

BLUE ASH PLANNING COMMISSION

July 7, 2010

Page 1

ITEM 1: MEETING CALLED TO ORDER

Acting Chairman Jim Sumner called the regular meeting of the Blue Ash Planning Commission to order at 7:13 p.m. on Thursday, July 7, 2010.

MEMBERS PRESENT: John Berry, Beverley Gill and James Sumner

MEMBERS NOT PRESENT: Raymond Schafer and John Moores

ALSO PRESENT: City Manager David Waltz, Assistant Community Development Director Dan Johnson, Assistant to City Manager Kelly Osler, Administrative Clerk Traci Smith, Council Member Lee Czerwonka, Council Member Stephanie Stoller, Council Member Tom Adamec 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 Berry moved, Bev Gill seconded, to approve the regular meeting minutes of June 3, 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

PRESENT: Chris McKeown – Bloomin' Garden Centre, Applicant

Chris McKeown said back in October 2008 they purchased the property at 8821 Kenwood Road, which is north of the Bloomin' Garden Center. He said that property has a severely blighted house that had gotten in that condition from the previous owner. They purchased the property in the hopes of improving the condition of the neighborhood and to use the property to create display gardens to showcase their goods and services. They would not use that property for any retail, but would like to connect the driveways to provide a bigger driveway for better maneuverability and safety. They currently block Kenwood Road when taking deliveries that arrive by tractor trailer trucks.

They are hoping to change the zoning since they are currently non-conforming to allow greenhouses and nurseries as a Special Use in the current R-3 residential district. He said the retail garden center business is a seasonal business. They do not impact the neighborhood as most other retail businesses would. During most of the year, the business is closed by six o'clock P.M. Since their hours are accommodated by Daylight Savings there is no outdoor lighting. Employees use hand-held radios to communicate and not loud speakers. He said they try very hard not to disturb the neighborhood. Mr. McKeown said that none of the proposed changes will change how they operate the business. They have no intention of using

BLUE ASH PLANNING COMMISSION

July 7, 2010

Page 2

any part of the 8821 Kenwood Road property for retail sales. All retail sales will remain within the current boundaries of the garden center. The blighted building and swimming pool will be removed and become display gardens to enhance the property and the City of Blue Ash.

Mr. McKeown added that all of their employees are educated by the State of Ohio and they bring a high level of service. They offer quality plants and products that increase their customer's success. He said it is very obvious that Blue Ash residents care about their landscapes and their business provides a local alternative to purchase the supplies needed to maintain their landscape.

In answer to a question, Mr. McKeown said they do not store any large equipment at the Kenwood Road facility. He said bigger equipment is kept at a property on Deerfield Road that they purchased last year. Mr. McKeown also clarified that the existing office on their garden center property is also deteriorating. They would like to replace it with a new building that would look like a farmhouse and that would have restrooms, storage and a small sales area. The existing greenhouse would remain.

Acting Chairman Jim Sumner clarified that the two items on the agenda tonight need to be considered as separate issues: the Zoning Amendment first, then the Special Use application. Mr. Sumner opened the meeting to the public for comments.

Jim Burnside, who lives at 8826 Kenwood Road, asked why this issue is before the Commission again as it was presented last year and was denied unanimously. Mr. Sumner advised this proposed amendment was revised from what was submitted previously. Mr. Burnside said he is opposed to this project and wants to keep the neighborhood residential. He would like to see business moved to another part of town. He said he also does not want to have the commercial driveway directly across the street from his. Mr. Sumner asked Mr. Burnside about the letter he submitted this evening that was originally dated August 2009. Mr. Sumner asked for confirmation that this letter still represented the thoughts of the two other individuals on the letter, Jim Mullaney and Rick DeAngelis. Mr. Burnside confirmed that it did; although, Mr. Mullaney was not present at the meeting.

Rich DeAngelis, who lives at 8845 Kenwood Road, agreed that something needs to be done since the property is blighted, but had concerns with what would happen to the property should the McKeown's go out of business. He would want something stated that it would automatically revert back to a residential use or lose the Special Use. Mr. DeAngelis said the McKeown's do a neighborly job with noise and would just like to see this done the right way initially. Mr. DeAngelis read the letter submitted by Mr. Burnside and confirmed that he agreed with the issues in the letter. He's not totally against the property, but some things just need to be worked out.

