

**MINUTES OF THE  
CITY PLANNING COMMISSION  
SPECIAL MEETING  
AUGUST 16, 2007  
CINCINNATI CITY COUNCIL CHAMBERS  
THIRD FLOOR - CITY HALL  
801 PLUM STREET, CINCINNATI, OHIO 45202**

**CALL TO ORDER**

Mr. Faux called the meeting to order at 5:10 p.m.

**Commission Members:**

***Present:*** Caleb Faux, Jacquelyn McCray, Donald Mooney, James Tarbell, Milton Dohoney, and John Schneider.

**Community Development and Planning Staff:** Margaret Wuerstle, Bonnie Holman, Katherine Keough-Jurs, Adrienne Cowden and Jennifer Walke.

**Law Department:**

Julia Carney and Deborah Wyler

Mr. Faux stated that Mr. Tarbell had been City Council's representative on the Planning Commission and that this would be his last meeting since he would be leaving office. He said that Mr. Tarbell had been a valued member of the Planning Commission and would be missed. He added that Mr. Tarbell had also provided some entertaining moments.

Mr. Mooney said that Mr. Tarbell could possibly return in four years and looked forward to seeing him again.

Ms. McCray thanked Mr. Tarbell for his passion and commitment to the City of Cincinnati.

Mr. Tarbell said that it had been a "good ride" and felt privileged to have been a member of the Planning Commission.

**DISCUSSION ITEMS**

**ITEM #1** A report and recommendation on proposed amendments to Planned Development District No. 43, which is located in the Cincinnati Central Riverfront and known as The Banks project area.

*Ms. Margaret Wuerstle, Chief Planner presented this item.*

**GENERAL INFORMATION:**

<b><u>Petitioner:</u></b> City of Cincinnati 801 Plum Street Cincinnati, Ohio 45202	Carter Real Estate 171 17 <sup>th</sup> Street Suite 1200 Atlanta, Georgia 30363
Hamilton County Room 603 138 East Court Street Cincinnati, Ohio 45202	The Dawson Company 191 Peachtree Street Suite 805 Atlanta, Georgia 30303

**Location of Planned Development No. 43 (PD-43):**

The Banks project area is located on the Cincinnati Central Riverfront on the property that is generally bounded by Second Street on the North, the Ohio River on the South, Elm Street on the West and Main Street on the East.

**Purpose:**

To review the amendments proposed by The Banks Development Team (Developer) and ensure that current and future development on The Banks project site is consistent with the concepts and principles of the Hamilton County/Cincinnati **Central Riverfront Urban Design Master Plan** prepared by Urban Design Associates, and dated April 2000.

**BACKGROUND AND EXISTING CONDITIONS:**

On February 17, 2006, the Planning Commission approved a zone change on The Banks property from a DD-D (Downtown Development-Riverfront) zoning district to a PD – Planned Development district (See Exhibit A). The Hamilton County/Cincinnati **Central Riverfront Urban Design Master Plan** was to serve as the Concept Plan and Development Program Statement for The Banks Planned Development District. This plan would provide the conceptual baseline on which future development plans for The Banks would be reviewed and approved.

On April 21, 2006 the Planning Commission approved an update to the Hamilton County/Cincinnati **Central Riverfront Urban Design Master Plan** that would replace the 1999 Central Riverfront Park Plan with the 2006 revised Central Riverfront Plan adopted by the Park Board on March 16, 2006 (See Exhibit B). The City Planning Commission also approved an amendment to PD-43 on April 21, 2006 that adopted the revised Hamilton County/Cincinnati Central Riverfront Urban Design Master Plan, which included the 2006 Central Riverfront Park Plan, as the Concept Plan and Development Program Statement for the Banks Planned Development District. City Council adopted Ordinance #141-2006 rezoning The Banks property to PD-43 on May 17, 2006.

The under-developed portions of the Cincinnati Central Riverfront, The Banks, are located south of Second Street, west of the Great American Ball Park, north of the Ohio River and east of Paul Brown Stadium. The National Underground Railroad Freedom Center is located within PD #43 in the block bounded by Second Street, Walnut Street,

Freedom Way and Vine Street. The remaining land use is either surface parking lots or undeveloped open space.

### **REQUESTED AMENDMENT**

The terms “Block” and “Lot” are used interchangeably in this report. The Hamilton County/Cincinnati Central Riverfront Urban Design Master Plan (Master Plan) uses the term “Block” to identify areas within the development site. The amended Concept Plan and Program Development Statement submitted by the Developer also uses the term “Block”. However, technically the correct term is “Lot”.

The uses within PD-43 will not change. However, the Developer is proposing a material change in the density of the development and the product mix as presented in the Master Plan. Section 1429-21 - **Final Development Plan Amendments** of the Zoning Code states:

“Amendments that change the uses allowed or materially change the density of the development require approval of Council as a zoning map amendment”.

Accordingly, a major amendment is being requested to allow a total project development of 2,800,000 square feet consisting of retail uses, office uses, residential uses and hotel uses with a maximum height of 30 stories and a maximum phasing schedule of 22 years. This is an increase in the total square footage of all uses of 1,355,000 square feet. The developer is also requesting flexibility in the product mix on each block with the uses for each individual block of the development area to be approved at the Final Development Plan stage. This will allow the market to play into the determination of how and when each block is developed and will ensure the greatest success for the overall development.

Finally, the amendment includes a request for Lot 13 to be added to PD-43. Lot 13 was always considered part of The Banks development area and part of the Master Plan. However, it was inadvertently left out of the PD when it was adopted on May 17, 2006. This amendment will remedy the oversight.

### **DISCUSSION**

In October 1996, the Central Riverfront Urban Design Master Plan was initiated “to site the two new stadiums for the Reds and the Bengals and to develop an overall urban design framework for the development of the Central Riverfront which would capitalize on the major public investments in the stadiums and structured parking.” In 1999, the Riverfront Advisory Commission was charged to “recommend mixed usage for the Riverfront that guarantees public investment will create sustainable development on the site most valued by our community.” Their recommendations included land use, parking, finance, phasing and developer selection for the Central Riverfront. In part, the Riverfront Advisory Commission recommended:

- 1) The Banks should create a 24-hour, seven-day-a-week diverse pedestrian-friendly urban neighborhood.
- 2) The design of the Banks should foster a diverse welcoming, pedestrian friendly urban character.

- 3) A diverse, pedestrian friendly urban neighborhood with a mix of uses, including residential housing, specialty-retail stores, restaurants and entertainment, office and boutique hotel space.

The new private development, which is the subject of PD-43, was to include residential units with supporting retail, boutique-type office space and a small hotel. In summary, the recommended private development program included:

- Residential: 600-800 units
- Retail and Entertainment: 250,000 to 300,000 SF
- Office: 100,000 to 200,000 SF
- Hotel: 200 to 400 rooms

Urban design guidelines, which delineated urban design and architectural standards, were an important component of the Plan. The guidelines included recommendations for land use, building massing, heights and setbacks, materials, color, streets, sidewalks, parks and landscaping, parking and servicing. Developers making proposals were to be strongly encouraged to follow these guidelines. However, the County and City recognized that changing market conditions and other special requirements of a particular developer may require minor modifications to these published urban guidelines. Therefore, the Master Plan specifically stated “the developers may propose minor modifications to the guidelines with their submissions if the developer can demonstrate that the modifications are consistent with the overall intent of both the guidelines and The Banks Master plan, and that they improve the viability of the project.”

### **PROPOSED MODIFICATIONS TO THE URBAN DESIGN GUIDELINES**

The Urban Design Guidelines describe the development program block by block (See Exhibit D). Therefore, this amendment request will present the modifications to the Concept Plan block by block (See Exhibit E). It should be noted that the amendment request is only to increase the density and heights allowed by the approved Concept Plan, change the mix of uses on each block, extend the phasing schedule, revise the street grid and add Lot 13 to PD-43. The approved uses will not change. The retail uses will include limited and full service restaurants, soft good stores, pubs and similar types of establishments and will encourage the incorporation of outdoor dining throughout the development as appropriate. Concerns were raised by the National Underground Railroad Freedom Center (Freedom Center) about the entertainment and retail uses in the proposed development. The administrators wanted to ensure that the uses surrounding the Freedom Center would be family-oriented and compatible with the image of the Freedom Center and would complement the mission and programs of the Freedom Center. To accommodate this request, a list of restricted retail uses has been included in the Master Development Agreement. The issues of setbacks, materials, color, streets, sidewalks, parks and landscaping, parking and servicing will be addressed at the Final Development Plan stage.

### **Block Comparison**

**Block 1**

Approved Concept Plan

Block 1, adjacent to Paul Brown Stadium, will feature mid-rise buildings fronting Race, Elm, Freedom Way and Second Street. A seven-story building and a five-story building on the east side of the block will anchor the corner of Race and Freedom Way. The rest of the block will be restricted in height to forty feet to protect view corridors of the Cincinnati skyline from the Club Level of Paul Brown Stadium. Residential and office uses are planned over street level retail and office space. An above grade mid-block parking garage is planned to accommodate the public demand created by the housing and office uses.

