MINUTES OF THE
CITY PLANNING COMMISSION
JANUARY 20,2006
J. MARTIN GRIESEL CONFERENCE ROOM
TWO CENTENNIAL PLAZA – SUITE 700
805 CENTRAL AVENUE

CALL TO ORDER

Mr. Faux called the meeting to order at 9:05 am.

Commission Members:

Present: Caleb Faux, Terry Hankner, Jacqueline McCray, Donald Mooney, Dave Rager and James Tarbell

Members Absent:

Community Development and Planning Staff:

Margaret Wuerstle, Renee Christon, Steve Briggs, Katherine Keough-Jurs and Jennifer Walke

Law Department:
Julia Carney

APPROVAL OF MINUTES

Submission of the minutes from the December 7, 2005 Planning Commission meeting for approval.

Motion: Ms. Hankner motioned approval of minutes.
Second: Mr. Mooney
Ayes: Faux, Hankner, McCray, Mooney, Rager and Tarbell
Nays: None, **motion carried**

Submission of the minutes from the December 16, 2005 Planning Commission meeting for approval.

Motion: Ms. Hankner motioned approval of minutes.
Second: Mr. Mooney
Ayes: Faux, Hankner, McCray, Mooney, Rager and Tarbell
Nays: None, **motion carried**

CONSENT ITEMS

ITEM #1 A report and recommendation on an ordinance authorizing grant of easement to the Cincinnati Gas & Electric Company.

ITEM #2 A report and recommendation on an ordinance authorizing grant of easement of Port Authority property located at 303 Broadway.

ITEM #3 A report and recommendation authorizing the sale of Barr Alley, between Eastern Avenue and Callahan Street, in the East End, to Joyce Clem.

ITEM #4 A report and recommendation on the execution of a plat to release and quit-claim a water main easement through Willow Pointe Lane, a private street located outside of the City of Cincinnati.

ITEM #5 A report and recommendation on a Subdivision Improvement Plan for the Cottage Hill Subdivision located along the south side of Strafer Street in the neighborhood of Columbia Tusculum.

Motion: Mr. Mooney moved approval of Consent Items #1 – 5.

Second: Ms. McCray
Ayes: Faux, Hankner, McCray, Mooney, Rager and Tarbell
Nays: None, **motion carried**

DISCUSSION ITEMS

ITEM #6 A report and recommendation on a proposed amendment to the Evanston NBD Urban Renewal Plan in Evanston

Katherine Keough-Jurs, Senior City Planner, presented this report

BACKGROUND
In April of 1998, City Planning Commission and City Council adopted the Evanston NBD Urban Renewal Plan. Since the Plan's adoption, developer Neyer Properties, Inc. has formulated a strategy to redevelop the property at the southeast portion of the Urban Renewal area, near the intersection of Dana Avenue and Realistic Avenue. This proposed redevelopment, *The Keystone*, would be comprised of approximately 446,000 square feet of Class A office space on top of a three story parking structure, with an out-parcel for a restaurant or other amenity. Neyer Properties, Inc. is also working with the Evanston Community Council, Cincinnati Recreation Commission and Cincinnati Park Board to discuss coordination of needed improvements to the adjacent Evanston Playfield.

According to Section 725-19 of the Cincinnati Municipal Code: "the City Manager or any person interested may petition Council to modify an urban renewal plan. Such petition shall be in writing and shall state in detail the modification desired. Upon receipt of such petition, Council shall refer it to the City Planning Commission for its recommendation. The City Planning Commission shall either approve or disapprove the modification and return the petition to Council, together with its recommendation."

On October 12, 2005, City Councilmember Cranley requested that the Evanston NBD Urban Renewal Plan be amended to incorporate the proposed *Keystone* development.

PURPOSE OF THE AMENDMENT
The proposed development overlaps the 1998 Urban Renewal boundary, with a large portion of the proposed development on adjacent land in a small residential area immediately to the south and east of the boundary. This amendment would add the portion of the development that is not already within the Urban Renewal boundary. This results in an addition of about 21 acres of land to the Urban Renewal Plan including the site of the proposed development and the Evanston Playfield. The amendment also incorporates a description of the concept of *The Keystone* development.

