

*****AGENDA*****
CITY PLANNING COMMISSION
J. MARTIN GRIESEL ROOM
TWO CENTENNIAL PLAZA – SUITE 720
805 CENTRAL AVENUE
CINCINNATI, OH 45202

August 17, 2012
9:00 AM – 11:00 AM

CALL TO ORDER

MINUTES

Consider the minutes of November 6, 2009 (pages 2-17); November 4, 2011 (pages 18-27); February 17, 2012 (pages 28-30); July 20, 2012 (pages 31-33); and August 3, 2012 (pages 34-35).

CONSENT ITEMS

- ITEM 1** A report and recommendation on the sale of City owned property at 3114 Price Avenue in the East Price Hill neighborhood for use by a developer as part of a parking lot to serve the East Price Hill Incline Business District. (Briggs) (pages 36-40)
- ITEM 2** A report and recommendation on a sale of City owned property at 350 Two Mile Road to Harbor View Holdings, LLC in the California neighborhood. (Bere) (pages 41-42)
- ITEM 3** A report and recommendation on channel and highway easements over City-owned parcels adjacent to the Kellogg Avenue (U.S. Route 52) right-of-way for the rehabilitation of a stone arch culvert over the Lick Run waterway in the neighborhoods of California and Mt. Washington. (Kumar) (pages 43-44)

DISCUSSION ITEMS

- ITEM 4** A report and recommendation on the extension of Interim Development Control (IDC) Overlay District No. 69, Pleasant Ridge Neighborhood Business District (NBD). (Peppers) (pages 45-48)
- ITEM 5** A report and recommendation on the extension of Interim Development Control (IDC) Overlay District No. 67, Wason Line District. (Keough-Jurs) (pages 49-52)
- ITEM 6** A report and recommendation on the extension of Interim Development Control (IDC) Overlay District No. 68, Madisonville Neighborhood Business District (NBD). (Kellam) (pages 53-56)

DIRECTOR'S REPORT

ADJOURN

**MINUTES OF THE
CITY PLANNING COMMISSION
November 6, 2009
J . MARTIN GRIESEL CONFERENCE ROOM
TWO CENTENNIAL PLAZA – SUITE 700
805 CENTRAL AVENUE**

CALL TO ORDER

Present: *Commission members:* Caleb Faux, John Schneider, Michael Pride, Rainer vom Hofe, and Milton Dohoney, Jr.

Department of City Planning Staff: Charles C. Graves, Margaret Wuerstle, Katherine Keough-Jurs, Steve Briggs, Cameron Ross, Sarah Vaz and Chelsea Ruby

MINUTES

- Motion:** Mr. Schneider moved to approve the minutes from the July 25, 2008 City Planning Commission meeting.
- Second:** Ms. Pride seconded the motion.
- Vote:** All Ayes (5-0)

CONSENT ITEMS

Mr. Schneider asked that items #2 and #3 be removed from the Consent Agenda and placed on the Discussion Agenda.

ITEM #1 A report and recommendation authorizing a permanent easement to Majed Hajjar, owner of Andy's Mediterranean Grill, for construction and maintenance of a retaining wall and patio at 904 Nassau Street in Walnut Hills.

BACKGROUND

The City of Cincinnati is the owner of the Nassau Street right of way in the Walnut Hills neighborhood. Mr. Majed Hajjar, owner of the property and co-operator of Andy's Mediterranean Grill has petitioned the City to purchase an easement for the right-of-way at 904 Nassau Street, to construct and maintain a retaining wall and patio.

The City's Real Estate Division has determined the appraised fair market value of the easement to be \$400.00, which Mr. Hajjar has already deposited with the City Treasurer.

RECOMMENDATION

The staff of the Department of City Planning and Buildings recommended that City Planning Commission take the following action

Approve the granting of a permanent easement for the construction and maintenance of a retaining wall and patio at 904 Nassau Street to Mr. Majed Hajjar of Andy's Mediterranean Grill, which grant is not adverse to the interest in the real property retained by the City of Cincinnati.

ITEM #4 A report and recommendation for the transfer of three parcels of land titled in the name of the City of Cincinnati to the Clifton Business & Professional Association.

BACKGROUND

The Clifton Business & Professional Association (CBPA) has requested that City of Cincinnati transfer three land-locked parcels that it owns to the association to use as public parking. The parcels are located in the Clifton Neighborhood Business District and are currently used as parking for businesses along Ludlow and surrounding streets. The City received these parcels in 1991-92 for \$0 when they were split from perproperties with frontage on Ludlow. The CBPA currently owns and uses four parcels for parking along Howell Avenue. These parcels were acquired between 1970 and 1983. The CBPA is also partial owner of the plaza that is being built on the north side of the three parcels and wants to build a pedestrian causeway that would extend from Ludlow Avenue through the plaza to its parking lot. The association has stated that repairs are necessary to maintain the functionality of the parking lot. To make these improvements the CBPA would need to have control of the three parcels.

The appraised value of the three parcels is \$80,000 but the transfer would only seek monetary compensation of \$1.00. Requirements of the transfer would be land use restrictions that would only permit usage for public parking for twenty years. Continued use as a public parking lot will help to reduce parking congestion in the area of the Clifton Neighborhood Business District. If this usage is not the primary use the City will give thirty days notice and then begin the process to re-enter and take possession of the property. The Planning Staff recommends that all parcels owned in the Merchant Lot by the CBPA be consolidated into one parcel.

RECOMMENDATION

The Staff of the Department of City Planning and Buildings recommended that the City Planning Commission take the following action:

Authorize the transfer of three parcels of land titled in the name of the City of Cincinnati to the Clifton Business & Professional Association.

PLANNING COMMISSION DISCUSSION

Motion: Mr. vom Hofe made a motion to approve Items #1 and #4 on the Consent Agenda.
Second: Mr. Schneider seconded the motion.
Vote: All Ayes (5-0)

DISCUSSION ITEMS

Items #2 and #3 were considered simultaneously. Ms. Wuerstle explained that the presenters were Planning Interns from the University of Cincinnati.

ITEM # 2 A report and recommendation on the approval of the dedication of certain real property to public use in accordance with the plat designated “Fort Washington Way Subdivision – Phase I.”

Sarah Vaz, City Planning Intern, presented this item.

BACKGROUND

The dedication refers to City property located between Central Avenue, Broadway Street, Second Street and Third Street. This property is currently broken into many small lots and will be consolidated into seven larger lots to facilitate the granting of future highway easements to ODOT in a clear and concise form.

The dedication will widen and re-establishes certain street rights-of-way, of Elm Street, Race Street, Vine Street, Walnut Street, Main Street, Second Street and Third Street, which were vacated during the Fort Washington Way Project. This will provide the necessary infrastructure in order that the redevelopment of the Central Riverfront may continue without delay.

RECOMMENDATION

The staff of the City Planning Department recommended that the City Planning Commission take the following action:

Approve the dedication of the real property specified in the plat designated “Fort Washington Way Subdivision – Phase I” for public use, which dedication will facilitate future highway easements and provide the infrastructure for the redevelopment of the Central Riverfront.

ITEM # 3 A report and recommendation on the dedicating certain real property to public use for street purposes as Simpkinson Way and as an addition to Fort Washington Way in accordance with the plat designated “Fort Washington Way Dedication Phase II.”

Chelsea Ruby, City Planning Intern, presented this item.

BACKGROUND

The City-owned property within Fort Washington Way (east of Broadway Street, south of Third Street, and north of Pete Rose Way) is being reserved and dedicated to public use for street purposes and will be known as Simpkinson Way. This dedication and street naming will assist in the granting of future highway easements to ODOT in a clear, concise, and definitive form.

RECOMMENDATION

The staff of the City Planning Department recommended the City Planning Commission take the following action:

Approve the dedication of certain real property to public use for street purposes as Skimpkinson Way and as an addition to Fort Washington Way in accordance with the plat designated “Fort Washington Way Dedication - Phase II”

PLANNING COMMISSION DISCUSSION

Items #2 and #3 were presented and discussed jointly.

Mr. Schneider wanted to know why we were doing this and how it fit into the big picture. He asked if the dedication would mean that the City no longer would hold ownership over the property and that the maintenance of the bridges and the retaining wall would revert to the State. Ms. Ruby responded that the City would still have ownership. Mr. Schneider clarified that the dedication would grant rights, not ownership.

Ms. Pride asked for clarification that Simpkinson Way did not currently exist. Ms. Ruby confirmed that it did not.

Ms. Pride asked for further clarification that the rights-of-way for Walnut St. and Main St. were being widened, and that the small lots were being consolidated for the land that is currently below grade highways. Ms. Wuerstle stated that staff did not have the information requested by Ms. Pride.

- Motion:** Ms. Pride made a motion to approve Items #2 and #3.
- Second:** Mr. Schneider seconded the motion.
- Vote:** All Ayes (5-0)

ITEM # 5 A report and recommendation an a Plat of Subdivision, Record Plat for the Magnolia Landing Subdivision located on Corbly Road in the Mt. Washington neighborhood.

Steve Briggs, Senior City Planner, presented this item.

