with the residential area. Dan Johnson confirmed that once rezoned, those uses become available. Bill Sikute pointed out rezoning would then make these residences a non-conforming use and restricts what that property owner can do and fall under a different set of rules. Mr. Johnson said that generally they would not be allowed to do an addition. Mr. Sikute wanted to be sure the property owners were aware of that. Mr. Novick said they were aware and that they were laying the ground work for a softer use such as medical office, insurance or appraisal offices that could use the existing structures to compliment the business core area to the south. He does not see a residential redevelopment in that area, especially next to the railroad and with industrial across the street. He said the old properties are being maintained the best they can, but that the whole area is getting a tired look. Jim Sumner commented that the current structures could turn into an insurance company with the possibility of nothing being done to the structure. Mr. Novick feels that a business would update the existing structure since this would be a reflection of their business.

Bill Sikute asked staff if the adjacent properties owners were made aware of this application. Dan Johnson said there is no notification prior to this stage for rezoning. It would be prior to Council, which holds the public hearing. Dan Johnson read the

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applicable section of Chapter 1127, Amendments. It was noted that this chapter had been amended in 2003.

Dan Johnson said the code for residential and commercial buildings is entirely different. To upgrade from residential use of something that was built in the 1940's to a commercial office of any type that meets current code might be a difficult thing. If the structure is torn down then the buffer that would exist would be the one specified by code, which is the minimum 50-feet. There was additional discussion regarding buffer for the residential area.

Ray Schafer asked City Staff what the guidelines would be for buffering. David Waltz said that is specified in the code and subject to approval by Board of Site Arrangement, as that is their concern. The responsibility for the Commission is to determine if the proposed amendment is consistent with the Land Use Plan and generally good for the area. He noted that zoning decisions should be independent of any project for a couple of reasons: so that it is not contract zoning and because the project could change after the rezoning is complete. He agreed that there is a natural tendency to want to have a project, but in theory he said it should either be good decision or bad decision to rezone, regardless of a specific development plan. Jim Sumner commented that it has been a historic precedent to only rezone when a project was known and that an approval would often put a certain timeframe for the project to happen. He added that if the project did not proceed, then it reverted to old zoning.

Ray Schafer said that one of the things they have done is to protect the abutting properties. Right now, it is set up that the abutting properties are not in attendance and that makes it difficult for him to make a decision. Bill Sikute agreed and also said the properties seemed very selective. Jim Sumner said he struggles on where it stops going down Alpine and that is why he is having difficulty supporting. John Moores and Bev Gill agreed. Dan Johnson said the privately owned property boundaries are exactly as indicated in the master plan. Jim Sumner said he understands what was put in the master plan and was personally was not comfortable with that element as he has never supported loss of residential property. He would rather see it turn over to another residential use and stated that the master plan is a concept. John Moores said he would be more comfortable if the properties being discussed all fronted Blue Ash Road. Bev Gill said he did not think there was enough information to warrant the change.

David Waltz said another alternative would be to rezone to C-2 instead of C-1, which is a Planned District so any new plan would have to come before Planning Commission. He also said that, if they recommended C-2, it would be a good idea to also include the current C-1 area to the south.

Dan Johnson asked the Commission to discuss what additional information would be useful if they were considering tabling this issue. Bill Sikute said for him it is that the decision would be made without notification to residents. Ray Schafer said it is a question of the other residents, understanding the buffering requirements, and know what project might be going in the area after it is rezoned. Mr. Schafer does like the idea of C-2 to have better control of what goes in that area.

At this point, Chairman Schafer opened the meeting to public comments. Harold Hunley said he is a specialty contractor and a friend of Phil Novick. He said he has experience in planning and believes that any specific design, elements, and style of a future proposed development should be addressed when a plan is presented for zoning

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approval. Mr. Schafer explained that he sees some benefits to the proposed rezoning, but needs to understand all of the issues and determine what it best for Blue Ash.

Maxine Casada said she represents 9110 Blue Ash Road, which was her parents' home; she lived there since 1955. Her mother passed away in December and no one currently resides there. The home needs approximately \$75,000-\$100,000 to get it back in good shape for residential use and she cannot see putting that kind of money into it.

Jim Sumner said this is tough for him. He recognizes that eventually it may be rezoned to be consistent with Blue Ash Road and that is why it is in the Master Plan the way it is. However, he still holds out hope that this kind of bundling could produce some other kind of residential development to preserve the residential nature. The issue of the condition and situation of these homes is prevalent throughout that neighborhood and should be addressed for the neighborhood as a whole. Mr. Sumner said that without a specific project he would have difficulty with either C-1 or C-2, but does favor C-2 a little more since it has the planned element. Having a specific project would allow the impact of the neighborhood to be seen. The Commission members were in agreement that something like the Shoppes of Hazelwood project was a nice combination of commercial and residential.

Ray Schafer summarized that the Commission would like to see how the other residents feel about this change, understand buffering, the potential of going to C-2, creating something like Cornell Road, and what the plans are for the rest of Alpine.

DECISION: Bill Sikute moved, John Moores seconded, to table. A roll call vote was taken. Three members present voted aye and two members present voted nay. Motion carried to table.

Jim Sumner suggested having a special meeting in a couple of weeks so the applicants would not have to wait until January. David Waltz suggested December 20<sup>th</sup> as a possible meeting date.

**ITEM 5– MISCELLANEOUS BUSINESS**

There was no miscellaneous business.

**ITEM 6 – ADJOURNMENT**

DECISION: There being no further business to be discussed, John Moores moved, Bill Sikute seconded, to adjourn the meeting. A voice vote was taken. All members present voted aye. Motion carried. The meeting was adjourned at 8:05 p.m.

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Raymond Schafer, Chairman

MINUTES RECORDED BY:

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Traci Smith, Administrative Clerk