ANALYSIS
An Urban Renewal Plan is the City's official guide for future development within the Urban Renewal boundary, and it is a requirement that the City's administration and the elected and appointed bodies follow the recommendations set forth therein. It is also reasonable to expect that conditions may change and unexpected opportunities may arise following the adoption of these Plans. In situations where this is the case, it is wholly appropriate to amendment the Plan to support these changes and opportunities.

Consistency with 1998 Urban Renewal Plan

The Evanston NBD Urban Renewal Plan places strong emphasis on revitalizing the NBD with new development of businesses that can serve the Evanston community as well as provide jobs to residents. The development of office uses and the available restaurant out-parcel may provide some jobs and needed services to area residents. However, the greatest opportunity this proposed development provides is the new influx of over 2,000 employees to the area each day in need of restaurants and other nearby services. This will provide a new customer base for existing businesses and may spur new businesses.

Coordination with Cincinnati Recreation Commission and Cincinnati Park Board

The proposed development is adjacent to the Evanston Playfield, which is owned by Cincinnati Park Board and operated by Cincinnati Recreation Commission (CRC). Because *The Keystone* presents an excellent opportunity to coordinate improvements to the playfield, Neyer Properties, Inc. has met on several occasions (November 9, December 8, and December 19, 2005) with staff from CRC and the Park Board. The meetings also included representatives from the Evanston Community Council, the City Manager's Office of Economic Development, and the Department of Community Development and Planning. Proposed improvements discussed include: reconfiguration of both passive and active recreation space, restoration of the swimming pool, renovation of the historic pool house, and the addition of a walking trail, a 1,000 Hands Playground, and new adjacent parking. Neyer Properties, Inc., CRC, and the Park Board have pledged to continue to work together and with the Evanston Community to finalize and implement plans for park improvements.

Eminent Domain

The City of Cincinnati is often reluctant to include residential property in an Urban Renewal area. This is because eminent domain is an option in an Urban Renewal area, and the City does not like to suggest that it is willing to displace residents for commercial redevelopment unnecessarily or without serious consideration. This situation is not as challenging because Neyer Properties, Inc. has purchased or has an option on nearly all parcels needed for the development, eliminating the need for use of eminent domain.

PUBLIC COMMENT

Representatives of Neyer Properties, Inc. have met with Evanston Community Council leadership on several occasions to discuss this potential project. The full Evanston Community Council heard a presentation on this development and voted to support the amendment to the Urban Renewal Plan on October 20, 2005. One of the reasons the Evanston Community Council felt comfortable approving this amendment after only one meeting was the assurance that all property was being acquired privately, and that eminent domain would not be necessary. Additionally, the Community Council hoped that Neyer Properties, Inc. would continue to keep them informed of the status of this project. In all, the Community Council felt that this development would be beneficial to the Evanston neighborhood.

In the 1998 Plan, zoning recommendations called for a change from manufacturing zoning to commercial zoning on the eastern-most portion of Dana Avenue in order to make the area more attractive for development. This rezoning did occur, but future rezoning will be necessary for this project to develop on residential land. Nearby property owners and the Evanston Community Council will again have the opportunity to comment on this development as it progresses through the zone change process.

FINDINGS

Staff recommends amending the Evanston NBD Urban Renewal Plan to include the sites of the proposed *Keystone* development and the Evanston playfield. The Department of Transportation and Engineering's Office of Architecture and Urban Design completed a Blight Study of the property proposed to be added to the Urban Renewal Boundary. The summary of the Blight Study will be included in the amended document, along with a summary of the proposed project, a proposed site plan, and proposed renderings of the anticipated development.

CONCLUSIONS

1. An amendment to the Evanston NBD Urban Renewal Plan is appropriate, as the circumstances of the site have changed to include a new neighborhood-supported development.
2. The amendment should include the blight study for the expanded Urban Renewal area, as well as the concept for the proposed *Keystone* development.