Proposed Changes

Block 1, adjacent to Paul Brown Stadium, will feature high-rise residential buildings fronting Race, Elm, Freedom Way and Second Street. A portion of the block will be restricted in height to protect view corridors of the Cincinnati skyline from the Club Level of Paul Brown Stadium. Residential uses are planned over retail. An above grade mid-block parking garage is planned to accommodate the demand created by the housing.

**Block 1 Building Program**

	<i>Approved Concept Plan</i>		<i>Proposed Changes</i>	
	<b># of Units</b>	<b>Square Feet</b>	<b># of Units</b>	<b>Square Feet</b>
<b>Retail</b>		40,000-49,000 SF		20,000-28,000 SF
<b>Residential</b>	50-65	50,000-65,000 SF	380-400	380,000-400,000 SF
<b>Office</b>		100,000-140,000SF		0 SF
<b>Total</b>	50-65	190,000-254,000 SF	380-400	400,000-428,000 SF

	<i>Approved Concept Plan</i>	<i>Proposed Changes</i>
<b>Building Height</b>	40-70 feet	Max. 30 Stories
<b>Parking</b>	240 Dedicated Spaces	240 Dedicated Spaces (1.43-1.6/DU)

**Block 2**

Approved Concept Plan

Block 2 is planned to accommodate a large number of residential units in a series of buildings fronting Race, Second, Vine, and Freedom Way. Street level uses include retail, restaurant, and office space. An above grade mid-block parking garage is planned to accommodate residential parking needs and will be topped with recreational facilities for the residents. Buildings as tall as 160 feet will front Second, Race and Vine streets, and five story buildings will front Freedom Way. The buildings are located to maximize views of the riverfront and the Freedom Center.

Proposed Changes

Block 2 is planned to accommodate a class A office building, a full service hotel and retail fronting on Freedom Way. The hotel is currently planned to front Race Street, Freedom Way and Second Street. A guest drop off is to be located on Race Street. The office building will front on Vine Street with a portion of the lower lobby being retail fronting on Freedom Way. The retail lining Freedom Way will be similar to Block 4 and Block 8/11B including restaurants, soft goods and entertainment. The buildings are located to maximize views of the riverfront and the Freedom Center.

**Block 2 Building Program**

	<i>Approved Concept Plan</i>		<i>Proposed Changes</i>	
	<b># of Units</b>	<b>Square Feet</b>	<b># of Units</b>	<b>Square Feet</b>
<b>Retail</b>		24,000-30,000 SF		25,000-40,000 SF
<b>Residential</b>	300-365	300,000-365,000 SF	0	0 SF
<b>Office</b>				300,000-350,000 SF
<b>Hotel</b>				160,000-200,000 SF
<b>Total</b>	300-365	324,000-395,000 SF	0	485,000-590,000 SF

	<i>Approved Concept Plan</i>	<i>Proposed Changes</i>
<b>Building Height</b>	50-160 Feet	Max. 30 Stories
<b>Parking</b>	549 Dedicated Spaces	549 Dedicated Spaces
<b>Recreational Facilities</b>	Top of Parking Garage	Not Determined

**Block 3**

Approved Concept Plan

Block 3 is the location of the National Underground Railroad Freedom Center.

Proposed Changes

No changes are proposed for Block 3.

**Block 3 Building Program**

	<i>Approved Concept Plan</i>	<i>Proposed Changes</i>
<b>Freedom Center Foot Print</b>	42,816 SF	No Change Proposed
<b>Freedom Center Open Space</b>	65,720 SF	No Change Proposed
<b>Total</b>	108,536 SF	

**Block 4**

Approved Concept Plan

Block 4 will provide a mix of uses including a boutique hotel at the corner of Main and Second, and office space and residential units in buildings along Walnut and Freedom Way. Similar in form to Block 2, the buildings will step in height from five stories on Freedom Way to twelve stories on Second Street. An above grade mid-block parking garage will provide parking for the hotel and residents. The first two floors of the hotel will be dedicated to lobbies, restaurants, meeting rooms, and hotel services. Retail and restaurant space at street level is planned for Freedom Way.

Proposed Changes

Block 4 will provide a mix of uses including a class A office building at the corner of Walnut and Second Streets, and retail and residential units in buildings running the length of Freedom Way between Walnut and Main as well as fronting on Main Street. The buildings lining Freedom Way will be approximately six stories and will step up in height between ten and twelve stories on Main Street. We anticipate an above grade mid-block parking garage that will provide parking for the residents. Parking access and service drives will enter the block from both Walnut and Main Streets. The office building will have a gracious lobby located on Walnut Street and lobby entrances to the residential units will be located along Main Street and Freedom Way.

**Block 4 Building Program**

	<i>Approved Concept Plan</i>		<i>Proposed Changes</i>	
	<b># of Units</b>	<b>Square Feet</b>	<b># of Units</b>	<b>Square Feet</b>
<b>Retail</b>		18,000-22,000 SF		24,000-32,000 SF
<b>Residential</b>	140-180	140,000-180,000 SF	160-200	160,000-200,000 SF
<b>Hotel</b>	200-250	160,000-200,000 SF	0	0 SF
<b>Office</b>		40,000- 60,000 SF		300,000-340,000 SF
<b>Total</b>		358,000-462,000 SF	160-200	484,000-572,000 SF

	<i>Approved Concept Plan</i>	<i>Proposed Changes</i>
<b>Building Height</b>	50-120 Feet	6-12 Stories
<b>Parking</b>	520 Dedicated Spaces	1.43-1.6/DU
<b>Recreational Facilities</b>	Top of Parking Garage	Not Determined

**Block 5 (Proposed as Combined Block 5/10)**

Approved Concept Plan – Block 5

Block 5 will be a two-story commercial building providing retail and restaurant space. Located between the triangular park space on Freedom Way and the Riverfront Park, Block 5 is situated to take advantage of great views and provide street level activities to activate the public spaces surrounding it. Because Block 5 is restricted to 40 feet in height, it is ideally suited for two commercial floor plates of approximately 20 feet in height. The activities in this building should not have an inward focus but should be designed to animate Race Street, Freedom Way, and Theodore M. Berry Way.

**Block 5 Building Program**

	<i>Approved Concept Plan</i>	<i>Proposed Changes</i>
	<b>Square Feet</b>	<b>Square Feet</b>
<b>Retail</b>	38,000-45,000 SF	See combined Block 5/10 below
<b>Total</b>	38,000-45,000 SF	See combined Block 5/10 below

	<i>Approved Concept Plan</i>	<i>Proposed Changes</i>
<b>Building Height</b>	Max. 40 Feet	See combined Block 5/10 below

Approved Concept Plan – Block 10

Block 10 is planned to accommodate a restaurant with great views of both the Ohio River and a riverfront park. A public park will occupy the majority of the block bound by Elm Street, Theodore M. Berry Way, Race Street, and Mehring Way. The restaurant, designed as a two-story pavilion in the park will be a major anchor for the Race Street retail corridor and should be planned with outdoor dining terraces and courtyards. It will be set back from Theodore M. Berry Way to allow the promenade and double tree row to extend uninterrupted from Elm to Main Street. The Boardwalk will originate in this block and proceed south to the riverfront. Block 10 can become available for development if approximately two acres on the stadium plazas can serve as event staging areas fully accessible to the Festival Event Area.

Block 10 was modified when PD-43 was created. On April 21, 2006 the Planning Commission approved an update to the Hamilton County/Cincinnati **Central Riverfront Urban Design Master Plan** that would replace the 1999 Central Riverfront Park Plan with the 2006 revised Central Riverfront Park Plan adopted by the Park Board on March 16, 2006 (See Exhibit B). The 2006 revised Central Riverfront Park Plan removed the retail and Boardwalk component from Block 10 and Block 12. The City Planning Commission also approved an amendment to PD-43 on April 21, 2006 that adopted the revised Hamilton County/Cincinnati Central Riverfront Urban Design Master Plan as the Concept Plan and Development Program Statement for the Banks Planned Development District.

**Block 10 Building Program**

	<i>Approved Concept Plan</i>	<i>Proposed Changes</i>
	<b>Square Feet</b>	<b>Square Feet</b>
<b>Retail</b>	56,000 SF	See combined Block 5/10 below
<b>Total</b>	56,000 SF	See combined Block 5/10 below

<b>Total Block 5 and 10</b>	94,000-101,000 SF	
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Proposed Changes

Blocks 5 and 10 will be a high-rise residential tower providing retail, restaurant and cafe space at street level. Located between a small triangular island park in Freedom Way and the Riverfront Park, Blocks 5 and 10 are situated to take advantage of great views of both the downtown skyline and the riverfront. The location of the buildings provides residents and shoppers excellent access to the upper level park on Block 11A. Race Street terminates into a cul-de-sac to allow for an uncongested drop off area and parking deck entrance for the residential tower. We anticipate that the height restrictions imposed by the Bengals lease will be relieved to accommodate the higher density proposed for this Block.