BACKGROUND

Gregory A. Koopman, Surveyor, on behalf of Tanner Custom Homes the owner and developer submitted a Plat of Subdivision, Record Plat for the Magnolia Landing Subdivision. Magnolia Landing consists of 1.76 acres of land located 100 feet east of the Rainbow Land and Corbly Road intersection in Mt. Washington. The plat has been reviewed and approved by all reviewing agencies.

SUBDIVISION

The Plat of Subdivision, Record Plat for the Magnolia Landing Subdivision proposes eight new lots for the construction of single-family homes on 1.76 acres of land. The existing zoning for the property is SF-4 single-family that requires 4,000 square feet minimum for each lot. The proposed lots will range in size from 5,908 square feet to 16,460 square feet in size. There will be no new streets proposed. Each of the new lots will have frontage on Corbly Road. A private drive will provide vehicular access to Corbly Road for each of the single-family homes. The plat provides for the necessary sewer maintenance easements. A Homeowners Association (HOA) will be created to maintain common facilities such as the storm water detention area as required by Metropolitan Sewer District regulations.

RECOMMENDATION

The Department of City Planning and Buildings staff recommended that the City Planning Commission take the following action:

Approve the Plat of Subdivision, Record Plat for the Magnolia Landing Subdivision located on Corbly Road in the Mt. Washington neighborhood for the reasons that the plat conforms to the Subdivision Regulations and has the approval of all reviewing agencies.

PLANNING COMMISSION DISCUSSION

Ms. Pride asked if a Homeowner’s Association would be responsible for the maintenance of the private drive. Mr. Briggs confirmed that most subdivisions today require a Homeowner’s Association to manage storm water detention and other maintenance issues.

- Motion:** Mr. vom Hofe motioned to approve Item #5.
- Second:** Mr. Schneider seconded the motion.
- Vote:** **All Ayes (5-0)**

ITEM #6 A report and recommendation on a Plat of Subdivision, Record Plat for the Northwind Farm Subdivision located at the Kirby Avenue and Robly Avenue intersection in the Northside neighborhood.

Steve Briggs, Senior City Planner, presented this item.

BACKGROUND

CDS Associates, Inc. on behalf of Robley 1, LLC, the owners and developers, have submitted a Plat of Subdivision, Record Plat. The plan has been reviewed and approved by all reviewing agencies. The City Planning Commission approved the Subdivision Improvement Plan on June 19, 2009. Construction is currently underway with the installation of underground utilities. A groundbreaking ceremony was held on October 27, 2009.

SUBDIVISION

The subdivision consists of 7.12 acres of land located at the intersection of Kirby Avenue and Robley Avenue. There will be a total of 25 lots for new single-family housing sites. The property was a part of the Colerain Connector land that was recently sold by the City of

Cincinnati to Robley 1, LLC, the owners and developers. The new housing will be located east and west of Kirby Avenue and north of Martha Avenue. The existing zoning is Single Family SF-2. There will be two new public streets, Coppice Lane and Brindley Lane. Sidewalk improvements will be made to existing streets Martha Avenue and Robley Avenue.

The Plat of Subdivision, Record Plat illustrates the two new public streets, utility easement locations and lot configurations. Both of the new streets have lots on one side so as to provide access to garages behind future residences. The existing Robley Avenue and Martha Avenue will each have six lots. The new Coppice Lane will have four lots and a small retaining wall along the west right-of-way line. The new Brindley lane will have seven lots with access to garages behind the residences. Stormwater detention is provided with two basins, one is Lot 19 located southeast of the Kirby Avenue and Brindley Avenue intersection and the second is located across Lots 9 through Lot 12 adjacent to and west of Kirby Avenue.

RECOMMENDATION

The Department of City Planning and Buildings staff recommended that the City Planning Commission take the following action:

Approve the Plat of Subdivision, Record Plat for the Northwind Farm Subdivision located at the Kirby Avenue and Robly Avenue intersection in the Northside neighborhood for the reasons that the plat conforms to the Subdivision Regulations and has the approval of all reviewing agencies.

PLANNING COMMISSION DISCUSSION

Mr. vom Hofe asked what the average sale price was for the proposed homes. Mr. Briggs stated that it would be around \$180,000.

Mr. Schneider asked how the garage was being addressed. Mr. Briggs stated that the majority would be in the rear, and would be freestanding.

Ms. Pride asked what was being done about the odd-shaped lots that resulted from partitioning. Mr. Briggs stated that they would be taken care of by the Homeowner's Association and they would be shared property.

Mr. vom Hofe asked what new infrastructure the City would have to provide for this project. Mr. Briggs indicated the two streets, and stated that they would be dedicated to the City. Mr. Faux asked about widening and curbing. Mr. Briggs responded that yes, there would be some widening and sidewalks.

Ms. Pride asked if the two big lots on the left side would be retention. Mr. Briggs responded that they were the two biggest lots in the subdivision, and were single-family lots.

Mr. Faux noted that the property was originally a part of the Community of Northside, and that it was demolished in the 1970s when ODOT purchased the land for the purpose of extending a highway through the area, called the Colerain Connector. Mr. Faux stated that there were many people in Northside that were pleased to see it come back.

Motion: Mr. Schneider motioned to approve Item #6.
Second: Ms. Pride seconded the motion.
Vote: All Ayes (5-0)

ITEM #7 A report and recommendation on a Plat of Subdivision, Record Plat for the Rockford Woods Phase 2 Subdivision located in the Northside neighborhood.

Steve Briggs, Senior City Planner, presented this item.

BACKGROUND

Abercrobie & Associates, Civil Engineers, on behalf of Rockford Woods Development of Cincinnati, LLC, the owner and developer, submitted a Plat of Subdivision, Record Plat for the Rockford Woods Phase 2 Subdivision. The existing zoning is Planned Development, PD #28. The plat has been reviewed and approved by all reviewing agencies.

The Cincinnati Home Builders Association of Greater Cincinnati announced in early August 2009 that Rockford Woods Phase 2 Subdivision is to be the next CiTiRAMA ® scheduled for June 2010. The City of Cincinnati has offered financial assistance for the infrastructure in support of new single-family housing. On August 5, 2009 City council passed Ordinance 237-2009 for the purpose of funding roads and utilities for the Northside neighborhood 2010 CiTiRAMA ® event.

The City Planning Commission approved the Subdivision Improvement Plan and a Dedication Plat for the new street and utilities for Rockford Woods Phase 2 Subdivision on August 21, 2009. Construction is currently underway for the extension of Rockford Place and new street Hassman Court.

SUBDIVISION

The Plat of Subdivision, Record Plat, illustrates 35 new lots for single-family homes. In addition there are three permanent open space lots. New streets include an eastward extension of Rockford Place from its current terminus to an intersection with Hassman Court that extends north and south along an existing ridgeline. Each of the new lots range in size between 5,316 square feet and 9,720 square feet. The plat provides for the necessary sanitary sewer and storm water maintenance easements. A Homeowner's Association (HOA) has been created with the Phase 1 homeowners to maintain common facilities such as the open space lots and storm water detention as required by Metropolitan Sewer district regulations.

RECOMMENDATION

The Department of City Planning and Buildings staff recommended that the City Planning Commission take the following action:

Approve a Plat of Subdivision, Record Plat for the Rockford Woods Phase 2 Subdivision located in the Northside neighborhood for the reasons that the plat conforms to the Subdivision Regulations and has the approval of all reviewing agencies.

PLANNING COMMISSION DISCUSSION

Mr. vom Hofe asked if there were any houses up for sale from phase 1. Mr. Briggs stated that he was out there on Wednesday and only saw one real estate sign. There were three lots from phase 1 that were still available and the developer from phase 2 has to pick up those lots.

Motion: Mr. vom Hofe motioned to approve Item #7.

Second: Mr. Schneider seconded the motion.

Vote: All Ayes (5-0)

ITEM #8 A report and recommendation on a one-year extension of the approved Concept Plan for Planned Development District #36 (PD-36) *Millworks Town Center* in Oakley.

Katherine Keough-Jurs, Senior City Planner, presented this item.

BACKGROUND

On January 14, 2004 City Council adopted the current Zoning Code, which went into effect on February 13, 2004. As a part of the Zoning Code adoption, 37 Planned Development (PD) Districts were created. On January 20, 2006 the City Planning Commission extended the concept approval for those PD Districts that lacked final development plans for a period of one year to February 13, 2007. Staff was instructed to assess the status of the initial 37 PD Districts and to begin the zone change process as necessary. PD-36, established for the Millworks Town Center in Oakley, was one of the 12 PD Districts that lacked a final development plan.

In order to retain the PD designation and to facilitate the development, City Council accepted a new concept plan for a revised and expanded Millworks Town Center on September 20, 2006. The 76-acre development consisted of approximately 27 buildings totaling approximately 625,000 square feet of office space, 300,000 square feet of retail space, a 76,000 square foot entertainment facility, and up to 750,000 square feet of residential space. A total of 74 acres were part of the original PD-36 created in 2004 while the remaining 2 were rezoned PD from CG-A (Commercial General-Auto) and MG (Manufacturing General).

Since 2006, the developer, Millworks Town Center LLC, has been unable to acquire all of the property in the project area and will not be submitting a final development plan as required under Chapter 1427 of the Zoning Code. Under §1429-11(c) of the Zoning Code, the property reverts back to the previous zoning designation if a PD District expires. This section does not take into account the PD Districts created with the adoption of the new Zoning Code in 2004. In this instance, most of the area within PD-36 has no underlying zoning to which it may revert, and if the PD expires 74 acres of land in Oakley will be without a zoning designation. Originally set to expire on September 20, 2008, City Planning Commission granted a one-year extension for PD-36 on September 19, 2008. This one-year extension expired on September 20, 2009.