Discussion

Ms. Hankner stated that it appeared that Neyer had privately obtained ownership of ten residential properties. Mr. Mike Lange responded that most of the homes were virtually under Neyer's ownership. There were a few properties that they were waiting for residents to attain new residency or waiting for a closing date to obtain ownership of those particular properties. Also, Neyer was working with the residents to help them find new residency.

The Commissioners agreed that it was an excellent plan and they were pleased that everyone had worked together.

Motion:	Mr. Mooney moved approval of staff recommendation.
Second:	Ms. McCray
Ayes:	Faux, Hankner, McCray, Mooney, Rager and Tarbell
Nays:	None, **motion carried**

ITEM #7 A report on the revised concept plan for Riverwalk Phase II.

Jennifer Walke, Senior City Planner, presented this report

BACKGROUND:

Planned Development District No. 16 (PD-16) was created on February 13, 2004 with the adoption of the 2004 Zoning Code. The Concept Plan for PD-16 included the Riverwalk Development by Urban Equity Partners. The Concept Plan approved for PD-16 includes four buildings. Riverwalk Phase One is complete and included the construction of one mixed-use building. Riverwalk Phase Two is in the planning phase. The approved Concept Plan for Phase Two includes two large multi-story residential buildings containing a total of 40 condominium units, one single story commercial structure and a swimming pool. Maximum building height is 570 feet Above Sea Level (ASL).

The developer would like to revise the Concept Plan for Phase Two. Geotechnical analysis concluded that the site is not suitable for large, heavily loaded structures. The developer proposes to construct lightly loaded clusters of attached townhomes. A total of 21 townhomes and a private drive are proposed for the site. There will be no commercial uses included in the development. The maximum building height is to remain the same at 570 feet ASL.

EXISTING CONDITIONS:

Adjacent Land Use and Zoning:

North: SF-20, Columbia Parkway and land owned by the Park Board intended to preserve the view from the Parkway.
East: CN-M and RF-R
South: PD-16 and Ohio River, residential attached.
West: SF-2 and RF-R, residential detached.

Existing Plans:
The East End Riverfront Community Development Plan and Guidelines (1992) promotes infill housing throughout the neighborhood that is compatible in scale with the surrounding physical environment. In 1992 typical building heights ranged from 35-45 feet. Also, the first habitable floor of any infill development should be located above the 100 Year Flood Plain (p.15 of the Plan). Riverwalk is located in "Site B" (as outlined in the Community Plan) and is partially located in the 100 Year Floodplain. "Site B should retain its mixed-use character of residential, commercial, recreation and retail uses. The existing development pattern and street wall along Eastern Avenue should also be preserved and reinforced," (p.27 of the Plan).

City Comment:
Drawings of the revised Concept Plan were transmitted to Cincinnati Water Works (CWW), Department of Transportation and Engineering, Metropolitan Sewer District and the Department of Buildings and Inspections. CWW commented and instructed the developer to submit a preliminary application to extend the public water system in order to proceed. DCDP informed the developer that two paper streets (Seybold Alley and an unnamed dedicated way) are located in the project area and would need to be vacated in order to proceed. The developer plans to file for vacation as soon as the Revised Concept Plan is approved.

Public Comment:
Department of Community Development and Planning staff conducted a public conference on this zone change request on December 14, 2005. Those in attendance were adjacent property owners including Bill MacEachen, Laurie Kelcher, Judy Robinson and Nancy Andrews; project architect Greg Tilsley and developer Bob Little. City Staff in attendance were Caroline Kellam and Jennifer Walke. Judy Robinson and Nancy Andrews had concerns with the pollution produced during the construction of Riverwalk Phase 2, but did not object to the development. Laurie Kelcher had concerns with the height of the structures, which she thought would block her view of the Ohio River.

No comments were received from the East End Area Council.