**Combined Block 5/10 Building Program**

	<i>Approved Concept Plan</i>		<i>Proposed Changes</i>	
	<b># of Units</b>	<b>Square Feet</b>	<b># of Units</b>	<b>Square Feet</b>
<b>Retail</b>		94,000-101,000 SF		20,000-30,000 SF
<b>Residential</b>	0	0 SF	490-530	490,000-530,000 SF
<b>Total</b>	0	94,000-101,000 SF	490-530	510,000-560,000 SF

	<i>Approved Concept Plan</i>	<i>Proposed Changes</i>
<b>Building Height</b>	40 Feet	Max. 30 Stories
<b>Parking</b>		1.43-1.6/DU

**Block 6 (Proposed as Combined Block 6/11A)**

Approved Concept Plan – Block 6

Block 6 will offer four stories of prime residential units above ground floor restaurants and shops. The buildings are formed to create a residential square along Freedom Way for both Blocks 6 and 2. Residents will have spectacular views in all directions. Outdoor dining and entertainment uses on Freedom Way and Theodore M. Berry Way will make use of the plaza and park space and provide street level activities in all directions. Because of the grade change between the two streets, ground floor uses can take advantage of increased building volume with a mezzanine and high ceiling heights. A winter garden for year-round interior public uses is planned for the corner of Vine and Theodore M. Berry Way. The winter garden can be used for private events and also as an extension of public riverfront events.

**Block 6 Building Program**

	<i>Approved Concept Plan</i>		<i>Proposed Changes</i>
	<b># of Units</b>	<b>Square Feet</b>	

<b>Retail</b>		30,000-36,000 SF	See combined Block 6/11A below
<b>Residential</b>	70-100	70,000-100,000 SF	See combined Block 6/11A below
<b>Total</b>	70-100	100,000-136,000 SF	See combined Block 6/11A below

Approved Concept Plan – Block 11

Block 11 is shown as open space in the approved Concept Plan (See Exhibits A and D).

Proposed Changes

Block 6 will offer prime residential units above ground floor restaurants and shops. The buildings are formed to create a continuous retail street along Freedom Way for both Blocks 6 and 2. Residents will have spectacular views in all directions. Parking access and service will be located on or near the Race Street cul-de-sac to maintain the pedestrian focus on the other streets. Outdoor dining, entertainment and shopping uses on Freedom Way and Vine Street will activate the streets and draw patrons into the park space located on Block 11A. We anticipate some of the retail uses will be driven by the Park activities such as bike rental and a sporting goods store. Ground floor residential units on the south side, facing Riverfront Park, may have stoops to give the appearance of traditional rowhouses to that critical and highly visible frontage.

**Combined Block 6/11A Building Program**

	<i>Approved Concept Plan</i>		<i>Proposed Changes</i>	
	<b># of Units</b>	<b>Square Feet</b>	<b># of Units</b>	<b>Square Feet</b>
<b>Retail</b>		30,000-36,000 SF		25,000-35,000 SF
<b>Residential</b>	70-100	70,000-100,000 SF	440-470	440,000-470,000 SF
<b>Total</b>	70-100	100,000-136,000 SF	440-470	465,000-505,000 SF

	<i>Approved Concept Plan</i>	<i>Proposed Changes</i>
<b>Building Height</b>	4 Stories	Max. 30 Stories
<b>Parking</b>		1.43-1.6/DU

**Block 7**

Approved Concept Plan

Block 7 is a public park to be developed by the National Underground Railroad Freedom Center, which will function as an extension of the Freedom Center programs, but also as part of the open space network of the Central Riverfront.

Proposed Changes

Block 7 is planned to accommodate two signature restaurants with expansive outdoor dining capability to take advantage of the great views of the Ohio River, the Freedom Center and the Riverfront Park. The restaurant sites will flank a public green space occupying the majority of the block bound by Freedom Way, Theodore M. Berry Way, Walnut Street, and Vine Street. This green space is anticipated to be owned by Hamilton

County, but developed and operated by the Developer as a venue for outdoor events for the Freedom Center and for the general public. The restaurants will be limited to 35 feet in height to protect the view corridors from the second level of the Freedom Center. The location of restaurants is designed to serve as a continuation of the retail corridor along Freedom Way. The Developer anticipates that there will be valet drop off for both restaurants with the parking located in the below grade garages accessed through other blocks. All service functions will be concealed from the Freedom Center.

The Freedom Center had concerns about the entertainment and retail uses that would be permitted in The Banks development. The administrators wanted to ensure that the uses surrounding the Freedom Center would be family-oriented and compatible with the image of the Freedom Center and would complement the mission and programs of the Freedom Center. To accommodate this request, a list of restricted retail uses has been included in the Master Development Agreement (See Exhibit F).

**Block 7 Building Program**

	<i>Approved Concept Plan</i>		<i>Proposed Changes</i>	
	<b># of Units</b>	<b>Square Feet</b>	<b># of Units</b>	<b>Square Feet</b>
<b>Open Space</b>		0 SF		26,581 SF
<b>Retail</b>		0 SF		20,000 SF
<b>Total</b>		0 SF		(retail) 20,000 SF

**Block 8 (Proposed as Combined Block 8/11B)**

Approved Concept Plan – Block 8

Block 8 is similar to Block 6, offering prime residential units above ground floor restaurants and shops. Formed to create a residential square along Freedom Way, Block 8 residents will enjoy great views in all directions. The ground floor uses should feature dining and entertainment with plenty of space for outdoor activities in the adjacent plazas and park. Block 8 will take advantage of events held at the adjacent Great American Ball Park and is ideally suited to sports oriented dining and entertainment.

**Block 8 Building Program**

	<i>Approved Concept Plan</i>		<i>Proposed Changes</i>
	<b># of Units</b>	<b>Square Feet</b>	
<b>Retail</b>		30,000-37,000 SF	See combined Block 8/11B below
<b>Residential</b>	70-100	70,000-100,000 SF	See combined Block 8/11B below
<b>Total</b>	70-100	100,000-137,000 SF	See combined Block 8/11B below

	<i>Approved Concept Plan</i>	<i>Proposed Changes</i>
<b>Building Height</b>	5 Stories	See combined Block 8/11B below

Approved Concept Plan – Block 11

Block 11 is shown as open space in the approved Concept Plan (See Exhibits A and D).

Proposed Changes

Block 8 is similar to Block 4, offering prime residential units above ground floor restaurants and shops. Formed to complete the residential row along Freedom Way, Block 8 residents will enjoy great views in all directions. The ground floor uses will feature dining, shops, and entertainment with plenty of space for outdoor activities in the adjacent plazas and park. The structures will vary in height; the current proposal includes a high-rise condominium with river and park views in each direction. Block 8 may include eight townhomes with traditional stoops located along the boundary line of Block 11B that will front on the upper park. By pulling the development to the edge of the park, there will be a constant stream of activity to serve as a draw for patrons to utilize the park. Block 8 will take advantage of events held at the adjacent Reds Ball Park and is ideally suited to sports oriented dining and entertainment. Theodore M. Berry Way has been terminated at Walnut Street to allow for a more buildable block dimension and preserve the park promenade.

**Block 8/11B Building Program**

	<i>Approved Concept Plan</i>		<i>Proposed Changes</i>	
	<b># of Units</b>	<b>Square Feet</b>	<b># of Units</b>	<b>Square Feet</b>
<b>Retail</b>		30,000-37,000 SF		24,000-28,000 SF
<b>Residential</b>	70-100	70,000-100,000 SF	160-200	160,000-200,000 SF
<b>Total</b>	70-100	100,000-137,000 SF	160-200	184,000-228,000 SF

	<i>Approved Concept Plan</i>	<i>Proposed Changes</i>
<b>Building Height</b>	5 Stories	Max. 30 Stories
<b>Parking</b>		To be Determined

**Block 12**

Approved Concept Plan

The Boardwalk will provide restaurants, shops, and entertainment on the river’s edge. Connected to Race Street at Theodore M. Berry Way, the Boardwalk could be designed in a traditional waterfront style incorporating the imagery of wharf buildings with an open metal structure and will be lined with shops and eateries with views of the park and river below. Access for people with disabilities, and services such as loading and waste removal, will be accommodated. The open structure of the Boardwalk will be maximized to preserve views. The wharf space below could also provide an event staging area. Elevated above the flood plain, the Boardwalk and the Race Street Park Pier below will allow visitors to enjoy the river in all seasons. Numerous connections to grade will link the Boardwalk to the Race Street Park Pier, wharf, park festival spaces, Mehring Way and Race Street.

Block 12 was modified when PD-43 was created. On April 21, 2006 the Planning Commission approved an update to the Hamilton County/Cincinnati **Central Riverfront Urban Design Master Plan** that would replace the 1999 Central Riverfront Park Plan with the 2006 revised Central Riverfront Park Plan adopted by the Park Board on March

16, 2006 (See Exhibit B). The 2006 revised Central Riverfront Park Plan removed the retail and Boardwalk component from Block 10 and Block 12. The City Planning Commission also approved an amendment to PD-43 on April 21, 2006 that adopted the revised Hamilton County/Cincinnati Central Riverfront Urban Design Master Plan as the Concept Plan and Development Program Statement for the Banks Planned Development District.