DISCUSSION

The Department of City Planning and Buildings intends to study the appropriate zoning for PD-36, as well as the remainder property from the proposed Kennedy Connector, in the

Comprehensive Plan process, currently underway. However, currently, the Millworks site is without a zoning designation. An extension of the PD zoning designation for one additional year is necessary and appropriate.

RECOMMENDATION

The staff of the Department of City Planning and Buildings recommended that City Planning Commission take the following action:

Approve a one-year extension of the approved Concept Plan for Planned Development District #36 (PD-36) *Millworks Town Center* in Oakley, as permitted under § 1429-11(c) of the Zoning Code.

PLANNING COMMISSION DISCUSSION

Discussion ensued on the necessity for another one-year extension, after the expiration of the current extension granted in 2008. Ms. Keough-Jurs stated that an extension can only be granted one year at a time and that the 2008 extension had expired leaving no zoning on this property. Therefore, she requested that the Concept Plan for PD #36 be extended instead of doing a full blown zoning study. She said that this site could be addressed in the comprehensive plan work if the zoning had to be changed and a long term solution identified for this property. Mr. vom Hofe confirmed that the Commission was approving a placeholder so that the property would not be left without a zoning designation.

- Motion:** Ms. Pride motioned to approve Item #8.
- Second:** Mr. vom Hofe seconded the motion.
- Vote:** All ayes (5-0)

ITEM #9 A report and recommendation on the Columbia Parkway/River Road Scenic Study dated July 2009.

Cameron Ross, City Planner presented this item.

BACKGROUND

In early 2007, The Scenic View Study for Cincinnati was completed. Planning Commission approved this document on June 1, 2007. The 2007 study identified seven different viewing locations along Columbia Parkway (between the Fifth Street viaduct and Delta Avenue) that offered scenic vistas for motorists and pedestrians. Cincinnati City Council recommended that a Blue Ribbon Committee be formed to take a closer look at the 2007 and determine action steps for implementation of the Study's recommendations. As part of these recommendations the Blue Ribbon Committee determined that a follow-up study should be conducted that would focus on the scenic attributes of U.S. Route 50 (including Columbia Parkway and River Road).

PURPOSE

The purposes of this document are to examine the viewing opportunities relative to current zoning, land use and vacant property ownership; understand the impact that new development

could have on the scenic quality of the Parkway; and to examine the scenic attributes of River Road.

STUDY OVERVIEW

The study provides information a comprehensive review of the methodology used to analyze current land use patterns along the Columbia Parkway and River Road. This methodology includes the development of a DEM (digital elevation model) and a “micro-study” analysis of three viewpoints located along and above Columbia Parkway. The micro-study includes a visual component consisting of structures built to moderate and maximum heights.

Results and recommendations from the study begin with a call for a comprehensive vegetation management plan and implementation strategies for this plan. Property ownership, hillside zoning and riverfront zoning results and recommendations are included in the discussion, as well as illustrated results from the micro-study. River Road is dissected in order to determine the existing conditions, property ownership, zoning districts, and potential impacts of development.

CONCLUSIONS

The study recommends three strategies to maintain and enhance the scenic qualities of Columbia Parkway:

1. That zoning measures be approved and adopted by City Council to ensure that public view corridors along Columbia Parkway are respected. This effort would include the Public View Corridor Overlay District and a review, replacement and upgrade of zoning along Riverside Drive;
2. The City consider listing Columbia Parkway on the National Historic Register;
3. The Columbia Parkway is established as a scenic byway under the National Scenic Byways program that will serve to provide funding for vegetation management.

RECOMMENDATION

The staff of the Department of City Planning and Buildings recommended that the City Planning Commission take the following action:

Approve the Columbia Parkway/River Road Scenic Study dated July 2009.

PLANNING COMMISSION DISCUSSION

Cameron Ross gave a brief introduction and background on the project then turned the presentation over to Mr. Eric Russo, Executive Director of the Hillside Trust. Mr. Russo stated that Columbia Parkway was born from the George Kessler Master Plan of 1907. The City was dedicated to making Columbia Parkway a spectacular scenic corridor. He showed photographs of Columbia Parkway from years ago and also of when the Parkway was being constructed. He explained various views and talked about the dollars spent by the City to open up the views. He stated that the purpose of the current study was to assess the scenic resources of Columbia Parkway and the River Road corridors.

Mr. Russo explained that managing the vegetation was a huge issue because it blocks views from the parkway. He stated that he worked with Human Nature on the study. He then showed what the views would look like if development occurred as permitted by the current zoning

regulations. He also showed what the views would look like if the building heights were reduced by 10 feet and mid-rise structures were to be built. He explained that the study took into consideration the East End Plan that recommended that space be maintained between buildings and the heights be varied to keep the relationship between the river and the adjacent hillsides. The hillside study recommended that buildings conform to the Hillside Development Guidelines and that buildings be stepped down the hillside and also that tall buildings should be kept away from the base of the hill. He explained that another recommendation of the current study was that Columbia Parkway be listed on the National Register of Historic Buildings due to the art deco components of the structure. Another recommendation was that the City apply to receive Scenic By-Way status, which would allow the City to apply for federal matching funds to promote the Parkway as a tourist attraction and to provide for vegetation management. Finally a recommendation was made that 3-D modeling be used along River Road by the Planning Commission in making decisions. Finally the study recommended that a green way be kept along the river.

Mr. Steve Schuckman stated that the Park Board supported the study and that the study is consistent with the Parks Master Plan.

Mr. Pierce Cunningham requested that the Commission approve the plan, specifically the design requirements and stated his support for the report and study. He said that the river is one of the most important assets the City has and the City must prevent further intrusion into the views. He said that this plan is not anti-development, but rather it provides for sensible development. He stated that he thought it was one of the best studies he had ever seen.

Ms. Gerry Kraus, a resident of the affected area, stated the economic benefit of attracting “empty-nesters” to live by the river included the benefit of estate tax revenue and that 80% of the Ohio inheritance tax goes back to the municipality. She also mentioned that other cities on the coasts have developed their riverfronts many years ago. Cincinnati is 20 years behind the times. Ms. Kraus made a special request to the Park Board to maintain the vegetation along Columbia Parkway.

Mr. C Francis Barrett stated that he was an attorney with the law firm of Barrett and Weber located at 105 West Fourth Street, Suite 500, Cincinnati. He stated that he was opposed because he had not been able to see any of the information prior to the Planning Commission meeting. He received no notice. He represented several property owners along Riverside Drive. He said that his clients hope to develop their industrial property for residential with river views. He requested that the Commission give him and his clients sufficient time to review the documents. He stated that no one is opposed to preserving views of the Ohio River, but he requested that the study be fully vetted in fairness to his clients. He went on to state that 30 years ago the Hillside Trust said that Columbia Parkway should not be built. He was disappointed that he was not noticed and wasn't able to get a copy of the study.

Mr. Faux stated that Mr. Barrett had on many occasions requested more time to review issues concerning scenic views. Mr. Barrett responded that he has worked with the Planning Staff and that his request was not a “tactic” but a request for a full vetting. He only asked for more time when it was necessary. Mr. Faux gave Mr. Barrett his copy of the study.

Mr. Faux stated that the study is consistent with all the discussions concerning the corridor that the Commission has held over the years. Mr. Faux also noted that approval of the study does not dictate specific zoning changes, in which Mr. Barrett's clients would have interest. For these reasons, Mr. Faux stated that he did not want to delay approval of the study.

Mr. Barrett stated that the Planning Commission would benefit from giving notice of this study and making it available for review by the public so that the Commission can hear any concerns and get beneficial information on all perspectives.

Ms. Pride noted that the study is not a recommendation for specific zoning changes, but an analysis of the scenic potential of the Columbia Parkway corridor. She stated that approval of the study will enable further vetting of the study and inform future zone changes.

Mr. Barrett agreed with Ms. Pride. He also stated that the study is very important and that he did not know its contents and neither did the property owners that may be affected.

Mr. Schneider stated that he personally thought that there was public interest in the study and he would support delaying the vote until the next meeting. Ms. Pride asked whether Mr. Schneider was suggesting that there would be debate over the findings in the study or that the methodology was inadequate or the data was incorrect. Mr. Schneider responded, "I doubt that". He did feel that some people may view it as a taking.

Mr. Faux asked Mr. Schneider if he supported waiting until the next Planning Commission meeting to vote on this issue so that the public could be notified prior to the meeting. Mr. Schneider answered that he did support waiting because he felt that good decisions come out of consensus and it was worth holding the vote for two weeks.

Ms. Pride suggested that the comprehensive plan would address scenic views further.

Mr. Faux stated that the Planning Commission had been debating the issues surrounding scenic view preservation for at least three years and asked whether it was Mr. Schneider's intention for this issue to wait until the comprehensive plan was published in two years. Mr. Schneider indicated that it was not his intention to wait two more years. He suggested that Mr. Barrett bring the property owners to the next Commission meeting so that they may have the opportunity to offer their input.