ANALYSIS OF PROPOSED CHANGE:
The Revised Concept Plan and Development Program Statement meet the criteria outlined in §1420-09 of the Cincinnati Zoning Code:

(a) Plan Elements: The site for Phase 2, which comprises only a portion of PD-16, is 1.86 acres. Maximum height is 570 feet. The boundary, type of structures, streets, driveways, and parcel boundaries have been provided. The revised Concept Plan promotes a less intense use of the site than what was previously proposed. The approved Concept Plan permits the construction of two large structures, which would create a continuous wall, 570 feet in height. The new Concept Plan provides varied height, which is not continuous. There is approximately 6 feet separating groups of 2-attached units, the roof elevation is at 559 feet, with the enclosed staircase at 569 feet.

(b) Ownership: Riverwalk Cincinnati, LLC, owns the site for Phase 2.

(c) Schedule: A Schedule has been provided.

(d) Preliminary Reviews: A Geotechnical Study was performed by H.C. Nutting Company, other reviews were conducted by City Staff.

(e) **Density and Open Space:** Twenty-one single-family town homes are to be constructed on 1.86 acres. Open space has been provided for on the plans.

(f) **Other information:** The original Concept Plan for PD-16 is set to expire on February 13, 2006. The approval of the Revised Concept Plan will provide the developer with two additional years to submit a Final Development Plan to City Planning Commission.

CONCLUSION:

1. The Concept Plan and Development Program Statement meet the criteria outlined in §1429-09 of the Cincinnati Zoning Code.
2. The Revised Concept Plan promotes a less intense use of the space than the approved Concept Plan.
3. The Revised Concept Plan is more compatible with the hillside environment than the approved Concept Plan.
4. The Revised Concept Plan is compatible with surrounding development in scale and height.
5. The Revised Concept Plan proposes to construct habitable space outside of the 100 Year Flood Plain.

Discussion

Mr. Faux inquired about landscaping along the street side of the parking lot and Mr. Bob Little, developer, stated that landscaping already exist in that area.

Ms. Laurie Kelcher, 324 Collins was concern about the height and how the new construction would block her view of the river. She wanted to review the site plans to determine how it would affect the design plans she has for her new home. Mr. Little assured her and the Commission that the changes would not affect her property. He pointed out that the new construction height would be 560' which is lower than the 570' that already exist in Phase I. Ms. Kelcher insisted that she preferred to have a copy of the specific site plans to compare with her elevation plans.

Mr. Mooney pointed out that this proposal was less intense than the plans that were previously approved. The Commission advised both parties to meet and work these issues out amongst themselves.

Motion:	Mr. Mooney moved to accept the revised concept plan.
Second:	Mr. Tarbell
Ayes:	Faux, Hankner, McCray, Mooney, Rager and Tarbell
Nays:	None, **motion carried**

ITEM #8 A report and recommendation on the disposition of Planned Development Districts created with the adoption of the Cincinnati Zoning Code in January 2004.

Steven Briggs, Senior City Planner, presented this report

BACKGROUND:

On January 14, 2004 City Council adopted the current Zoning Code. The Zoning Code became effective on February 13, 2004. As a part of the Zoning Code adoption there were 37 Planned Development (PD) Districts created. These PD districts are comprised of what were formally Transitional (T) Zone Districts, Planned Unit Development (PUD) projects or Special Housing Overlay (SHO) Districts approved under provisions of the previous zoning code. None of aforementioned is part of the current zoning code.

In applying the PD District designation in the current Zoning Code the Staff of the Community Development and Planning Department recognized the need for each of the 37 PD Districts to have accepted concept plans as specified in Section 1429-09 Concept Plan and Development Program Statement.

Each of the initial 37 PD Districts have concept plans that represent one of the following; 1) T Zone District Ordinance with accompanying guidelines for review of development proposals; 2) PUD decision issued by the then Director of City Planning or designee approving a development and covenant on file with the Department of Buildings and Inspection tying the decision approval with the PUD land area; 3) SHO District Ordinance establishing the SHO Zone District and a decision issued by the SHO District Review Board approving a development.

Where applicable the former T Zone District guidelines, PUD decisions or SHO District decisions constitute the identifiable concept plan for each of the initial 37 PD Districts.