Proposed Changes

The proposed development plan is one that was created with input from Park staff and Park’s design team. Numerous meeting were held with the Developer and the Developer’s architect to integrate the development plan with the Park Plan. Major changes to the street grid proposed by the developer actually strengthen the Park Plan. The two biggest changes are the elimination of Race Street south of Theodore M Berry Way, and the elimination of Theodore M. Berry Way between Race and Vine Streets and Walnut and Main Streets.

The elimination of the segment of Race Street that would have connected Theodore M. Berry Way to Mehring Way allows for the park to expand all the way to Elm Street just north of Mehring Way, making the park larger. This will provide an even better setting for the carousel and adventure play area planned for this part of the park. The elimination of the two segments of Theodore M. Berry Way enables the park to come up to the “front door” of The Banks and removes the street as the north edge of these two parts of the park, while keeping intact the park plan of having a public walkway along the entire north edge of the park.

The Park Board staff has reviewed the amended Concept Plan and Development Program Statement and has determined that The Banks development plan appears to be conceptually consistent with the Central Riverfront Park Plan and its program elements. The changes not only work with the approved plan but also enlarge the park slightly. These changes have been presented to the Park Board. The Park Board will be asked to approve The Banks development plan as it relates to the Central Riverfront park Plan at their August meeting.

**Block 12 Building Program**

	<i>Approved Concept Plan</i>	<i>Proposed Changes</i>
	<b>Square Feet</b>	<b>Square Feet</b>
<b>Retail</b>	0 SF*	0 SF -- No Changes Proposed
<b>Total</b>	0 SF	0 SF -- No Changes Proposed

\* As amended by the 2006 Central Riverfront Park Plan

**Block 13**

Approved Concept Plan

This parcel of land is included in The Hamilton County /City of Cincinnati Central Riverfront Urban Design Master Plan. However, the Central Riverfront Urban Design

Master Plan did not outline specific uses for this block. Site Plans in the Master Plan show Block 13 as a landscaped peripheral lot.

Proposed Changes

The current proposal for Block 13 includes a limited service hotel fronting on Race Street. This hotel will be an excellent amenity to both stadiums. Parking for the hotel will be located in the below podium garage. The hotel will cater to the sporting enthusiasts coming to visit their favorite teams and family tourists. Block 13 was overlooked when PD #43 was created. This amendment will include Lot 13 in the PD#43 boundary.

**Block 13 Building Program**

	<i>Approved Concept Plan</i>	<i>Proposed Changes</i>
	<b>Square Feet</b>	<b>Square Feet</b>
<b>Hotel</b>	0 SF	40,000-50,000 SF
<b>Total</b>	0 SF	40,000-50,000 SF

**SUMMARY OF PROJECT TOTALS**

	<i>Approved Concept Plan</i>		<i>Proposed Changes</i>	
	<b># of Units</b>	<b>Square Feet</b>	<b># of Units</b>	<b>Square Feet</b>
<b>Retail</b>		250,000-300,000 SF		200,000 - 400,000 SF
<b>Residential</b>	600-800	580,000-745,000 SF	1630-1800	1,000,000-1,800,000 SF
<b>Office</b>		100,000-200,000 SF		200,000 - 1,000,000 SF
<b>Hotel</b>	200-400	160,000-200,000 SF		200,000 - 400,000 SF
<b>Total</b>		<b>1,090,000-1,445,000 SF</b>	<b>1630-1800</b>	<b>1,600,000-3,600,000 SF</b> <b>(To be capped at 2,800,000 SF)</b>

The Developer is requesting an increase in the total square footage of 1,355,000 square feet with the number of residential units increasing from 600-800 units to 1630 –1800 units. The amendment includes approximately 200,000-1,000,000 square feet of office, 200,000-400,000 square feet of retail, 200,000-400,000 square feet of hotel, and 1,000,000-1,800,000 square feet of residential. In order to maintain flexibility for adjustment to the market demand, the developer has proposed ranges within each product type. The anticipated total development will not exceed 2,800,000 square feet. The Developer proposes a portion of the office development to be located on Blocks 1, 2 and 4. The hotel component may be located in Blocks 1,2,4 and/or 13. Retail and Residential components may be located in all development blocks. The developer anticipates that the market will dictate the phasing of elements within the blocks of The Banks project area. The amended Concept Plan and Development Program Statement require that the program have flexibility of use, location and square footage within the overall project area. The proposed uses and square footages on each block are current projections subject to adjustment based upon market conditions. The developer feels that it is critical to

provide flexibility within the Concept Plan to allow for various product types to be relocated based on market demand. While block designations are shown for various uses, the Concept Plan must provide for all uses on all blocks within the above stated square footage allotments of the overall project. Hotel, office, retail and residential parking shall be provided below the podium level and some parking may be located above podium level. The first phase of construction shall consist of a portion of Blocks 4 and 8/11B. Phase I will include 70,000 square feet of retail and at minimum 300 residential units.

The development effort will be phased over a period of years and the Banks Development Team anticipates beginning site work in the Winter of 2007, with an estimated completion date of Phase I in late Summer 2009. While the attached Concept Plan Phasing Schedule reflects the 22-year term of the Master Development Agreement, the Developer anticipates the total build out to occur in a substantially shorter time frame, approximately 10-15 years.

### **Building Heights**

#### Approved Concept Plan

The development massing will build up from the river to the CBD, and from the eastern and western edges of the central riverfront as measured from the 515-foot elevation. Permitted building heights along the park will be 70 feet and will climb to 160 feet along Second Street. Blocks 1 and 5 are restricted in areas to 40 feet to protect view corridors from Paul Brown Stadium in accordance with lease provisions with the exception of the east side of Block 1 which has seven and five-story buildings.

The urban design quality of the Cincinnati Central Riverfront must be enhanced to reflect the historic importance of the riverfront as the front door to the City, including the reconnection of the Downtown to the Ohio River. The City skyline as viewed from the south is Cincinnati's signature image. In order to preserve this asset, new buildings in the Central Riverfront should be scaled to support existing sight lines. Building heights should step down from Fort Washington Way to Mehring Way.

#### Proposed Changes

The developer is requesting that building heights vary from one to thirty stories. The approved Concept Plan limits building heights to 16 stories. The major change requested is a deviation from the building heights stepping down from Fort Washington Way to Mehring Way. The new vision for this development is that of a city built over time with varying heights and architectural styles as opposed to an artificially created part of a traditional city. There will be variety in the massing of the buildings within the development. The individual blocks will be articulated with different facade types and rooflines so as to avoid a monolithic appearance and promote the impression of an evolving city. The orientation of buildings shall be such that view corridors from the City to the River are maintained and that view corridors from Paul Brown Stadium are maintained in accordance with the anticipated revised Bengal's lease provisions. The developer feels that a traditional urban atmosphere can be created while complementing the existing spectacular city skyline. Therefore, the developer is requesting that the City

Planning Commission approve the specific building heights for each Lot at the Final Development Plan stage.

**URBAN DESIGN INITIATIVES**

**Parking**

Approved Concept Plan

Above Grade Parking and Street Level Servicing

The mid-block parking garages will be located in Blocks 1, 2, and 4. These garages will be sized to accommodate the needs of the residential development blocks and are not intended for commuters or stadium-related events. However, the street entrances and ramping for these garages and the below grade parking system should be coordinated to provide maximum parking efficiency and operational flexibility. Frequent entrances to both the upper and lower garages are planned for the north/south street frontage to give motorists several options to choose from and to take full advantage of the flexibility offered by the street grid. Pedestrian access to the upper-level garages will be convenient, safe, and well lit. Street level service areas are permitted in the interior of Blocks 1, 2, 4, and 10. On-street loading is permitted for Blocks 5, 6, and 8. All dumpsters must be located within development blocks and out of sight.

Parking Levels 490 and 500

Two continuous parking levels below the central riverfront streets and development blocks will provide a major parking reservoir for commuters, stadium events, and central riverfront commercial activities. Vehicular access to the two parking levels will be at major entrance locations on Central Avenue, Broadway, and Mehring Way, as well as street level entrances above on Elm, Race, Vine, Walnut and Main. Both parking levels will be organized with straight uninterrupted parking bays and drive aisles, preserving open views and simple traffic patterns. Column layouts and vertical elements such as cores and stair towers should be located to preserve a clear and well-organized parking system.

A well-lit and attractive east/west walkway within the garage will help orient pedestrians and provide access to several elevator cores and stairs. Frequent lobbies at street level should be provided for pedestrian access to the parking levels. Buildings in each development block will be designed with parking below. North of the garage beneath Second Street is the underground Intermodal Transit Center. Two loading dock facilities are shown, servicing development Blocks 1, 2, 4, and the Freedom Center. Trucks will use the intermodal cartway to gain access to the two loading bays.

**Parking Counts by Blocks (Above and Below Grade)**

<b>Block</b>	<b>Total Count</b>
Blocks 1 & 5	1162
Blocks 2 & 6	1569
Block 3 (Freedom Center)	360
Blocks 4 & 8	600

### Proposed Changes

Hotel, office, retail and residential parking shall be provided below the podium level and some parking may be above podium level. The exact use, location and square footage within each block will be approved at the Final Development Plan stage and for that reason the breakdown by block of the parking has not yet been determined. However, appropriate parking for each use will be provided for within the development area.