Mr. Barrett said it would be hard to oppose the principle of view protection but they would like the opportunity to review the study and maybe they would have something to offer.

Mr. Dohoney asked what would be the benefit of delaying the vote. He stated that the study will not change because the findings are the findings. He stated that the debate comes from the subsequent steps based on the principles in the study. He also said that Mr. Barrett was not asking for the study to be disregarded.

Mr. Barrett stated that the issue that he was concerned with, is that the Planning Commission is proposing to act in a public meeting on a study that affects the public without making that study available to the public. He stated that “fairness dictates” that the Commission makes this study available to the public. He went on to state that there was no downside to having the public review the report.

Ms. Pride suggested that the discussion be continued until the next meeting to ensure that there was no missing or incorrect information in the study. Staff should make every reasonable effort to make the study available to the public.

Mr. Schneider asked if the study was available on line and Mr. Graves responded that the study was not currently available on line but that it would be up by Monday November 9, 2009. Mr. Graves pointed out that this vote was the first of several involved in approval of the study. He added that a City Council Committee would be vetting the study and that the Planning Staff still was recommending approval of the study.

Mr. vom Hofe asked what the consequences would be if the study were to be approved. He asked for the definition of “approve”, “adopt” and “accept”. Ms. Carney provided the Commission with a written copy of the definitions. Mr. Faux read the definitions and stated that a vote of approval recommends that the plan becomes a “guide for development”. He also stated that if the City approves a plan that is not in accordance with the guide, an amendment to the guide is not necessary. Mr. vom Hofe asked for confirmation that an approval of the study was essentially approving a guideline for future development. Mr. Faux confirmed that Mr. vom Hofe was correct.

Ms. Pride added that an approval would also “trigger the next step” for investigation and development of ordinances to implement the plan. Mr. Barrett stated that he had never seen an issue go before the Planning Commission without the document being made available to the public. He stated that the public should have the opportunity to review the study. Mr. Faux agreed with Mr. Barrett. Mr. Schneider added that if Mr. Barrett was unaware of the study, then others who might have an interest in it were also unaware of the study.

Ms. Pride withdrew her previous motion to approve, which had died for lack of a second to the motion.

Motion: Ms. Pride made a motion to continue Item #9
Second: Mr. vom Hofe seconded the motion
Vote: All Ayes (5-0)

ITEM #10

Larry Harris, Interim Urban Conservator presented this item.

SUBJECT: A report and recommendation on the installation of a Historic Cincinnati Marker on the sidewalk at 811 Race Street, recognizing the Herzog Studio and Hank Williams contribution to country music.

BACKGROUND: The Cincinnati USA Music Heritage Foundation has made application to install a Historic Marker at 811 Race Street to recognize the importance of the Herzog Studio and its contribution to Hank Williams' early recording sessions. The Hank Williams recordings at Herzog Studio helped launch Mr. Williams' career in country music and led to his invitation to join the "Grand Ole Opry", considered by some as the hall of fame for country music's elite. The Grand Ole Opry broadcast out of Nashville Tennessee on radio station WSM, and helps define American country music.

Historic Cincinnati Markers identify, commemorate, and honor the important people, places, organizations and events that have contributed to the City's rich history. The Historic Cincinnati Markers Program administered by the City of Cincinnati, is a vital educational tool, informing residents and visitors about significant aspects of Cincinnati's past. The Historic Conservation Board sets marker standards and procedures to ensure that the subjects of Cincinnati's Historical Markers are historically significant and that the information included on the markers is historically accurate. Historic Cincinnati markers stand as a valuable and important means of presenting Cincinnati history to the public, and they encourage community interest in state and local history. In addition, appropriate marker dedication ceremonies publicly celebrate Cincinnati's past and help to promote the preservation of the City's cultural, natural, and physical history. The City of Cincinnati's Department of Transportation and Engineering provide specifications for the design and installation of the components of the Historic Marker. It is the responsibility of the sponsor/applicant to maintain and keep the marker in good repair.

Cincinnati has been recognized as one of the first Cities to broadcast over the air radio under the call letters WLW. One of the WLW radio engineers, Earl "Bucky" Herzog, extended the tradition of first for Cincinnati when in 1945 he opened Cincinnati's first commercial recording studio with his brother Charles on the 2nd floor of 811 Race Street. Working with artists from another Cincinnati leader in the music industry, King Records, WLW radio musicians and visiting performers, Bucky Herzog recorded country music. Herzog studio recorded landmark sessions by Flatt and Scruggs, Bull Moose Jackson, The Delmore Brothers, Patti Page and the legendary Hank Williams. Along with Syd Nathan's King Record company Bucky began using Herzog Studio to record and release the first country music in the before any studio in Nashville, Tennessee. Bull Moose Jackson also recorded the first R&B record in Cincinnati at the Herzog Studio.

A public hearing was held for the marker installation on October 19, 2009, with only the applicant's historian Brian Powers and Jack Martin, Acting City Architect, in attendance. The Historic Conservation Board (HCB) heard discussion on the historic marker program at its October 12, 2009 meeting and has reviewed the staff report for the installation of the Herzog marker at its October 26, 2009 meeting. The HCB did not take official action on the staff report recommendation approve the marker because the marker location would be outside the boundary of a local or national historic district. The discussion by the Board was unanimously in favor of the application.

The Cincinnati Historic Conservation legislation allows the HCB to approve historic landmarks that fall within any designated historic district. The City Planning Commission (CPC) has the legislative authority to recognize historic landmarks outside historic districts. The Cincinnati

Administrative and Zoning Code gives authority to the HCB to oversee historic districts and the CPC routinely consults with the historic conservation staff for recommendations for preservation and recognition of the City's historic resources. To expedite the application and review process of the Historic Cincinnati Historic Marker Program, staff suggests that the HCB act on behalf of the CPC in the processing of the applications that are for addresses outside recognized historic districts.

RECOMMENDATION

Staff recommended that the Cincinnati City Planning Commission take the following actions:

Approve the installation of the Historic Cincinnati Marker recognizing 811 Race Street as the address of Cincinnati's first commercial recording studio, "Herzog Studio" and the place where Hank Williams recorded sessions that launched his career in country music and led to an invitation to join the "Grand Ole Opry", the venue for country music's elite performer.

PLANNING COMMISSION DISCUSSION

Mr. Harris showed the Commission photographs of the historic markers designed by the Department of Transportation and Engineering (DOTE). He explained that because the markers were to be in the right-of-way and therefore, the Commission had to approve them. He went on to explain that 17 additional markers would be forthcoming to the Commission.

Mr. vom Hofe stated that he was not familiar with country music.

Ms. Pride wanted to know when and how the text for the markers would be approved and Mr. Harris explained that the text is provided on the application for the historic marker and indicated that the Historic Board did review the application and text. Mr. Graves stated that the text is approved by the City. Ms. Pride asked that the Planning Commission be provided the full text and that in the future the Commission be provided the full text before they are asked to approve the markers.

Mr. Schneider wanted to know why there were so many historical markers waiting for approval and Mr. Martin from DOTE explained that the Mercantile Library had proposed 17 historic markers for approval by the Planning Commission. They asked that the markers be placed in the sidewalk and DOTE wanted to ensure that they truly were historically significant. He also stated that the Mercantile Library was approaching its 100th or 175th birthday. Mr. Harris stated that he was trying to streamline the process so the markers could be installed.

Motion: Mr. Schneider moved to approve the staff report recommendation.
Second: Ms. Pride seconded the motion.
Vote: All Ayes (5-0)

DIRECTOR'S REPORT

Mr. Graves reported that the four public meetings for the kick-off of the Comprehensive Plan had concluded and that several hundred people had attended these meeting. The next landmark in

the comp plan process would be the Neighborhood Summit. He also explained that next week the City would be hosting the consultants for the I-75 land use study. He also stated that next week Don Mooney would be in town and that a token of recognition was in order. Finally he explained that Julia Carney was leaving the City after ten years of working in the Planning Department and five years of working in the Law Department.

Mr. Schneider stated that Roxanne Qualls had knocked the election out of the ballpark and she had campaigned on planning issues.

ADJOURN

As there were no other items to be considered by the Planning Commission, the meeting was adjourned at 10:35 AM.

Charles C. Graves, III
Director, Department of City Planning

City Planning Commission

Date: _____

Date: _____

**MINUTES OF THE
CITY PLANNING COMMISSION**

**NOVEMBER 4, 2011
9:00 A.M.**

**J. MARTIN GRIESEL CONFERENCE ROOM
TWO CENTENNIAL PLAZA – SUITE 720
805 CENTRAL AVENUE**

CALL TO ORDER

Present: *Commission Members:* Present: Caleb Faux, David Holmes, John Schneider, Christie Bryant, and Rainer vom Hofe.

Department of City Planning and Buildings Staff: Margaret Wuerstle, Charles C. Graves III, Steve Briggs, Larry Harris, Felix Bere.

Department of Economic Development Staff: Jeff McElravy

Department of Law: Sean Suder

The meeting was called to order by Chairman Faux at 9:10 A.M.

MINUTES

There were no minutes for consideration at this meeting.

CONSENT ITEMS

Both Consent Items were removed from the Consent Agenda and moved to Discussion Items.

DISCUSSION ITEMS

ITEM #1

This item was presented by Steve Briggs, Senior City Planner.