LAPSE OF APPROVALS:

Section 1429-11(c) of the Zoning Code states that, approval of a concept plan and development program statement lapses two years from its effective date unless:

(1) A final development plan has been approved, or

(2) The City Planning Commission has approved an extension of time that may not exceed one year.

If an approval of a concept plan and development program lapses, the PD District designation is to be removed from the zoning map. The zoning of the PD District reverts to the zoning district designation in effect immediately before the PD designation.

The approval for the initial 37 PD Districts concept plans will lapse on February 13, 2006 without evidence of a final development plan approval. The City Planning Commission may approved an extension of the concept plan approval for up to one year.

The initial 37 PD Districts were created during the remapping phase piror to the current code's adoption. If the PD District designation were to lapse there would not be an apropriate current zoning code designation to apply to the property since the old zone code was repealed.

REVIEW OF PLANNED DEVELOPMENT DISTRICTS:

Staff conducted a review of the initial 37 PD Districts. The purpose of the review was to determine the status of each district; 1) Origin: T Zone or PUD or SHO District; 2) Evidence of an approved final development plan; 3) Status of the development in regards to proposed new construction or has the project been built out and completed with no with further development anticipated.

After review of the initial 37 PD Districts, there are three PD Districts with approved Final Development Plans; PD-7 Laurel Court, PD-18 McMillan Manor and PD-37 Marburg Square.

There are three PD Districts that are under construction or nearing completion without any Final Development Plan approval because building permits were issued prior to February 13, 2004; PD-6 Mt. Airy Oaks, PD-9 Stetson Village and PD-12 Stratford Heights. There is no PD-10.

The remaining 30 PD Districts consist of one former SHO District PD-8 Eden and University in Corryville; six former T Zone Districts; PD-1 Techsolve (IAMS), PD-2 Kellogg Avenue and I-275, PD-13 Marjorie Lee Home, PD-29 The Drexel in Oakley, PD-32 Center of Cincinnati, PD-35 Sun Chemical in Winton Place. There are two districts created with design plans, PD-15 Lower Price Hill and PD-36 Millworks in Oakley. There is one non-conforming use, PD-4 Deaconess Long Term Care Facility on LaFayette Avenue. All other PD Districts are approved Planned Unit Developments with covenants on file.

OBSERVATIONS:

It would be appropriate for those PD Districts that have approved final development plans to remain identifed as PD Districts. For those PD Districts without approved final development plans further study is necessary to determine whether it is appropriate to maintain PD designation or a different zone.

After consultation with the City's Law Department, it was determined that in order to change the zone designation of the initial 37 PD Districts lacking final development plans to another zone district; a change of zoning process must be initiated to determine the appropriate zone district. To achieve this task it would be appropriate for the City Planning Commission to unilaterally extend the approvals of the concepts for those PD Districts lacking final development plans, for a period of one year as permitted by Section 1429-11(c) of the Zoning Code. This action would permit staff time to evaluate and begin the change in zoning process as necessary.

RECOMMENDATION:

The Community Development and Planning Department staff recommends that the City Planning Commission take the following action:

1) Extend the concept approval for Planned Development Districts that lack final development plans for a period of one year to February 13, 2007 as permitted by Section 1429-11 of the Zoning Code.

2) Instruct the Chief Planner to evaluate the initial 37 Planned Development Districts that lack final development plans and begin the change in zoning process as necessary.

DISCUSSION

Mr. Mooney asked if there was a way to impose the old rules/guidelines as a final plan for the PD and make it permanent. Mr. Faux asked if the PDs could be establish as an overlay district. Staff commented that it appeared that most could be made the same zoning as the abutting zone such as a SF-district classified as a cluster housing location. Mr. Briggs stated that there are three cluster housing developments already in existence. No hearings are required but they do require a covenant and approval by the Director of Building and Inspections.

Mr. Mooney suggested that the 37 PDs should be addressed a few at a time and come up with the best solution to fit within the current system.

Mr. Briggs commented that the Dot teams will develop a system to address the current 37 PDs.