### Above Grade Parking and Street Level Servicing

Most blocks will include mid-block parking garages. These garages will be sized to accommodate the needs of the residential development blocks and are not intended for commuters or stadium-related events. Any residential parking to be located in the below grade garages will be nested and secured. All retail, office, hotel and general public parking will be located in the below grade garage and is on a first come, first serve basis with the exception of some dedicated parking for the office users. The street entrances and ramping for the above grade garages and the below grade parking system will be coordinated to provide maximum parking efficiency and operational flexibility without parking entrances on the east/west streets. Frequent entrances to both the upper and lower garages are planned for the north/south street frontage to give motorists several options to choose from and to take full advantage of the flexibility offered by the street grid. Vertical pedestrian circulation to the below grade garage will be provided via headhouses located within the wide sidewalk areas, similar to the current condition at the Freedom Center along Second Street. Residents will have direct access from any nested parking in the below grade garage to the lobbies within their buildings. Pedestrian access to the upper-level garages will be convenient, safe, and well lit with controlled access points entering directly into the residential buildings. Street level service areas are permitted in the interior of most blocks. On-street loading is permitted for all blocks. All dumpsters will be located within development blocks and out of sight.

### Parking Levels 490 and 500

Two continuous parking levels below the central riverfront streets and development blocks will provide a major parking reservoir for commuters, stadium events, and central riverfront commercial activities. Vehicular access to the two parking levels will be at major entrance locations on Central Avenue, Broadway, and Mehring Way, as well as street level entrances above on Elm, Race, Vine, Walnut and Main Streets. A well-lit and attractive east/west walkway within the garage will help orient pedestrians and provide access to several elevator cores and stairways up to street level. Frequent headhouses at street level will be provided for pedestrian access to the parking levels. Buildings in each development block will be connected to the parking below. North of the garage beneath Second Street is the underground Intermodal Transit Center. Two loading dock facilities are shown, servicing development Blocks 1, 2, 4, and the Freedom Center. Trucks will use the intermodal cartway to gain access to the two loading bays.

### **The Street Grid**

#### Approved Concept Plan

Elm Street, Race Street and Main Street are extended south from Third Street across Fort Washington Way to Mehring Way. Vine Street and Walnut Street are extended south as

far as Theodore M. Berry Way. A new east/west street, to be known as Freedom Way, is located between Second Street and Theodore M. Berry Way. South of Second Street all streets will be two way, four lanes wide with on-street parking permitted during non-peak hours and non-event hours.

#### Proposed Changes

The Banks Development is easily accessed through a regional transportation network that has been substantially modified over the last ten (10) years. Within the Banks Development, two-way traffic will be permitted on Freedom Way. Freedom Way will serve as a principle retail corridor within the Banks and will be comprised of three lanes (one lane in each direction and a turn lane) plus parallel parking on either side. Retail uses will line both sides of Freedom Way to activate the street. Theodore M. Berry Way will be vacated between Elm Street and Vine Street and also between Main and Walnut Streets. Race Street will terminate in a cul-de-sac at Theodore M. Berry Way. See Exhibit E for the proposed street grid layout.

### **Pedestrian Network**

#### Approved Concept Plan

The Central Riverfront Development Plan integrates pedestrian circulation into a system of street, squares and parks. All blocks will provide sidewalks with a minimum dimension of 13 feet on all streets. Pedestrian areas will broaden out to provide outdoor activity areas for cafes and special events. Where sidewalks cafes are desired, sidewalk widths should be deepened to accommodate outdoor seating

#### Proposed Changes

The Banks project will integrate pedestrian circulation into the street and park system. Outdoor activity areas will be provided on all blocks. The details of each Block have not been determined at this time. The sidewalk widths and internal open space will be presented to the Planning Commission at the Final Development Plan stage.

### **Typical Street**

#### Approved Concept Plan

A typical city street in the Central Riverfront will accommodate two-way traffic flow with four 11-foot lanes that can accommodate two lanes of travel in each direction for rush hour and special events. On-street parking will be permitted during off-peak hours with one travel lane in each direction. The typical sidewalk depth will be 134 feet from curb to building front.

- **Freedom Way**

Freedom Way will be a unique street in the Central Riverfront because it will provide a sequence of public squares lined with street-oriented activities. Defined by mid-rise buildings and the National Underground Railroad Freedom Center, the squares will offer a variety of outdoor activity including pre and post-game celebrations, outdoor markets, ice skating and outdoor dining. Each square should have a unique character and offer a variety of spaces from soft shady areas to plazas with rich textures and color.

The design of Freedom Way will be similar to the typical street in cross section however between Vine and Walnut streets the street design will be influenced by the Freedom Center to respond to unique opportunities for outdoor activities and links to the Riverfront Park.

- **Theodore M. Berry Way**

Theodore M. Berry Way will become the new riverfront street for Cincinnati, lined with shops and restaurants to capture views of the Riverfront Park and Ohio River.

#### Proposed Changes

Freedom Way will serve as a principle retail corridor within the Banks and will be comprised of three lanes (one lane in each direction and a turn lane) plus parallel parking on either side. Retail will line both sides of Freedom Way to activate the street. The details of each Block have not been determined at this time. The sidewalk widths and open space will be presented to the Planning Commission at the Final Development Plan stage.

Theodore M. Berry Way will be vacated between Elm Street and Vine Street and also between Main and Walnut Streets. Race Street will terminate in a cul-de-sac at Theodore M. Berry Way. See Exhibit E for the proposed street grid layout.

#### **Basic Requirements of a Planned Development District:**

Section 1429-11(a) of the Zoning Code states: The City Planning Commission may recommend approval or conditional approval, with restrictions on the establishment of a PD District as the Commission deems necessary for the protection of the public interest and to secure compliance with the development program statement, on finding that all of the following circumstances apply:

- 1) The PD concept plan and development program statement are consistent with applicable plans and policies and is compatible with surrounding development;
- 2) The PD concept plan and development program statement enhance the potential for superior urban design in comparison with the development under the base district regulations that would apply if the plan were not approved;
- 3) Deviations from the base district regulations applicable to the property at the time of the PD application are justified by compensating benefits of the PD concept plan and development program statement; and
- 4) The PD concept plan and development program statement includes adequate provisions for utility services, refuse collection, open space, landscaping, buffering, pedestrian circulation, traffic circulation, building design and building location.

The PD District regulations, Chapter 1429 of the Cincinnati Zoning Code, allows for significant flexibility in development based upon an initial concept plan approved by the City Planning Commission and City Council in establishing the PD District. Once a PD

District is established the City Planning Commission approves the Final Development Plans.

A Final Development Plan must be filed for any portion of an approved Concept Plan and Development Program Statement that an applicant wishes to develop. The final development must conform substantially to the approved Concept Plan and Development Program Statement. Section 1429-13 of the Zoning Code lists the submission requirements for the final development plan including site plans, engineering plans, schematic building plans, landscape plans, phase schedule and ownership control.

City Planning Commission's approval of the Final Development Plan must occur prior to the issuance of applicable building permits. After Final Development Plan approval, building permit applications are routed to Department of Community Development and Planning staff as a part of the permit review by Department of Buildings and Inspections for compliance with the approved Final Development Plans.

**PUBLIC COMMENT:**

A public staff conference was held on August 2, 2007 at 5:30 PM to present the proposed amendments to the public, answer questions and document any comments and concerns. Notices were sent out to property owners within 600 feet of PD #43, all Community Council Presidents and the standard "interested parties" list. Besides the The Banks Development Team, only six individuals from the public attended the conference. There were no questions or comments regarding the proposed amendments.

**ZONE CHANGE ANALYSIS:**

City Planning Commission Action:

According to Section 1429-11(a) of the Cincinnati Zoning Code, City Planning Commission may recommend approval or conditional approval, with restrictions on the establishment of a PD District on finding that all of the following circumstances apply:

- 1. The PD Concept Plan and Development Program Statement are consistent with applicable plans and policies and is compatible with surrounding development;**

The Banks is a unique project. A PD district was established on this site in 2006. The developer for the project is requesting an amendment to the approved Concept Plan and Development Program Statement for a material change in the density of the development and the product mix. Section 1429-21 - **Final Development Plan Amendments** of the Zoning Code states:

“Amendments that change the uses allowed or materially change the density of the development require approval of Council as a zoning map amendment.”

The uses allowed by the approved Concept Plan and Development Program Statement will not change. Actually, a list of restricted retail uses has been added to the Master Development Agreement (See Exhibit F) to ensure that the proposed development will be compatible with the existing surrounding development. The

amendment is requested because of the proposed increase in the density of the development and to add Lot 13, which was previously overlooked when PD #43 was created.

This major amendment is being requested to allow a total project development of 2,800,000 square feet consisting of retail uses, residential uses and hotel uses with a maximum building height of 30 stories and a maximum phasing schedule of 22 years. This is an increase in the total square footage of all uses by 1,355,000 square feet. The developer is also requesting flexibility in the product mix on each block with the uses for each individual block of the development area to be approved at the Final Development Plan stage. This will allow the market to play into the determination of how and when each block is developed. The flexibility of use, location and square footage within each block of the Concept Plan is critical to ensuring success for the overall development.