SUBJECT:

A report and recommendation on the vacation of Hartshorn Street between Calhoun Street and W. McMillan Street, and a portion of Calhoun Street in the Heights neighborhood.

BACKGROUND:

The City owns the public rights-of-way known as Hartshorn Street and Calhoun Street in the Clifton Heights neighborhood. On October 6, 2011, as authorized by Ordinance No. 230-2011, passed by City Council on June 29, 2011, the City and USquare, LLC (“Developer”) entered into a *Development Agreement* and the Developer will be constructing a mixed-use development known as U-Square @ The Loop, between McMillan Street and Calhoun Street located south of the University of Cincinnati campus.

Hartshorn Street, between Calhoun Street and W. McMillan Street, and a portion of Calhoun Street need to be vacated, in favor of Developer, in order to facilitate the project.

The City's Real Estate Services Division, has certified that the owner of all of the private property that abuts the subject property is Block 4 Community Urban Redevelopment Corporation. Pursuant to the *Development Agreement*, Developer will be acquiring all of the abutting private property from Block 4 Community Urban Redevelopment Corporation.

The City's Real Estate Services Division has determined that the current fair market value of the Vacated Property is \$197,000. The *Development Agreement* provides for the vacation of the Vacated Property for One Dollar (\$1.00). This reduced sale to adjacent property owner, U Square LLC is justified by the significant economic benefit to the City of Cincinnati from the mixed used development known as U-Square at The Loop. During the fifteen month construction period, approximately 130 full time jobs will be created. The development will deliver approximately 270 residents and 160 office workers providing an instant customer base for the retailers.

RECOMMENDATION:

The staff of the Department of City Planning and Buildings recommended that the City Planning Commission take the following action:

APPROVE the vacation of Hartshorn Street between Calhoun Street and W. McMillan Street, and a portion of Calhoun Street in the Heights neighborhood.

PLANNING COMMISSION DISCUSSION

Mr. Schneider wanted to know if the City was moving the street and Mr. Briggs responded that there would be a new street created that would provide connectivity between the streets. Mr. Schneider wanted to know if the new street would line up with the existing street and Mr. Briggs responded that the connectivity would be kept. The current street will have a building located on it.

- Motion:** Mr. vom Hofe to **approve** the item #1 as recommended by the staff report
- Second:** Ms. Bryant seconded the motion.
- Ayes:** Mr. Faux, Mr. Holmes, Mr. Schneider, Mr. vom Hofe and Ms. Bryant.
- Nays:** **None, motion carried 5-0.**

ITEM #2

Margaret Wuerstle recused herself from the meeting for the presentation and discussion of this item due to her position as Zoning Hearing Examiner and the potential for this project to require a hearing.

This item was presented by Steve Briggs, Senior City Planner.

SUBJECT:

A report and recommendation on the lease of City right-of-way along Wasson Road between Edwards Road and Michigan Avenue in the Hyde Park neighborhood.

BACKGROUND:

River City Capital, LLC, has requested from the City a three foot encroachment into the Wasson Road right-of-way for the purpose of expanding an existing parking lot located at Hyde Park Station south of Wasson Road between Edwards Road and Michigan Avenue. The three foot easement is

necessary so that the additional parking may extend northward towards Wasson Road. River City Capital, LLC, has a lease with Norfolk & Southern Railroad Company. The parking area will cross the existing railroad line. The railroad tracks will remain. The railroad line has not been officially abandoned nor is it under consideration for abandonment. There will be approximately 14-16 parking spaces created. The Department of Transportation and Engineering has no objection to the lease of City right-of-way along Wasson Road with conditions (see attached).

In January of this year concerned residents from Michigan Avenue contacted Aveda Fredric's Institute, a business trade school located within Hyde Park Station, about the Michigan Avenue on-street parking problem reportedly caused by students from the Institute parking along Michigan Avenue. In July of this year Aveda Fredric's Institute was contacted by the Hyde Park Neighborhood Council in a correspondence stating:

“We are concerned because the lack of day time on street parking is causing them (*Michigan Avenue residents*) great inconvenience especially on Saturday's. It is creating an environment which can result in the loss of residents and the reduction of their property values due to their inability to park on the street in front of their homes during your (*Aveda Fredric's Institute*) business hours.”

The additional parking proposed by River City Capital, LLC, is an attempt to alleviate the aforementioned parking problem along Michigan Avenue. The proposed parking will be required to comply with all zoning code requirements in Chapter 1425 Parking and Loading Regulations. The value of the lease is \$2,160 per year.

The Hyde Park Neighborhood Council, in a correspondence dated April 26, 2011, opposes any leases or easements of public rights-of-way adjacent to the railroad until an integrated plan is developed for the entire unused Norfolk & Southern rail line is developed and approved by HPNC. The existing zoning is CC-A.

RECOMMENDATION:

The staff of the Department of City Planning and Buildings recommended that the City Planning Commission take the following action:

APPROVE the lease of City right-of-way along Wasson Road between Edwards Road and Michigan Avenue in the Hyde Park neighborhood.

PLANNING COMMISSION DISCUSSION

Mr. Briggs explained that River City Capital was requesting a 3 foot right-of-way easement for parking. He stated that a site visit revealed that work had begun on the parking lot without a permit. The Department of Buildings and Inspections stopped the work to allow the permits to be processed. Mr. Briggs explained that the applicant had a lease from Norfolk and Southern and showed the Commission aerial photographs. He explained that the lease was required in order to alleviate parking problems in the neighborhood. He also explained that the parking lot would need a three foot perimeter landscaped area and one tree for every ten parking spaces. Mr. Briggs stated that the Aveda Institute had left the site. However, when they were in operation at this site the students were

not allowed to park in the lot and therefore, had to park on the street. This created problems for the surrounding neighborhood.

Carl Uebelacker stated that the college was in violation of parking regulations and that the college had abandoned the site after three years. He stated that the Hyde Park Council was opposed to further development because the original development, which the Council supported, had changed and now violates the parking requirement. Aveda had over 100 students plus faculty that were prohibited from parking in the parking lot. He stated that the residents were in favor of a bike trail. A study showed that there would be an increase in property values of \$9000 for properties located within 1000 feet of the bike trail. He stated that this would have a tremendous impact on a number of communities and would result in millions of dollars in property value increases. He stated that Hyde Park Council passed a resolution on April 12th that opposed leases or an easement adjacent to the right-of-way until an integrated plan is developed for the entire railroad right-of-way.

Mr. Uebelacker went on to state that the problem with the current case is that the plans submitted do not comply with the zoning requirements. The applicant needs 6 feet of easement area or more to comply with the code. He felt that the City should strictly enforce the Zoning Code landscaping provisions. He asked that the Commission deny the lease.

J. Andress echoed the statement that Mr. Uebelacker had made and objected to the proposal because it would conflict with a planned bicycle trail. The existing parking lot is under used and since the college vacated the site, no additional parking is needed. In addition, the bike trail would increase the property values. He explained that the six and a half mile bike trail would connect Xavier University and the Little Miami. He stated that a project like the bike trail is what makes other cities vibrant and attracts people. He said that there were 4000 properties within 1000 feet of the proposed bike trail which would equal a \$36 million increase in property values. He also explained that over 100,000 people live within one mile of the bike trail and they could use the trail. He showed the Commission pictures. There were 12 cars on the parking lot. He explained that since Aveda left there was no longer a parking problem and no need to expand the parking lot. He encouraged the Commission to deny the request.

Mr. Faux wanted to know if the parking lot would cover the tracks and Mr. Briggs responded that the tracks would remain operable but inactive. Mr. Faux asked if the tracks would remain with the bike trail and Mr. Andress explained that the tracks would remain and the bike trail would be adjacent to them.

Mr. vom Hofe wanted to know how the parking lot violated the zoning regulations and Mr. Briggs responded that the lot did not meet the buffering requirements and would require a variance to move forward. The Zoning Code requires a 3 foot landscape perimeter and 1 tree per 10 parking spaces.

Mr. Schneider wanted to know if the site was currently out of compliance and Mr. Briggs responded that he didn't know because the applicant had not submitted a site plan.

Mr. Holmes questioned whether the easement should be granted before the Commission knows if the variance will be approved. Mr. Suder stated that the lease could be approved by the Planning Commission with conditions.

Mr. Lewis spoke next and stated that he supported the bicycle trail and asked that the Commission deny the requested lease.

Jack Nickert, the developer, stated that the parking was required for a similar tenant and that a new lease was in progress with a college. He also stated that any landscape regulations would be met. He went on to say that they have a lease with the railroad and they do not intend to abandon the tracks. He stated that Jack Kelly, Manager of Norfolk and Southern real estate, had instructed them on how to build the parking lot so that Norfolk and Southern could still use the tracks. The low bid was \$59,000 for the improvements to the lot. He also said that this would solve their future parking needs.

Mr. Graves stated that Councilwoman Quinlavin supported the bicycle trail. She could not be present at the meeting to testify and asked that this item be tabled and that no vote be made on this item.

Mr. Holmes wanted clarification from staff on whether the owner would be able to meet the zoning requirements if the lease was approved by the Commission and Mr. Briggs responded that they would need variances for the buffer requirements.