Ms. Hankner said that the purpose of imposing the PD was protection for the neighbors/neighborhoods and if the zones were changed, some of the protection would be threatened. She felt that would generate some very unhappy people. Staff stated that the cluster housing development concept has covenants to provide protection such as buffers, and landscaping.

Mr. Reggie Lyons, of the Building & Inspections Department, stated that some T-Zones did not have guidelines and what Mr. Briggs was proposing would not only add protection, it would also assist Building & Inspections in assisting small property owners and the general public.

Motion:	Mr. Mooney moved approval of staff recommendation.
Second:	Ms. Hankner
Ayes:	Faux, Hankner, McCray, Mooney, Rager and Tarbell
Nays:	None, **motion carried**

ITEM #9 A report and recommendation on an ordinance authorizing the sale of 2050 Eastern Avenue to Merivale Station, LLC.

Margaret Wuerstle, Chief City Planner, presented this report

BACKGROUND:
The Department of Community Development and Planning issued a Request for Proposals for property at 2050 Eastern Avenue acquired for the Cincinnati Land Reutilization Program. The property is no longer needed for any municipal purpose.

The property was awarded to Merivale Station, LLC, who submitted the only proposal for the site. Merivale Station, LLC has proposed to construct a single-family home on the site and will purchase the property for $16,000, its fair market value as determined by an appraisal performed by the Hamilton County Auditor's Office.

RECOMMENDATION:
Department of Community Development and Planning staff recommend that City Planning Commission take the following action:

AUTHORIZE the sale of surplus City-owned real property located at 2050 Eastern Avenue to Merivale Station, LLC, which real property is no longer needed for any municipal purpose.

Motion: Mr. Mooney moved to accept staff recommendation.
Second: Ms. McCray
Ayes: Faux, Hankner, McCray, Mooney, Rager and Tarbell
Nays: None, **motion carried**

ITEM #10 A report and recommendation on a proposed zone change from RM-2.0 Multi-Family Residential District to RM-1.2 Multi-Family Residential District at 5445 and 5559 Kenwood Road in Madisonville.

Katherine Keough-Jurs, Senior City Planner, presented this report

BACKGROUND:
Cornerstone-Kenwood Towers, LLC (Cornerstone) is the new owner of the Kenwood Towers and Kenwood Bluffs apartment complexes at 5445 Kenwood Road in Madisonville. The existing apartment complex consists of 3 six-story and 2 four-story buildings comprising 215 one, two, and three bedroom apartments. It is 12.82 acres in size. Cornerstone plans to renovate the apartment complex to a moderately-priced congregate housing complex aimed at seniors and empty nesters. The proposed exterior renovations are mostly cosmetic with more extensive renovation on the interior. The renovations may result in a total net decrease in the number of units. There are no physical changes proposed that would increase the building height, although one or more additional buildings may be required to house common facilities or storage areas.

In general, the proposed renovations to upgrade the facility and decrease the density are permitted in the RM-2.0 Multi-Family Residential District. However, some of the proposed changes to this complex would categorize it as congregate housing, which is not permitted or conditionally permitted. Congregate housing is permitted in the RM-1.2 Multi-Family Residential District, which is the requested zoning designation. Prior to the City of Cincinnati's adoption of a new zoning code in February 2004, this property was zoned R-4, Multi-Family Low Density District, which allowed congregate housing as a conditional use. The elements that would classify this development as

congregate housing include: communal dining facilities and other services such as housekeeping, organized social and recreational activities, transportation services, and other support services appropriate for the residents.

The property at 5559 Kenwood Road, owned by John R. and Sandra F. Hassman, is the sole property between Kenwood Towers and the City of Cincinnati municipal boundary. This property was included in the zone change request to prevent an incident of spot-zoning. There are no changes proposed to this property, and no intention on the part of Cornerstone to acquire this property and redevelop it as part of the new development.

EXISTING CONDITIONS:
The properties in question are located at the top of the hill on Kenwood Road, on the municipal boundary with the City of Madeira to the north and Columbia Township to the west. The properties outside of the City of Cincinnati are all zoned for residential use. The properties immediately to the south and at the bottom of the hill are zoned SF-6 and are residential in nature.