Walter Albrecht, who lives at 8849 Kenwood Road, commented that the gentlemen objecting to the project purchased his property knowing the business was there and wondered why he would have bought the house if he did not like having it there. Mr. Albrecht said the McKeown's have been very good neighbors and the piece of property they are hoping to improve has been in that condition since 1995. He said he is more upset with the City for not doing anything about it and would appreciate if that could be improved.

Jim Burnside said that before he made an offer on his current home, he came to the City of Blue Ash to make sure the Garden Center could not change. He said he was told that not only could it not change but also that it would eventually revert back to residential.

July 7, 2010

Page 3

Chris McKeown said the property at 8793 Kenwood Road has functioned as some sort of a business since 1920. It started as a fruit market and evolved itself to a garden center. He said a garden center is never really going to outlive its use. They have a thriving business and have no intention of going anywhere. He feels a garden center is a business that would be found acceptable by others in a residential area since it adds beauty.

Eileen Willis, who lives at 8773 Kenwood Road, said she is in favor of the project. She thinks it is a good idea and that it would be beautiful for the neighborhood.

Stephanie Stoller commented that the location where they are proposing the driveway might benefit traffic making a left turn, since it appears to be above the hill.

Acting Chairman Sumner closed public comments.

David Waltz reiterated that this decision would have the effect of removing the non-conforming use status, making the Bloomin' Garden Center a legal Special Use. If they were to make a recommendation and permit this, then time should be spent talking about what to do to make sure this has some sort of hardened boundaries for expansions, etc. if they have those types of concerns. Once it becomes a legal use then a different set of standards would apply. Since this is a text amendment that would affect the whole city and not just this property, greenhouses would now be permitted in any R-3 district. So, wherever there is an R-3 district anyone would have the right to apply for it, but does not mean they would automatically get it since it is a Special Use.

Dan Johnson added that the Code provides the opportunity to grant a Special Use permit to a specific owner or operator and would not automatically transfer to a new owner should the McKeown's go out of business.

John Berry commented that there is a not specific qualifying criterion for greenhouses to meet in order for them to apply. Although, since Special Use permits always go before Planning Commission, they can make restrictions at any time on any application.

Jim Sumner feels this is just another way to expand a non-conforming use, even if it does allow them to also address general improvements for the rest of the property. However, Mr. Sumner does not want zoning decisions to be driven by unsightly conditions.

Bev Gill said he feels the City should work with the McKeown's since they are a good business and are trying to be good neighbors. He did have concerns with what would happen should the McKeown's no longer have their business there. David Waltz explained that the City cannot "work with" the McKeown's since they have a non-conforming use. So, a Zoning Amendment is his only alternative.

Jim Sumner asked what use of the property would be permitted under the current Code. Dan Johnson said the options are limited to clearing the land and planting plants. It would not allow them to connect the driveways, which is one of their primary goals. There could be no other use of that property that was obviously related to the business. If patrons start walking over from the existing commercial facility or trees and flowers are labeled, it is an extension of commercial use and that is prohibited. Jim Sumner asked if there were any alternatives to a Code Amendment that would not have implications across the City. David Waltz said it could be re-zoned to a Commercial zone of some sort, but feels that might be more harmful to the adjacent residents should they decide to sell.

BLUE ASH PLANNING COMMISSION

July 7, 2010

Page 4

There was general discussion about wording that might be able to be used on the zoning text amendment to say “existing greenhouses”. Mr. Johnson said he would look into that, but commented that generally the basis of zoning is to cover more than one property. There was also discussion about what criteria should be considered for the parameters of the text amendment. It was noted that since the quorum is small it might be a good idea to get additional input from the other members who have a lot of Planning Commission experience.

Jim Sumner said he thinks it is prudent to allow the Administration time to look at options to narrow the greenhouse and nurseries qualifying criteria to further limit the impact beyond this parcel and then to allow consideration by a full Planning Commission at the next meeting. The other members were in agreement. They all had concerns about the broader impact, not just the project.

Dan Johnson asked if there were specific items that had come to mind as examples of what he should investigate. A minimum and maximum site size was suggested and possibly limiting it to existing nurseries.

DECISION: Bev Gill moved, John Berry seconded, to table the application. A voice vote was taken. All members present voted aye. Motion carried.

ITEM 5: 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

DECISION: John Berry moved, Bev Gill seconded, to table. A voice vote was taken. All members present voted aye. Motion carried.

ITEM 6: MISCELLANEOUS BUSINESS

There was no miscellaneous business.

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 8:26 p.m.

James Sumner, Acting Chairman

MINUTES RECORDED BY:

Traci Smith