Mr. Faux asked how the developer would landscape the site and Mr. Briggs responded that not enough information had been submitted to determine how they would landscape the site. Mr. Faux mentioned that Mr. Uebelacker had stated that there was not enough room to provide the required landscaping in a 3 foot easement and that a 6 foot easement would be required. He asked Mr. Briggs if that was correct and Mr. Briggs responded that he did not know that width that would be needed.

Mr. Uebelacker then pointed out the easement area and noted that the plan did not show the 3 foot buffer. He also stated that DOTE suggested that 6 feet of right-of-way would be needed to install a sidewalk. Mr. Uebelacker was angry that DOTE issued a permit to work on the 3 foot right-of-way before the applicant got approval from the Planning Commission.

The applicant responded that the paving contractor got a curb cut permit, which he thought was adequate to put in the base. He mistakenly jumped the gun, but he only put in gravel.

Mr. Schneider pointed out that if the applicant made parallel parking, he could get in 15 space and meet the setbacks and landscaping requirements. The applicant responded that DOTE had said that parallel parking would not work. The applicant also stated that he was willing to reduce the number of parking space but that he was only trying to address the neighborhood parking issues. Mr. Schneider wanted to know if the applicant could lose 7 parking spaces and accommodate the bike trail and the applicant indicated that he would need to talk to his engineer.

Jeff Lovelace stated that he lived on Edwards Road and gave the background on the Aveda Institute. He said that parking has been a problem for eight years. He felt that Aveda had left because of the grassroots efforts to address the parking. Now that the college was gone there should be no need for additional parking. He also stated that if a new college tenant were to come into the space, the proposed 22 parking spaces would not address the issues and the neighborhood would protest and force them out. The neighborhood had written letters to the applicant, but he never responded. The

bike trail would be more valuable. His vote was for the bike trail and he requested that the parking lot be left in its current state.

The applicant responded that River City Capital never received a letter from the neighborhood but that the owner of Aveda had.

Mr. Faux wanted to know if the new tenant would be held to the parking restrictions. The developer responded that the new tenant would have fewer students and therefore, would not. He went on to say that the previous tenant had a restaurant and school and the students were taking parking from the customers. The school owner restricted the allotted parking spaces to customers not students. The owner of Aveda made the parking restriction, not River City Capital.

Chris Prossas stated that he worked for the applicant. He explained that Aveda occupied 15,000 square feet. The new salon will occupy 25% of that space. The applicant will need 3 or 4 more tenants to back fill all the space and because they don't know who those tenant will be, he could not determine what the total parking needs would be.

Mr. Schneider wanted to know if a tenant could prohibit customers from using the parking lot. Mr. Suder stated that the Zoning Code did not address this specific type of issue. Ms. Bryant explained that the students parked on the streets so that the Aveda customers could park in the lot.

Bill Collins of the Madison Community Council stated that the Eastern Corridor highway was going to be built and included bike trails. It seems likely that ODOT would agree to bike trails and this will allow the connection to Lunken Field and Armleder Park. It is an opportunity for an extensive web of bicycle accessibility. He felt that the applicant needed to allow room for the proposed bike trail. He also stated that the City loses a lot of rights-of-way because they haven't paid attention and now those areas are lost forever.

Mr. Holmes stated that until the Commission knew more about the required easement widths, the Commission's approval may be premature. He felt that the applicant may not be able to do what he wants to and he did not want the City to grant an easement for something that that could not be built. He wanted to hold the item until the variances were approved and limits are determined.

Mr. Faux stated that the Commission had four options: to approve, approve with conditions, hold or disapprove. Mr. Schneider stated that the applicant was not getting an easement but a lease and wanted to know if there was such an instrument as a revocable lease. Mr. Suder confirmed that there was. Mr. Schneider stated that the project was not ripe yet and needed more work.

- Motion:** Mr. Schneider moved to deny the Staff Report recommendations.
- Second:** Mr. vom Hofe seconded the motion.
- Ayes:** Mr. Faux, Mr. Schneider, Mr. Holmes, Ms. Bryant and Mr. vom Hofe.
- Nays:** **None, motion carried 5-0**

ITEM #3

Steve Briggs, Senior City Planner presented this item.

Ms. Wuerstle returned to the Planning Commission meeting

SUBJECT:

A report and recommendation on granting an easement in the right-of-way at 2645 Erie Avenue in the Hyde Park neighborhood.

BACKGROUND:

Pendleton Sears Architects on behalf of the property owners Hyde Park Terrace, LTD has requested an easement in the Edwards Road right-of-way for a ventilation grate for the subject property located at the southwest corner of Erie Avenue and Edwards Road. The ventilation grate will release hot air to moderate basement temperatures to below 140 degrees to prevent damage to equipment in the basement. The grate is positioned within the Edwards Road right-of-way 87.75 feet south from the Erie Avenue and Edwards Road intersection. The grate measures 2'-0" by 4'-0" in size (see attached drawing). The Department of Transportation and Engineering has no objection to the easement in the Edwards Road right-of-way (with conditions, see attached).

RECOMMENDATION:

The staff of the Department of City Planning and Buildings recommended that the City Planning Commission take the following action:

APPROVE an easement in the right-of-way at 2645 Erie Avenue in the Hyde Park neighborhood.

PLANNING COMMISSION DISCUSSION

Mr. Schneider asked if the compressors in the basement were for beverages and Mr. Briggs responded affirmatively and stated that it was 140 degrees and they must lower the heat. Mr. Schneider then asked if this would be a power grate or a naturally vented and Mr. Briggs responded that it would be vented.

Mr. Suder wanted to know if the applicant needed an easement or a Revocable Street Privilege and Mr. Briggs responded that it needed to be a permanent easement because the vent needed to be there indefinitely. Mr. Briggs also stated that Mr. Klumb from the City's Real Estate Division, said that this was the appropriate way to handle the vent because it would be needed for this tenant and future tenants.

Mr. Holmes wanted to know if the easement could be revoked if the vent was excessively hot or there were complaints. Mr. Suder responded that if the desire was to have this instrument be revocable at the City's will, then it should be a license and not an easement. However, an easement could be structure so that it could be revoked. Mr. Suder explained that the Commission could give approval for either an easement or license or whatever instrument would be appropriate and then he would determine the appropriate method of addressing the issue. Mr. Briggs stated that the easement was necessary because of the cost of the equipment for the building. The easement would run with the property.

Mr. Faux stated that it would limit the City's ability to the revoke the easement if needed and Mr. Schneider wanted to know if the City would have to go to court to have the instrument revoked. Mr.

Suder responded that an easement could be set up to be automatically revoked under certain conditions. He stated that a license could be revoked after a 30 day notice. Mr. Suder asked the applicant if they wanted a revocable instrument. Mr. Briggs explained that a Revocable Street Privilege was not attractive to banks and financial institutions.

Christopher Penn, the managing partner of the restaurant, stated that this facility is their third location. They were planning on opening May 2011. He went on to explain that this is an older building made of concrete block, masonry and brick. He said that they have 2 refrigerators and a freezer in a 700 square foot area and heat buildup is a problem. They need to install an exhaust for the heated air. The grate would be 2' by 4' in size and would be located snug up against the building. He explained that there used to be a coal shaft at this location. The exhaust vent would be one half the size of the coal shaft. He stated that other grates were in the immediate area and said that it was a way of life in the City and many urban areas. He explained that he had walked 100 feet from the subject property and took photographs of all the other grates in the sidewalk. He showed the Commission these photographs. He said there would be shut-offs if it were to get too hot. The facility needs a grate for movement of air through the basement. The plans have been submitted for permits and have been approved but that work can't start until the exhaust grate is approved. He said he did not care whether it was an easement or a license.

Mr. Schneider wanted to know why they could not put the grate on their own property. He stated that the Planning Commission is protective of the right-of-way and wanted to know why the air couldn't be vented to the north. Mr. Penn responded that near the Duke Energy grate was a 14 by 14 grate in the building foundation that will be used to bring air in. They need cross ventilation. He stated that the proposed grate should not be a problem to pedestrians. He explained that there were 20 other grates in close proximity.

Carl Uebelacker stated that he was representing the Hyde Park Community Council. He asked that the Commission not support the proposal. He stated that they need more information to determine if the grate will be a positive or a negative to the area. He explained that Gary Wollenweber had communicated with Mr. Penn to get some answers and determined that this was a powered vent for pushing air out. Mr. Uebelacker then handed out information on "powered sidewalk vents". He stated that the Hyde Park Community Council was not clear on the speed of the air or the noise, volumes, odors, or surface walkability. He asked that the Commission hold this item. He stated that a permit had already been issued before this item was before the Planning Commission and that this was the second item on the agenda that had been issued a permit before the approvals had been obtained. He stated that there were no notices sent to the surrounding property owners or to the Community Council.

Ms. Wuerstle explained to the Commission that notices to surrounding property owners are only required for zone changes and Planned Developments. She stated that staff has an extensive distribution list for the Planning Commission and all Planning Commission agendas are sent to this list. Mr. Graves asked what the impact would be if notices were sent out for all Planning Commission items. Ms. Wuerstle responded that it would take longer to get items before the Commission and there would be costs to the department.

Mr. Penn stated that he had not talked to Mr. Uebelacker but that he had talked to the community. He stated that he had over 104 employees and had put over \$1.4 million in improvements to this restaurant. He stated that they needed the vent to keep operating. He had gone through the proper channels to ensure that the grate was the proper size and would be approved.