PLANS:
There are currently no Plans for the Madisonville community that encompass or make reference to this property.

PUBLIC COMMENT:
The Planning staff held a public conference on this zone change request on December 8, 2005. In attendance were: the petitioner, the agent for the petitioner, three neighboring property owners from Madisonville, two neighboring property owners from Madeira, the legal representation for an additional property owner, and the City Manager for Madeira. The neighbors from Madisonville, who are separated from the property by a hillside, had no concerns regarding the development. Those representing the City of Madeira expressed the following concerns regarding the zone change:

1. Concern about additional uses of the property if it were sold to another developer.
2. Concern that 5559 Kenwood Road may be incorporated into the new development (neighbors do not want it to be acquired and used as a maintenance area).
3. Concern about the families currently living in the complex; that they be assisted with relocation.
4. Concern about the impact to both Madeira and Cincinnati Public Schools, as some children currently live in this complex.
5. A request to revisit the placement of the entrances, including improvements to sightlines and signage.

The Madisonville Community Council voted in support of the zone change at their December 15, 2005 meeting.

ANALYSIS OF THE PROPOSED CHANGE:
When mapping the new zoning code, staff based designations on the existing land uses at that time. At this property, RM-2.0 was the designation that best fit the existing land use for 5445 Kenwood Road (Kenwood Towers), which was that of multi-family residential dwelling units. It was also compatible with other multi-family residential units located on parcels to the west of Kenwood Towers. 5559 Kenwood Road, a single-family dwelling, did not specifically fit the RM-2.0 designation but was likely zoned as such to avoid creating a spot-zone.

The only elements of this proposed development that prompt a zone change are the communal dining and other shared services that classify it as congregate housing. The proposed renovations to Kenwood Towers will upgrade the facility as well as provide another alternative for senior housing in this community. The Madisonville Community Council has supported this development, in part, because it

offers additional options for seniors who want to remain in the community, but who are unable to remain in their own homes. In housing aimed at seniors and empty nesters, the types of services that classify this development as congregate housing are typically included and often desired by potential residents.

One concern of the neighbors from Madeira was that this property could be sold, the current proposal abandoned, and that a new owner could use the RM-1.2 zoning to make changes that would harm the surrounding properties. The primary change that could take place at this location is that the density could increase. However, given the topography of the site, it is unlikely that density could increase dramatically.

The property at 5559 Kenwood Road was added to the request for a zone change only because of the concern for spot zoning. In this case, this small piece of property would likely not be considered a spot-zone because the property owners, the Hessians, would not have any property rights above and beyond those of the adjacent properties. The property at 5445 Kenwood Road would also not be considered a spot-zone because at it's size, 12.82 acres, it is large enough to constitute a separate zone.

CONCLUSIONS:

1. The RM-1.2 Multi-Family Residential District zoning would be an appropriate designation for 5445 Kenwood Road (Kenwood Towers) given the need for this type of housing product.
2. The change to RM-1.2 at 5445 Kenwood Road would not cause undue harm to any surrounding property owners.
3. The change to RM-1.2 at 5559 Kenwood is not necessary, as the change would not create a spot-zone.
4. The Madisonville community is in support of this change; the Madeira community is not opposed to the change at 5445 Kenwood Road.

RECOMMENDATION:
The staff of the Department of Community Development and Planning recommends that City Planning Commission take the following action:
Approve the zone change from RM-2.0 Multi-Family Residential District to RM-1.2 Multi-Family Residential District at 5445 Kenwood Road in Madisonville.
Deny the zone change from RM-2.0 Multi-Family Residential District to RM-1.2 Multi-Family Residential District at 5559 Kenwood Road in Madisonville.