The maximum height is increasing from 16 stories to 30 stories. This will allow the increased density while still retaining the views of the Riverfront Park and Ohio River. In addition, the developer is requesting that The Banks be designed to promote the impression of a city developed over time. This is not in keeping with the approved Concept Plan, which recommended that the heights in The Banks development be stepped up from Mehring Way to Fort Washington Way. The developer feels that the view corridors from the City to the River can be maintained while creating a traditional neighborhood of various articulated façade types and rooflines and avoiding the monolithic appearance of the stepped height approach.

The Banks Development Team is also requesting that PD #43 be phased over a 22-year time frame. This is consistent with the Master Development Agreement. However, The Banks Development Team anticipates that site work will begin in the Winter of 2007, with an estimated completion date of Phase I in late Summer 2009 and the total build out to occur in a substantially shorter time frame of 10-15 years. The extended phasing schedule is requested for consistency with the Master Development Agreement.

Due to the realignment of certain streets, the configuration of some blocks has changed. This can be seen on the project site plan attached as Exhibit E. The actual replatting of each lot will be submitted to the Planning Commission as each lot is needed for construction of the improvements. The developer is, however, requesting conceptual approval of the overall street layout since it is slightly different from the approved Concept Plan.

The changes requested by the Developer are consistent with the Approved Concept Plan and Development Program Statement. In The Hamilton County/Cincinnati **Central Riverfront Urban Design Master Plan**, the Riverfront Advisory Commission recommended that:

- 1) The Banks should create a 24-hour, seven-day-a-week diverse pedestrian-friendly urban neighborhood.

- 2) The design of the Banks should foster a diverse welcoming, pedestrian friendly urban character
- 3) A diverse, pedestrian friendly urban neighborhood with a mix of uses, including residential housing, specialty-retail stores, restaurants and entertainment, office and boutique hotel space.

However, even when the Master Plan was being written, the County and City recognized that changing market conditions and other special requirements of a particular developer may require minor modifications to these published urban guidelines. Although the Master plan stated that developers should be strongly encouraged to follow the guidelines it also stated “the developers may propose minor modifications to the guidelines with their submissions if the developer can demonstrate that the modifications are consistent with the overall intent of both the guidelines and the banks master plan, and that they improve the viability of the project.”

The Master Plan is not entirely being replaced. Only those portions of the Master Plan that deal with density, heights, product mix, street grids and phasing are being modified. It is the intention of the developer to ensure that the overall goals of The Hamilton County/Cincinnati Central Riverfront Urban Design Master Plan are met. The details for each lot will be presented at the Final Development Plan stage.

- 2. The PD Concept Plan and Development Program Statement enhances the potential for superior urban design in comparison with the development under the base district regulations that would apply if the plan were not approved;**

This issue was addressed and decided when the original PD #43 was approved by the Planning Commission and adopted by City Council. At this time the base district does not exist. The current request is simply to modify certain provisions of the approved Concept Plan and Development Program Statement.

- 3. Deviations from the base district regulations applicable to the property at the time of the PD application are justified by compensating benefits of the PD concept plan and development program statement; and**

Again, this issue was addressed and decided when the original PD#43 was approved by the Planning Commission and adopted by City Council. At this time the base district does not exist. The current request is simply to modify certain provisions of the approved Concept Plan and Development Program Statement. The compensating benefits of the modifications to the approved Concept Plan and Development Program Statement are justified. Market conditions will determine the how and when each block is developed. The modifications have been requested to improve the viability of the project thereby ensuring success for the overall development.

**4. The PD Concept plan and Development Program Statement includes adequate provisions for utility services, refuse collection, open space, landscaping, buffering, pedestrian circulation, traffic circulation, building design and building location.**

The modifications to the PD Concept Plan and Development Program Statement include adequate provisions for utility services, refuse collection, open space, landscaping, buffering, pedestrian circulation, traffic circulation, building design and building location. The Urban Design Review Board and the Planning Commission will review all of these issues at the Final Development Plan stage.

**CONCLUSIONS:**

Members of the Planning Commission have repeatedly emphasized their support of The Banks project moving forward with implementation of the Central Riverfront Urban Design Master Plan. Additionally, the Planning Commission has expressed its concern that development, now and in the future, be consistent with the concept and principles of the central riverfront Urban Design Master Plan. The Master Plan is not entirely being replaced. Only those portions of the Master Plan that deal with density, heights, product mix, street grids and phasing are being modified. It is the intention of the Developer to ensure that the overall concepts and principles of The Hamilton County/Cincinnati Central Riverfront Urban Design Master Plan are met.

**RECOMMENDATION:**

Based on the above discussions and conclusions, the staff of the Department of Community Development and Planning recommends that the City Planning Commission take the following action:

1. Approve the addition of Block 13 into PD-43,
2. Approve the increase in the total project density to a maximum of 2,800,000 square feet,
3. Approve a maximum building height of 30 stories and remove the requirement that building heights be stepped down from Fort Washington Way to Mehring Way,
4. Approve the flexibility in the product mix on each block with the of use, location and square footage within each block of the Concept Plan to be approved at the Final Development Plan stage,
5. Approve the phasing schedule for up to 22 years to be consistent with the Master Development Agreement,
6. Approve the amended street grid and typical street layouts as shown in Exhibit E to replace the selected framework in the Master Plan/Concept Plan,
7. Approve the amendments to Central Riverfront Park Plan as shown on Exhibit E,
8. Approve the revised pedestrian network as shown on Exhibit E with final approval to occur at the Final Development Plan stage,
9. Approved the revised parking allocation with final approval to occur at the Final Development Plan stage,

10. Approve Exhibit F as the list of prohibited uses in PD-43,
11. Recommend that the City Council adopt the Hamilton County/Cincinnati **Central Riverfront Urban Design Master Plan** as amended by The Banks Concept Plan and Development Program Statement prepared by Carter Real Estate and The Dawson Company dated July 20, 2007 and the 2006 revised Central Riverfront Park Plan adopted by the Park Board on March 16, 2006 to be the new Concept Plan and Development Program Statement for PD-43.

### **DISCUSSION**

Ms. Wuerstle used a PowerPoint presentation to provide an overview of the staff report. She explained that her presentation would provide a background and that she would then introduce the developers. She went on to explain that Item #2 was for the transfer of property within The Banks project area. She pointed out the necessity for the transfers and described its relationship with each phase of the development. She said that if the Planning Commission approved the transfers in advance, the City Manager could then take the deeds forward when the developers were ready to proceed.

Ms. Wuerstle explained that the amendment included a request for Lot 13 to be added to PD-43. Lot 13 was always considered part of The Banks development area and part of the Master Plan. However, it was inadvertently left out of the PD when it was adopted on May 17, 2006. This amendment will remedy the oversight. She presented a map that illustrated PD-43, including Lot 13.

Ms. Wuerstle reminded the Planning Commissioners that the Zoning Code requires that any amendment to the Concept Plan or Final Development Plan that changes the uses or materially changes the density is required to go through the entire PD approval process with City Council adopting the changes. She stated that the uses in the Master Plan will not change but that there were some substantial amendments to the density. She explained that the Master Development Agreement would include a list of restricted uses that were requested by the Freedom Center to ensure that the new development will be compatible to their mission. She said that the developer was requesting amendments for a substantial increase in the density and an increase in height limitations. They would also like relief from the guideline that requires stepped heights from the riverfront to Second Street. They would like to be able to be creative with the massing and heights of the buildings. Also vital to the project, is the flexibility in the product mix on each block and an extension of the phasing plan, to twenty-two years. Additionally, there were some minor changes to the block configurations and the street grid.

Ms. Wuerstle pointed out that the Planning Commissioners received revised staff reports. She explained the minor changes.

Mr. Mooney asked if the developer would have to return to the Planning Commission and Zoning Review Board for approval on a block-by-block basis. Ms. Wuerstle responded that the Planning Commission must approve the Final Development Plan prior to building permits being issued. The developer could obtain Final Development approval on a block-by-block basis or a half block or even a couple blocks. It would depend on how much of the development they were ready to move forward on at that particular time.

Mr. Faux stated that he had met with the developers and wanted to recognize that there were many working group meetings prior to this presentation. He welcomed the developers.

Mr. Trent Germano, of Carter Real Estate, introduced his colleagues, Laura Griffin, of Carter Real Estate and Bailey Pope of The Dawson Company. He stated that they had been working for over a year on the project. He said that Dawson was a joint venture partner with Carter and had worked together for over ten years. He and Mr. Pope presented a PowerPoint presentation that gave an overview of Carter Real Estate and The Dawson Company. Mr. Pope stated that Dawson was a wholly African American owned business and was a 50-50 joint partner with Dawson on The Banks project. Mr. Germano described their plan for The Banks. He described the unique aspects of the site and said that the current plan was a general vision. He explained that it was a general vision because none of the architecture had been designed and everything is based on how to make the project work in the future. He described the changes requested from the Master Plan and the need for flexibility. He said that pre-determined projects lose market chances. He stated that they would like to build at a steady clip based on the market. The non-uniform building heights would be an extension of the City streets and fabric. They had worked with the Park Board to integrate the Park Plan with The Banks project. The focus would embrace the Freedom Center and showed a map to illustrate the green space. He described the urban retail mix and said that most parking would be underground. The focus would be on the pedestrian and not the automobile. He went on to say that the east side of the site was chosen to begin Phase I. Mr. Mooney asked the rationale for the location for Phase I. Mr. Germano responded that they liked the activity of the Great American ballpark, the number of games and the adjacency of the parking structure. He described the first phase and said that they hoped to build a low to mid-rise office structure in that area. There would also be two sites for freestanding restaurants. He explained the connection from one end of Freedom way to the other. He described the future phases and stated that the flexibility was needed in case a large company wanted to relocate to The Banks.

