

BLUE ASH PLANNING COMMISSION

June 3 2010

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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 7:07 p.m. on Thursday, June 3, 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 May 6, 2010 as submitted. A voice vote was taken. All members present voted aye. Motion carried.

**ITEM 4: Cornell Road – R&D Enterprises**

Time extension for a Planned Development approval for an approximate 4,500 square foot commercial building on Cornell Road (formerly part of the Cornell Office Center development)

PRESENT: Rick Grinstead-R&D Enterprises, Applicant

Rick Grinstead said they are requesting an extension because they were not able to close on the property until April 14, 2010 due to delays with easements they had to do with Stock Building Supply and to take care of a lien on the property that was previously unknown. They are now coming into their busiest time of the year for the company that is going to move into the building. Since all of the plans are not yet complete for the inside of the building they would like a year extension to get those done. They would prefer not to do that during the busiest time of the year for their business.

Chairman Schafer clarified that the extension of time does not change any aspects of the development approval.

DECISION: John Berry moved, Jim Sumner seconded, to approve the request for an extension on this project. A roll call vote was taken. All members present voted aye. Motion carried.

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**ITEM 5: 10375 Kenwood Road – City Barbeque**

Planned Development approval for a new restaurant on the site of Rombes Restaurant and the former Jiffy Lube

PRESENT: Don Feibel, Applicant

Don Feibel represents City Barbeque, which is a restaurant based in Columbus. The project involves razing Rombes restaurant and the Jiffy Lube property next door and building a new building. Mr. Feibel said City Barbeque started in Columbus 11 years ago and now has 13 locations. They are hoping to be open in Blue Ash in early spring of 2011. Mr. Feibel showed renderings of the proposed building and outside enclosed patio. He said the whole building is brick with HardiPlank on the back. The restaurant serves beer, but not liquor. He stated that the Code requires 45 parking spaces for the 130 seats the restaurant will have, but the site will have about 60 parking spaces and will have crossover rights with the adjacent shopping center. He said there are currently three curb cuts on Kenwood and they are requesting to keep two, with the one closest to the intersection being a right-in only. Mr. Feibel said there will not be a drive-thru window and that none of their locations have them.

There was general discussion in regards to having the smokers visible outside of the building. Mr. Feibel explained that they are part of the City Barbeque appearance. Dan Johnson said the Code allows them to be outdoors and that they are clearly for aesthetics. Mr. Feibel noted that they are in a fenced area that is not accessible to patrons and the wood is stored and fed from the inside. Nothing is stored in the smoker area.

Dan Johnson clarified the buffer requirements from the staff report and said between the C-2 district and the R district adjacent to it, there would need to be a 10-foot buffer, which the site plan shows. There are several different options of what to put in that buffer and the Commission should specify its preference in the recommendation; otherwise, the applicant can choose from any of those options when they submit for a building permit.

In answer to a question, Mr. Feibel said they have not yet submitted a lighting plan but will meet Code. Mr. Johnson said the Code states that there can be no light that spills over to an adjacent residential property that is more than 0.2 foot candles, which means a very small amount. Mr. Johnson said regardless of how many foot candles spill over on that side, even if it is at the minimum, he would require them to be shielded on that side so that no one could actually see the bulb.

Mr. Moores had a comment regarding the right-in/right-out at the corner and felt that really was not a good idea. He feels that it would be a good idea for that to be eliminated. Dan Johnson said he forwarded the right-in/right-out request to the Police Department and City Engineer for their comments. He said the response of Police Department was that it might not give vehicles maneuvering in the parking area enough warning of vehicles turning into the lot which could potentially cause conflict in the adjacent right-of-way. He said the City Engineer did not recommend the revised access location and felt it would be a safety issue being so close to the intersection.

In answer to a question, Mr. Feibel said there would not be music on the outdoor patio and added that their restaurants are closed by 9:00 P.M.

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John Berry said the south elevation is going to be an obvious elevation coming north on Kenwood Road and encouraged them to consider doing some masonry on that elevation instead of just HardiPlank. Jim Sumner agreed and feels it would be appropriate to look at some alternate treatment for the south elevation. He said he would be comfortable to leave to the discretion of City Staff to work out those details.