Motion:	Mr. Mooney moved to accept staff recommendation.
Second:	Ms. Hankner
Ayes:	Faux, Hankner, McCray, Mooney, Rager and Tarbell
Nays:	None, **motion carried**

ELECTION of: Chairman, Vice Chairman, and Chairman Pro Tem

Motion:	Mr. Mooney moved to re-elect the existing Chairman (Caleb Faux), the existing Vice Chairman (Jacquelyn McCray), and the existing Chairman Pro Tem (Terry Hankner).
Second:	Mr. Tarbell
Ayes:	Faux, Hankner, McCray, Mooney, Rager and Tarbell
Nays:	None, **motion carried**

OTHER BUSINESS

Clarification of the Outdoor Drinking Zoning Amendments

Margaret Wuerstle, Chief Planner said that she was in the process of preparing the transmittals to City Council on the outdoor eating and drinking text amendments. The Economic Development Committee would like to have the public hearing on these amendments on February 6, 2006. However, on certain Planning Commission recommendations she needed clarification before she could send the amendments to the Economic Development Committee.

Julia Carney, of the Law Department, directed the Commission to the December 16, 2005 minutes on page 12 to confirm what was written in the minutes under §1419-21(d) was correct and that both outdoor eating and outdoor drinking areas must be 150 feet from a residential district boundary line.

The Commissioners confirmed that as it is written §1419-21(d) outdoor areas closer than 150 feet from a residential district boundary line require conditional use approval pursuant to the procedures and criteria of Chapter 1445, Variances Special Exceptions and Conditional Uses.
Ms. Carney also directed the Commissioners to page 17 of the same December 16, 2005 minutes. She pointed out that the footnote under CC-P should be removed for the interior yard setback since it was reduced to (0). She also stated that all footnotes should be removed.

. **Motion:** Mr. Mooney moved to eliminate footnotes under Residential Regulations regarding setbacks on front/rear/interior and side yards.
Second: Ms. McCray
Ayes: Faux, Hankner, McCray, Mooney, Rager and Tarbell
Nays: None, **motion carried**

Mr. Faux had pointed out to the Commission that the cab companies are not defined in the zoning code as a use.

The Department of Buildings and Inspections has interpreted cab companies as an automobile service/repair use. They approved a small cab company in Northside on a side street, and this decision is now being appealed. The appellant has argued that it is not an automobile service/repair, but an automobile rental company. Cab companies rent their automobiles to their drivers. Since it is defined as a rental, it could not be on a side street. It must be on a major street location.

Mr. Faux stated that the reason Buildings and Inspections interpreted the use as an automobile service/repair, was that they receive many complaints from the public. The complaints centered around operating outdoors. Interpreting the use as automobile service/repair would mean that all their operations/repair of vehicles would have to be done indoors. He felt that cab companies, school buses and limousines companies should be defined in the zoning code.

Mr. Faux pointed out another Buildings and Inspections interpretation of a commercial establishment. He was referring to the Northside issue with Walgreen's. The developer argued that it was not a 15,000 square foot retail space, but a 9,000 square foot retail space and that the other buildings were separate establishments.

Ms. Wuerstle suggested that there needed to be a policy or practice regarding interpretations. Mr. Faux agreed that before the Buildings Department made an interpretation, they should contact the Planning Office who initiated the code or contact the Law Department to discuss the intent of the regulation.

Mr. Mooney suggested that the Chief Planner check with the mayor's office to see if Mr. Paddock had resigned his seat as a member of the Commission and that she send a communication to the Mayor requesting that he fill the vacancy.

Appointments to the Hamilton County Planning Partnership.

The present members on the Hamilton County Planning Partnership will remain until a response from Councilmember Chris Bortz and Councilmember Jeff Berding can be obtained regarding their interest in sitting on this board.

Appointment of members to OKI Board.

Motion: Mr. Mooney moved to reappoint Mr. Tarbell to the OKI Board.
Second: Ms. Hankner
Ayes: Faux, Hankner, McCray, Mooney, Rager and Tarbell
Nays: None, **motion carried**

ADJOURN

Motion: Ms. McCray moved to adjourn
Second: Ms. Hankner
Ayes: Faux, Hankner, McCray, Mooney, Rager and Tarbell
Nays: None, **motion carried**

_____ _____

Margaret A. Wuerstle, AICP
Chief Planner

Caleb Faux, Chair

Date: _____ Date: _____