Daryl Sears with Fountains Sears Architects stated that he had exchanged emails with Gary Wollenweber and all the issues raised by Mr. Uebelacker had been addressed. He explained that the air volume was 2844 cubic feet per minute and the air velocity was 2500 feet/minute. The grate would vent at the same rate as an air diffuser in any room. He said that the fan would be quieter than a bathroom fan and that the walkway would not be impeded because the grate was pushed up against the building. He explained that the grate on the north side was not large enough for the exhaust flows and therefore they had to vent to the east side.

Mr. Schneider stated that 2800 cubic feet per minute was about the equivalent of eleven bathroom fans and that would be a large volume of air. Mr. Sears responded that it was not that large in a commercial situation. In order to handle the BTU rating that was the size needed. They would be moving a large quantity of air but at a low speed in order to minimize the impact on the public right-of-way. Mr. Schneider responded that the applicant would be concentrating it in a small grate space. He understood the applicant's need to do this, but stated that there was a public interest that needed to be protected. Mr. Schneider felt that they were moving a lot of air on public property.

Motion: Ms. Bryant moved to approve the conditional easement as recommended in the Staff Report.

Second: **There was no second to the Motion**

Mr. Faux asked Mr. Suder if a conditional easement was feasible. Mr. Suder said that it could be done and it sounded like that was the City's preference. Mr. Suder stated that Revocable Street Privilege was more flexible because it did not need cause for revocation, only notice. The easement would have to have cause for the termination. Mr. Faux asked if the easement would run with the building and not the tenant. Mr. Suder stated that the easement could be set up to run with the tenant. Mr. Penn stated that no matter what position the City takes—either the easement or the Revocable Street Privilege, they would control the volume and the impacts and they would go with whatever instrument or conditions that the Commission determined appropriate.

Motion: Mr. Schneider moved to deny the Staff Report recommendations.

Second: **There was no second to the Motion.**

Motion: Mr. Holmes moved to approve a Revocable Street Privilege

Second: Mr. vom Hofe seconded the motion.

Ayes: Mr. Faux, Mr. Holmes, Mr. Schneider, Mr. vom Hofe and Ms. Bryant.

Nays: **None, motion carried 5-0.**

OTHER BUSINESS

There were no items to be considered.

DIRECTOR’S REPORT:

Mr. Graves reported that the Land Development Code Consultants would be attending the December 2, 2011 meeting of the Planning Commission and that their presentations would take up most of the agenda. He explained that Staff was in the process of identifying and hiring a Community Engagement consultant for the Land Development Code. He then explained that the Steering Committee for the Comprehensive Plan was winding down and Staff was starting to write the draft Plan. Katherine Keough-Jurs handed out a schedule for the Comprehensive Plan for the remainder of the year and the first half of 2012.

Mr. Graves also stated that there was a conference at the University of Cincinnati today and that he and Ms. Qualls would be speaking at this conference on urban amenities and development in Over-the-Rhine. He passed out a flyer on the conference and said that he would also be on a panel that would address urban design, academic and political perspectives. He encouraged the Commission to attend.

Mr. Suder stated that the Mercer Commons project would be on the next Planning Commission agenda. He would not be at that meeting but Paula Boggs-Muething would attend.

Ms. Bryant asked that the next agenda be limited due to the potential length. Mr. Graves agreed. Mr. Faux stated that he would have to recuse himself from the next meeting and asked if Ms. Pride would be attending to ensure a quorum. Mr. Graves explained that the policy states that if a Planning Commissioner misses more than 3 meeting the Director must contact that Commissioner.

ADJOURN

Chairman Faux adjourned the meeting at approximately 10:50 A.M.

Charles C. Graves, III
Director, Department of City Planning

Caleb Faux, Chairman
City Planning Commission

Date: _____

Date: _____

PROCEEDINGS OF THE CITY PLANNING COMMISSION

February 17, 2012

Regular Meeting

A regular meeting of the City Planning Commission was held this day at 9 A.M. in the J. Martin Griesel Room of Two Centennial Plaza with the following members present for the entire meeting: Chairman Faux, Mr. Schneider, Vice Mayor Qualls, Mr. vom Hofe, and Ms. Bryant. Present for a portion of the meeting was City Manager Mr. Dohoney. Absent was Ms. Pride.

Also in attendance were Mr. Graves, Director of City Planning and Buildings, Mr. Suder, counsel, and City Planning staff: Mr. Briggs.

Consent Agenda

Item 1 was a report and recommendation to grant a right-of-entry to enter upon a portion of City-owned property located in Reeves Golf Course, behind the Airport Play Field at 4750 Playfield Lane in the neighborhood of Linwood, to the Hamilton County Board of County Commissioners to install and maintain an ambient air monitor to collect air samples for its Department of Environmental services for a period of approximately five years. Staff recommended that the Commission approve the item.

Item 2 was a report and recommendation to grant a right-of-entry to enter upon a portion of City-owned property located in Bramble Park at 6395 Bramble Avenue in the Madisonville neighborhood to the Hamilton County Board of County Commissioners to install and maintain an ambient air monitor to collect air samples for its Department of Environmental services for a period of approximately five years. Staff recommended that the Commission approve the item.

Item 3 was a report and recommendation on an ordinance authorizing the City Manager to grant a right-of entry to enter upon a portion of City-owned property in the Dunham Recreation Complex at 1994 Dunham Way in the neighborhood of Westwood to the Hamilton County Board of County Commissioners, to install and maintain an ambient air monitor to collect air samples for its Department of Environmental Services for a period of approximately five years. Staff recommended that the Commission approve the item.

Item 4 was a report and recommendation on an emergency ordinance authorizing the City Manager to execute a Sale and Development Agreement with South Block Properties, Ltd., an Ohio limited partnership, a real estate developer, which provides for the sale and development of certain City-owned property, located at 3930, 3932 & 3934 Spring Grove Avenue in Northside. Staff recommended that the Commission approve the item.

The Commission adopted staff's recommendations for the Consent Agenda.

Ms. Bryant made the motion, which Mr. Schneider seconded.

Aye: Mr. Schneider, Vice Mayor Qualls, Mr. vom Hofe, Ms. Bryant, and Chairman Faux.

Discussion Items

Mr. Briggs presented Item 5, a report and recommendation on a Plat of Subdivision for Phase 1 of U Square at the Loop located south of Calhoun Street, east of West Clifton Avenue, and north of McMillan Street in the overlap area between CUF and Heights neighborhoods. Staff recommended that the Commission approve the item. Ms. Sandra Wilson, a CUF resident, spoke against staff's recommendation, stating that she was concerned about street parking, the lack of community inclusion, and the retention of the plaza, garages, and street as public property. In response, Mr. Briggs stated that notification of the vacation of Hartshorn Street had been sent to an incorrect contact for CUF, which had been updated. Ms. Molly North of Al. Neyer, one of the developers, stated that the street would be dedicated as right-of-way, that the park and garages would be owned by the City and subject to a management agreement with U Square, and that she anticipated that the residential management would purchase a block of parking passes in the garages to offer to residents. Further discussion ensued.

Mr. Dohoney entered the meeting at this point.

The Commission adopted staff's recommendation for Item 5.

Mr. Schneider made the motion, which Vice Mayor Qualls seconded.

Aye: Mr. Schneider, Vice Mayor Qualls, Mr. Dohoney, Mr. vom Hofe, Ms. Bryant, and Chairman Faux.

Mr. Briggs presented Item 6, a report and recommendation for the sale of Cowdry Alley (also known as Times Alley) consisting of approximately .012 acres located north of Sixth Street, to 120 East Sixth LLC, a wholly owned subsidiary of Cincinnati Center City Development Corporation (3CDC), for the inclusion in the Maisonnette Development Project in downtown Cincinnati. Staff recommended that the Commission approve the item. In response to a concern by Mr. Schneider and Vice Mayor Qualls about the relocation of trash totes in the alley, Ms. Rachel O'Malley of 3CDC stated that a new trash solution was being worked out that would continue to keep trash facilities out of public view.

The Commission adopted staff's recommendation for Item 6.

Mr. Schneider made the motion, which Mr. vom Hofe seconded.

Aye: Mr. Schneider, Vice Mayor Qualls, Mr. Dohoney, Mr. vom Hofe, Ms. Bryant, and Chairman Faux.

Director's Report

Mr. Graves reported that staff had presented an update on the land development code to the Livable Communities Committee of City Council, which would be presented to the Commission

at its next meeting, that a website for the land development code would be operational by the following week, that an open house on the first draft of the comprehensive plan would be held on March 14 from 11 a.m. to 7 p.m. in the Griesel Room, and that ground would be broken for the streetcar at 1 p.m. that day.

The meeting adjourned.

Charles C. Graves, III, Director
Department of City Planning and Buildings

Caleb Faux, Chairman
City Planning Commission

Date: _____

Date: _____

PROCEEDINGS OF THE CITY PLANNING COMMISSION

July 20, 2012

Regular Meeting

A regular meeting of the City Planning Commission was held this day at 9 A.M. in the J. Martin Griesel Room of Two Centennial Plaza with the following members present for the entire meeting: Chairman Faux, Mr. Schneider, Assistant City Manager Mr. Holmes, Ms. Bryant, and Ms. Selvey-Maddox. Present for a portion of the meeting was Vice Mayor Qualls. Absent was Mr. vom Hofe.