Ms. Griffin described a scenario of a day in the life of a person living and working at The Banks. She said that over time the neighborhood would develop a personality. She went on to say that The Banks location was an unmatched site with two major sports stadiums, entertainment venues, cultural assets, parks and the Ohio River.

Mr. Pope stated that the development would create a new neighborhood and a special part of the City. He said that the project is about the people of Cincinnati and comes from their ideas in the Master Plan that was developed seven years ago. He said that they feel that the project could be even bigger than originally envisioned. He described bringing a vacant site to life by filling in the hole that's there now. He said that creating a vibrant street scene was important but what's most important is that it's peopled. It has to have a population, mix of uses and a full intact sustainable neighborhood to ensure the success of the project. He explained that they do not want to design the entire project at once with a single vision because that would give it a contrived look. To blend it into the urban fabric, it needs to be something organic that comes in response to market forces and differing visions. The intention is to involve a broad array of architects, builders and

the entire professional community from Cincinnati to create a visually and physically diverse piece of the City.

Mr. Mooney asked if the developers had considered the effect the increase of class-A office space would have on the downtown business district in terms of projected office development. Mr. Germano responded that the largest increase was residential. He said the site would contain a maximum of one million square feet of office space.

Ms. McCray asked if the maximum height would be 30 stories on certain blocks or across the entire site. Mr. Pope stated that the possibility of building to that height could bring in a new Fortune 500 company that would bring new jobs to the City. He said that he did not foresee building housing to that height. The specific blocks would be determined by the needs and desires of the tenants that were recruited.

Ms. McCray asked the developers to give an overview of the recreational component of the plan. Mr. Germano said that they anticipate having recreational areas associated with the residential areas. The market would drive specific areas and types of recreation outlets that would be implemented.

Mr. Dohoney stated that he felt that the developers were describing a fluid development that over the course of time would develop 2.8 million square feet. He asked if they planned to do ongoing marketing studies on the residential portions of the development. Mr. Germano agreed and said that they had already done market studies and would continue to do market studies as the project progressed.

Mr. Dohoney stated that a grocery store was mentioned in the report. He asked if that was hypothetical or if the developers had a specific intent to try to locate a grocery within the development. Mr. Germano said that it was hypothetical but that they would work hard to make it a reality. Mr. Pope described the three user groups; the workers, the stadium attendees and the residents. He said the residents were the most important group and there needed to be services and retail to support that group. Mr. Faux asked if the developers would size a grocery store just for the residents of the development or to also serve the surrounding areas. Mr. Pope said that they were interested in exploring the best practices in urban grocery stores.

Mr. Mooney said that he felt that it was smart to be fluid with the development.

Mr. Schneider asked if the developers had massing models to show how a 30-story building would look in relation to the surrounding properties. Mr. Germano said that they purposely made the drawings vague to indicate the flexibility needed in the future. Mr. Pope stated that the massing illustrated on the drawings showed the total volume of development requested. If a tall building was constructed it would use a large portion of the allowed density so there's a greater possibility that the density would be spread out as shown.

Dr. Vlasta Molak of the Gaia Foundation stated that she felt that the public was unfairly taxed for the stadiums and asked who was paying for The Banks development. She also suggested that the developers investigate and use green technology for the project.

Mr. Rick Greiwi, stated that he was pleased that The Banks project was moving forward. He said that he was concerned with the increased density and wanted to make sure that the percentages of the various uses were maintained. He said that too much office development would leave “empty teeth” in the downtown business district. He stated that guidelines should be put in place to ensure that the percentages would not be skewed. He went on to say that he was concerned with the possibility of a “canyon effect” being created with the requested building heights. Mr. Mooney asked how the Planning Commission could ensure that the development does not become a large office park.

Mr. Germano explained that if the density shown in Phase I were spread across the entire site, the total density requested would be met. He said that the developers have a minimum and maximum of allowable office space for the development which eliminates the possibility of an over abundance of office space.

Ms. Wuerstle stated that the Planning Commission would have an opportunity to review plans each time permits are ready to be pulled for the project. Mr. Faux agreed and said that this requirement would allow the Planning Commission to monitor the development at every stage.

Mr. Tarbell stated that he was concerned with the little reference to the section between 3<sup>rd</sup> and 2<sup>nd</sup> Streets; the caps on Fort Washington Way. He asked the developers to explain their plan for the connectivity with the downtown district and ideas regarding public transportation.

Mr. Germano stated that they supported creating a pedestrian and visual link to downtown. He went on to say that the economics would be problematic. He said that their development would receive public transportation but that they would not be the ones to implement the caps on Fort Washington Way.

Mr. Mooney stated that he understood Mr. Germano to say that they supported the caps and light rail but that it was not the developer’s task. Mr. Germano agreed.

Mr. Tarbell described the challenges with connecting The Banks and the Central Business District. He stated that the importance of connectivity overrides some of the financial challenges. Mr. Faux described the way that the City of Columbus, Ohio solved a similar issue. He agreed that a cap would be vital and suggested approaching the State for funds.

Mr. Mooney stated that he was impressed with the cooperation and progress that the working group and the developers had made over the past six months. He explained that when the PD was adopted, the City was concerned and recognized that flexibility would be necessary for the development. The developers will be required to return to the

Planning Commission and the Urban Design Review Board before approval for permits could be issued. The development is a big investment and the City, County and taxpayers have a right to ensure that the project is consistent with what is good for the community. Mr. Mooney moved to approve the staff recommendations for Item #1. Mr. Dohoney seconded.

Mr. Schneider said that the development would be different than what was envisioned in 1996. He went on to say that he went down to the project site and tried to judge the results of the proposed development. He stated that without a three-dimensional model it was difficult to determine the outcome of the requested changes and heights of the buildings. He approved of the architecture in the drawings and said that it played well off the stadiums. He said that he was opposed to the heights requested but that he approved of the increased density.

Mr. Tarbell said that he would agree to strike item #3 in the staff report. Mr. Mooney asked what the height restrictions would be if the 30-story maximum were rejected. Ms. Wuerstle responded that the height restriction would be a maximum of 16 stories. Mr. Mooney felt that specifying a lower height was too technical and wanted to vote on his original motion of approving the staff recommendations.

Mr. Dohoney stated that the developers need flexibility for the project and specifically mentioned the possibility of recruiting a company headquarters to the City. This would not be an automatic approval of 30 story heights. The spirit of the request is for this city to grow and be attractive to outside investment. The design is such that we have the capacity to accommodate a headquarters location at the waterfront. He went on to say that he felt that it would be a grave mistake to set a height restriction and to box in ourselves at the 16 stories or whatever height. He said that he thought that Mr. Mooney's motion was in order.

Mr. Faux stated that there was a cap on the total square footage and that a substantial portion of the square footage would have to go into a taller building and thus be removed from the remaining development. He stated that the development team discussed avoiding a symmetrical development. He said that he agreed that avoiding symmetry was preferable. He went on to say that he agreed with the Manager; it is beneficial to allow the height possibility and provide an attractive site for a headquarters. Mr. Faux also explained that the Commission maintained the ability on a block-by-block basis to approve or not approve the details of the development, including heights.

Mr. Schneider said that he disliked symmetry as well and felt that it was advantageous to allow the market to drive the development. He said based on his judgment a 30-story building would have to be carefully placed. He suggested that leaving the original height restrictions in place would not eliminate the possibility of allowing a taller building in the future. If a fortune 500 company came to the Planning Commission and asked for a greater height, the Commission would probably approve it. He felt that the burden of proof was on the developer to undo a ten year planning process and at this point he did not see evidence to support moving forward with changing the height restriction.

*Mr. Tarbell left the meeting at 6:31 p.m.*

Ms. Benita Tillman, Cincinnati resident, stated that the workforce for the project should reflect the demographics of the City. She suggested that the developers strive to maintain a 35% minority workforce, depending on availability of qualified workers. Mr. Faux stated that the Planning Commission had no authority on workforce issues and that this would not be something that the Commission would be approving at this meeting.

*Mr. Tarbell returned to the meeting at 6:35 p.m.*

Mr. Willie Carden, of the Park Board, stated that he wanted to compliment the developers and applaud the hard work that they, along with the City and County, have done on the project. He pointed out that the Park Board had not yet approved the amended Park Plan that was being presented. He asked that the park portion be held to give the Park Board members the opportunity to review the amended plan.