There was general discussion regarding signage and Mr. Feibel said they would comply with Code at this time, but could possibly come back to request a variance later. Dan Johnson added that he has not reviewed the sign sizes yet but they appear to be in compliance with what the Code would require. He said the Code does not prohibit signs on other sides of the building; it simply limits the size of the signage based upon the frontage of the building to which it is attached. He said that if they should come to him with a proposal for a sign on the south side that met the size requirement, normally that would also be permitted and that if the Commission does not want that to be permitted, he suggests including that in their recommendation.

Sean Suder is the attorney for the Rombes Company LLC from the law firm of Keating Muething & Klekamp. He said the Rombes will actually be ground leasing to City Barbeque and will take the property back should City Barbeque ever leave. They will also continue to own the shopping center that is next door. They support this project and the plans submitted. He said that what is most important to them with respect to this plan is the right-in only access. He said that is how people have been accessing that area for 30 years without any known significant accidents as a result. They believe it would allow better access to the Rombes Station retail center than if patrons have to go behind the proposed City Barbeque.

Chairman Schafer requested any public comments.

Bonnie Hauff, owner of 10341 Kenwood Road, said her main concern with this project is the traffic. There are six lanes on Kenwood Road in front of the proposed driveway, with two southbound lanes merging into one. Her other concern was outdoor music. David Waltz said the restaurant would be closed by 9:00 P.M. according to the applicant and, if there was any music, there would just be ambient music in the background and no live music.

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

David Waltz said he and Dan Johnson had discussed ways to soften the south elevation by adding brick or even by doing tree plantings since there is space beside the building. So, they have a couple of options to look at if the Commission recommends softening that elevation. Also, he said in regards to the location of the smokers, it was worth noting that there will be cars and other traffic in between that and the smokers and that the concept might be more intimidating than the reality. He said it's a great reuse of the property and an improvement over the vacant oil change facility. He suggested that if the Commission has a specific recommendation then to put it out there, but feels a lot of it could be handled internally.

Ray Schafer suggested discussion regarding the traffic and the right-in only. Jim Sumner feels it is important for the internal movement of the property to allow the right-in. To him, there seems to be sufficient space and that it is an important element for the viability of the site. Mr. Schafer agreed, unless the City Engineer is totally against it. David Waltz clarified that not having the right-in is an Engineer preference and is nothing illegal. He said that the City Engineer would review further with a preference towards allowing the right-in only.

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DECISION: Jim Sumner moved, John Moores seconded, to recommend approval of the City Barbeque Planned Development with the following conditions:

1. All building code provisions and other design elements be approved by City Staff
2. Cross access easements be recorded to provide legal access to the Kenwood and Glendale Milford driveways for both the existing multi-tenant building and the proposed new restaurant
3. The driveway at the south edge of the development be widened to provide for a 2-lane exit
4. A right-in driveway at the location of the existing Rombes driveway be permitted (as shown on a diagram submitted to the Commission at this meeting) unless the City Engineer finds that such driveway would be a significant danger or problem for the traffic in on Kenwood Road and in the intersection with Glendale Milford and Pfeiffer Roads
5. An easement be provided to ensure that the ground sign for the adjacent use is available to that property
6. A Building Permit Application be submitted for the development within one year of approval
7. Further consideration of the architectural treatment of the south side of the building, with details to be worked out with City Staff
8. That no lit signs be permitted on the south side of the building
9. The buffer on the south side of the lot, abutting the residential district, be vegetative rather than hardscape

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

**ITEM 6: MISCELLANEOUS BUSINESS**

Dan Johnson advised that regular Planning Commission meeting in July needs to be moved to the following week and proposed Wednesday July 7<sup>th</sup>. Ray Schafer might not be available on that date.

David Waltz and the rest of the Commission wished John Moores a Happy Birthday.

**ITEM 7: ADJOURNMENT**

DECISION: There being no further business to be discussed, Jim Sumner moved, John Berry seconded, to adjourn the meeting. A voice vote was taken. All members present voted aye. Motion carried. The meeting was adjourned at 8:24 p.m.

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Raymond Schafer, Chairman

MINUTES RECORDED BY:

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Traci Smith