Mr. Mooney asked for an explanation of the changes and Ms. Wuerstle walked the Planning Commission members through the differences. She said that the proposed plan increased the park slightly. She asked Mr. Carden if it would be possible to adopt the PD amendment for the park plan conditioned on approval of the Park Plan by the Park Board. Mr. Carden said that he would support a conditional approval. Mr. Mooney asked if there was something that required that the Park Board approve it before the Planning Commission and Julia Carney responded that there was not. He then said that he did not feel that the PD amendment approval should be conditional on Park Board approval. He felt that the amendment should be approved and then if the Park Board found that the Planning Commission had made a mistake they could request that the Commission revisit that issue. Therefore, he did not amend his motion.

Mr. Tarbell asked if the 30-story height limit would be “as-of right” if the Commission approved it as part of the Concept Plan or if the Commission would have a chance to revisit the height issue again.

Mr. Mooney stated that the final plans were subject to review by the Urban Design Review Board (UDRB) and also by the Planning Commission. He explained that the UDRB could decide that 30 stories does not fit on the site. He asked Ms. Wuerstle if that statement was accurate and Ms. Wuerstle responded that it was correct. Mr. Mooney stated that the Commission could approve the flexibility and heights requested by the developers at this conceptual stage. He said that the developer would have to understand that the UDRB and Planning Commission can be tough sometimes and may not approve a 30-story structure at the Final Development Plan stage.

Mr. Faux confirmed that the Planning Commission still would have the right to say no at the Final Development Plan stage.

Mr. Tarbell stated that he felt that the current members of the UDRB would carefully guard the height limits and if the UDRB has the right to review the final plans than he was personally comfortable giving the conceptual approval for up to 30 stories.

- Motion:** Mr. Mooney moved approval of Item #1.
- Second:** Mr. Dohoney
- Ayes:** Mr. Faux, Ms. McCray, Mr. Mooney, Mr. Tarbell, and Mr. Dohoney
- Nays:** Mr. Schneider, **motion carried**

**ITEM #2** A report and recommendation on the conveyance of property within Planned Development District No. 43, The Banks.

*Ms. Margaret Wuerstle, Chief Planner presented this item.*

**BACKGROUND:** The City of Cincinnati presently owns the fee simple interest in certain portions of the real estate on which The Banks project in Planned Development District No. 43 (The Banks) is to be developed. In addition, Hamilton County (the County) presently owns the fee simple interest in certain portions of the real estate on which The Banks is to be developed. Some of the real estate interest may be air rights or ground rights and some may be both air and ground rights. In order for The Banks and the Central Riverfront Park project to proceed, some of the County's real estate must be transferred to the City. The City must then transfer some of its real estate interests to The Banks Developer (Developer). Other real estate interests of the City will be transferred to the County. All property transfers are set forth in the Master Development Agreement (MDA) for The Banks and the Cooperation Agreement between The Board of County Commissioners of Hamilton County and The City of Cincinnati.

It is the intention of both the County and the City (Public Parties) to have the MDA and the Cooperation Agreement approved in September 2007. The Municipal Code of the City of Cincinnati requires that the Planning Commission approve the acceptance of land by the City, the sale of City owned property and the lease of City owned property, if the lease is for five or more years. Site work for the implementation of Phase I of The Banks is expected to commence by the end of 2007. In order to expedite the transfer of property, as each lot is needed for construction of the improvements, The Banks Working Group is requesting that the Planning Commission authorize and the City Council approve all needed conveyances for implementation of The Banks project. The property will be transferred to the Developer not more than 120 days prior to the anticipated commencement of the construction of improvements to any of the development lots in the project area. The Closing on each lot must occur within 30 days after the Public Parties receive the written request from the Developer for the development lots. As a condition of the delivery of each Development Deed, the Developer must agree to a Payment-In-Lieu-of-Taxes and each Development Deed will include a right of re-entry by the City. Accordingly, the transfer process will be more efficient if the Planning Commission authorizes all conveyances at this time for inclusion in the MDA and

Cooperation Agreement. It is also the City's intention to amend Planned Development District No. 43 to include Lot 13.

### **RECOMMENDATION**

The staff of the City Planning Department recommends that the City Planning Commission take the following action on the transfer of properties within The Banks:

1. Authorize the conveyance from the City of Cincinnati of Lot 1 as follows: Lot 1 ground rights to Hamilton County and Lot 1 air rights to the Developer,
2. Authorize the conveyance from the City of Cincinnati of Lot 2 as follows: Lot 2 ground rights to Hamilton County and Lot 2 air rights to the Developer,
3. Authorize the conveyance from the City of Cincinnati of Lot 3 ground rights to Hamilton County,
4. Authorize the conveyance from the City of Cincinnati of Lot 14B air rights (formerly Lot 4 air rights) to the Developer
5. Authorize the City of Cincinnati to accept Lot 15B (air rights) (formerly a portion of Lot 4 air rights) from Hamilton County and Authorize the conveyance of Lot 15B (air rights) from the City of Cincinnati to the Developer,
6. Authorize the City of Cincinnati to accept the Lot 5 air rights from Hamilton County and Authorize the conveyance of the Lot 5 air rights from the City of Cincinnati to the Developer,
7. Authorize the City of Cincinnati to accept the Lot 6 air rights from Hamilton County and Authorize the conveyance of the Lot 6 air rights from the City of Cincinnati to the Developer,
8. Authorize the City of Cincinnati to accept a portion of Lot 7 from Hamilton County and Authorize the conveyance of a portion of Lot 7 from the City of Cincinnati to the Developer,
9. Authorize the City of Cincinnati to accept Lot 8 air rights from Hamilton County and Authorize the conveyance of Lot 8 air rights from the City of Cincinnati to the Developer,
10. Authorize the conveyance of a portion of the dedicated right-of-way of Theodore M. Berry Way between Elm Street and Vine Street from the City of Cincinnati as follows: ground rights to Hamilton County and air rights to the Developer,
11. Authorize the City of Cincinnati to accept Lot 10 from Hamilton County and Authorize the conveyance of Lot 10 from the City of Cincinnati to the Developer,
12. Authorize the City of Cincinnati to accept the portion of the dedicated right-of-way of Race Street between Theodore M. Berry Way and Mehring Way from Hamilton County and Authorize the conveyance of the dedicated right-of-way of Race Street between Theodore M. Berry Way and Mehring Way from the City of Cincinnati to the Developer,
13. Authorize the City of Cincinnati to accept Lot 11 (or portions thereof) from Hamilton County,
14. Authorize the City of Cincinnati to accept the air rights on the portion of the dedicated right-of-way of Theodore M. Berry Way between Walnut Street and Main Street from Hamilton County and Authorize the conveyance of the air rights

15. Authorize the City of Cincinnati to accept from Hamilton County the County owned portions of Lot 12 (or portions thereof),
16. Authorize the conveyance of Lot 13 from the City of Cincinnati to the Developer.

### **DISCUSSION**

Mr. Mooney asked if the City Solicitor had reviewed the conveyance of property. Ms. Deborah Wyler, Law Department stated that the City Solicitor had reviewed the Item. It would authorize the City Manager to administratively go forward with the land transfers at the time requested by the developer, without the necessity of returning each time to the Planning Commission for approval.

Mr. Mooney moved approval of the staff recommendations for Item #2. Ms. McCray seconded.

Mr. Schneider asked who would maintain and pay taxes on the property prior to the transfers. Mr. Germano responded that the developers would begin to pay taxes on the property after it has been transferred.

Mr. Schneider asked if there would be safeguards for the land to revert back to the City if the developer did not develop the site. Mr. Tim Riordan, a representative of The Banks working group, responded that the deal was structured so that the land would be conveyed to the developer just prior to development. If the developer did not develop the land within a certain amount of time, the City Manager would have the ability to have the land transferred back to the City. The working group was aware that it would be a phased development. The Master Development Agreement was structured so that the developer could not be a land speculator. The City Manager would have the ability to take back any property that was not being developed properly.

Mr. Schneider stated that he felt that the Carter/Dawson team had impressed many people in the City. He asked if there were rights assigned to any other developers. Mr. Riordan answered that they had certain rights and that there were other third party developers that could come in but that the City and County had rights to determine the acceptability of the third parties.

Mr. Schneider asked Mr. Riordan how the conveyance of property would occur. Mr. Riordan explained that the City of Cincinnati and Hamilton County each owns the fee simple interest in certain portions of the real estate on which The Banks project is to be developed. Some of the real estate interest may be air rights or ground rights and some may be both air and ground rights. In order for The Banks and the Central Riverfront Park project to proceed, right at closing time, some of the County's real estate would be transferred to the City. The City would then transfer some of its real estate interests to The Banks Developer. If development does not occur, the property reverts back to the original owner. After the project has been built out, Mr. Riordan explained that basically,

the County would own lower level parking garages, the developer will own the area above that and the City Park Board will own the park land.

**Motion:** Mr. Mooney moved approval of Item #2.  
**Second:** Mr. McCray  
**Ayes:** Mr. Faux, Ms. McCray, Mr. Mooney, Mr. Tarbell, Mr. Dohoney and Mr. Schneider  
**Nays:** None, **motion carried**

**ADJOURN**

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

\_\_\_\_\_  
Margaret A. Wuerstle, AICP  
Chief Planner

\_\_\_\_\_  
Caleb Faux, Chair

Date: \_\_\_\_\_

Date: \_\_\_\_\_