Also in attendance were Mr. Graves, Director of City Planning and Buildings, Mr. Suder, counsel, and City Planning staff: Messrs. Briggs and Ross.

Minutes

The Commission approved the minutes of the meetings of August 7, 2009, May 20, 2011, April 20, 2012, and June 15, 2012 as prepared.

Ms. Bryant made the motion, which Mr. Schneider seconded.

Aye: Mr. Schneider, Ms. Bryant, and Chairman Faux

Mr. Holmes and Ms. Selvey-Maddox did not vote.

Consent Agenda

Upon the request of Mr. Schneider, Item 1 was removed from the Consent Agenda.

Item 2 was a report and recommendation on the release of sewer easements at 3315 Glenhurst Place and Marburg Square in Oakley. Staff recommended that the Commission approve the item.

The Commission adopted staff's recommendation for the Consent Agenda.

Ms. Bryant made the motion, which Mr. Schneider seconded.

Aye: Mr. Schneider, Mr. Holmes, Ms. Bryant, Ms. Selvey-Maddox, and Chairman Faux.

Discussion Items

Mr. Briggs presented Item 1, a report and recommendation on a utility easement over the Millcreek Barrier Dam located at 1505 Eighth Street in the neighborhood of Lower Price Hill. Staff recommended that the Commission approve the item. Mr. Briggs stated that the easement would be for fiber optic utility service. Mr. Schneider expressed questions about how the easement had been valued at \$500 and what compensation would be required should an

encroachment be necessary for a future municipal purpose. He requested that easement language be included in future staff reports. The item was tabled, awaiting the arrival of Real Estate staff.

Mr. Ross presented Item 3, a report and recommendation on a proposed change of zoning from CC-A Commercial Community-Auto Oriented to PD Planned Development District at 1764 and 1728 Dana Avenue in Evanston. Mr. Dobbs Ackermann, the developer, presented the concept plan for the site.

Vice Mayor Qualls entered the meeting at this point.

Staff recommended that the Commission approve the zone change from CC-A Commercial Community Auto-Oriented to PD Planned Development District at 1764 and 1728 Dana Avenue in Evanston and accept the concept plan for the properties located at 1764 and 1728 Dana Avenue. Vice Mayor Qualls asked how the amount of parking in the concept plan would have differed in the absence of minimum parking requirements, to which Mr. Ackermann answered that the parking was a result of market demand and not parking requirements. Mr. Schneider expressed his desire that the rail easement be able to revert to a future active light rail line, which a bicycle path may preclude, to which Mr. Ackermann replied that the easement would become a pedestrian pathway, that Norfolk & Southern would retain the right to reactivate the rail line, and that a parallel bicycle path had already been designed along Dana Avenue. Chairman Faux asked if the parcel to the west on Dana Avenue would remain open for future development, to which Mr. Ackermann answered that Xavier University was reserving that property for any future academic need.

The Commission adopted staff's recommendation for Item 3.

Mr. Schneider made the motion, which Ms. Bryant seconded.

Aye: Mr. Schneider, Vice Mayor Qualls, Mr. Holmes, Ms. Bryant, Ms. Selvey-Maddox, and Chairman Faux.

Item 1 was removed from the table. In response to Mr. Schneider's concerns, Mr. Tom Klumb, Real Estate Manager, stated that public utilities were typically permitted in the right-of-way for free but that an easement was necessary because the utilities were not permitted on the bridge over the Mill Creek. He further stated that the easement, necessary to expand the utility's service network, was so cheap because the land could not be utilized for other purposes and that he could review the easement language so that compensation might not be necessary to reclaim the easement for a future municipal purpose.

The Commission postponed Item 1.

Mr. Schneider made the motion, to which there was no objection.

Other Business

Chairman Faux appointed the City Planning Commission member of the Zoning Board of Appeals for the following meetings:

August 16, 2012	Ms. Bryant
September 20, 2012	Ms. Bryant
October 18, 2012	Mr. Schneider
November 15, 2012	Chairman Faux
December 20, 2012	Mr. Schneider

Director's Report

Mr. Graves reported that a special meeting of the Commission would be held on August 30, 2012 at 6 P.M. for the purpose of considering the comprehensive plan. He further reported that the form-based code neighborhood charrettes would be held at the end of October and that walking tours of the neighborhoods piloting form-based codes would be held the following two Saturdays. He then recognized Mr. Holmes for his coordination of the World Choir Games.

The meeting adjourned.

Charles C. Graves, III, Director
Department of City Planning and Buildings

Caleb Faux, Chairman
City Planning Commission

Date: _____

Date: _____

PROCEEDINGS OF THE CITY PLANNING COMMISSION

August 3, 2012

Regular Meeting

A regular meeting of the City Planning Commission was held this day at 9 A.M. in the J. Martin Griesel Room of Two Centennial Plaza with the following members present: Chairman Faux, Mr. Schneider, Assistant City Manager Mr. Stiles, Mr. vom Hofe, and Ms. Selvey-Maddox. Absent were Vice Mayor Qualls and Ms. Bryant.

Also in attendance were Mr. Graves, Director of City Planning and Buildings, Mr. Suder, counsel, and City Planning staff: Mr. Briggs.

Minutes

The Commission approved the minutes of the April 6, 2012 meeting as prepared.

Mr. Schneider made the motion, which Mr. vom Hofe seconded.

Aye: Mr. Schneider, Mr. Stiles, Mr. vom Hofe, and Chairman Faux

Ms. Selvey-Maddox did not vote.

Discussion Items

Mr. Briggs presented Item 1, a report and recommendation on a Subdivision Improvement Plan for the Oakley Station Subdivision within Planned Development #64 located at 4701 Marburg Avenue in the neighborhood of Oakley for the construction of three new streets and improvements to two existing streets. Staff recommended that the Commission authorize the development of Oakley Station Subdivision Improvement Plan to proceed for the reasons that the plans conform to the subdivision regulations and comply with the requirements of all reviewing agencies. Upon questioning by Mr. Schneider, Mr. Steve Dragon, the developer, stated that he had had no substantive success selling a first-floor retail model, that whether the outlots would be sold or the title held would depend on the desire of the tenants, and that retailers generally disliked first-floor models because of the cost and difficulty of operation compared to standalone models and because of parking. Mr. Schneider stated his desire to create a street wall in the development, to which Mr. Dragon replied that retailers preferred to have parking in front of the store. Upon questioning by Chairman Faux, Mr. Dragon further stated that examples where first-floor retail models worked were more urban with higher-income demographics than this site and that reducing parking would not increase density because prospective retailers desired even more parking than the concept plan already provided. Mr. Schneider suggested that Mr. Dragon consider metering on-street parking. Mr. Dragon stated that the City had improved the steps at Madison Road and that they looked substantially better.

The Commission adopted staff’s recommendation for Item 1.

Mr. Schneider made the motion, which Mr. Stiles seconded.

Aye: Mr. Schneider, Mr. Stiles, Mr. vom Hofe, Ms. Selvey-Maddox, and Chairman Faux.

Director’s Report

Mr. Graves reported the hiring of two new City Planners out of 300 applicants, Ms. Ann Marie Kerby and Mr. James Weaver, who would begin work on August 27. He further reported that walking tours for the pilot form-based code neighborhoods had been conducted on the previous two Saturdays, that the form-based code neighborhood charrettes would be at Two Centennial Plaza from October 29 through November 1, that a special meeting of the Commission would be held on August 30 in Council Chambers to consider the adoption of the comprehensive plan, and that minutes of the Commission would be prepared in a new format.

The meeting adjourned.

Charles C. Graves, III, Director
Department of City Planning and Buildings

Caleb Faux, Chairman
City Planning Commission

Date: _____

Date: _____

Honorable City Planning Commission
Cincinnati, Ohio

August 17, 2012

SUBJECT:

A report and recommendation on the sale of City owned property at 3114 Price Avenue in the East Price Hill neighborhood for use by a developer as part of a parking lot to serve the East Price Hill Incline Business District.

BACKGROUND:

The City is the owner of vacant land located at 3114 Price Avenue which is adjacent to Dempsey Park and is controlled by the Cincinnati Recreation Commission. KB Partners, LLC (Developer) and its affiliate, B&B Real Estate Investment & Management Group, LTD, have been actively involved in renovating and redeveloping properties in the East Price Hill Incline Business District to foster economic revitalization of the district.

In accordance with the East Price Hill Incline Business District Master Plan approved by City Council on February 29, 2012, Ordinance 51-2012, the Developer petitioned the City to purchase the subject property for the purpose of constructing additional parking and water detention facilities to serve one or more businesses in the District. The City's Real Estate Services Division has determined the value of the property is \$500, which is less than the \$550 purchase price offered by the Developer. The Cincinnati Recreation Commission approved the sale of the property to the Developer by resolution on March 20, 2012.

The property is zoned PR Park/Recreation. Planning Staff is in the process of completing a comprehensive zone change for the East Price Hill Incline Business District based on the approved Master Plan for the Incline District. The proposed zone for the property will be CN-P Commercial Neighborhood Pedestrian. The Incline District zone change will be presented to the City Planning Commission in September.

RECOMMENDATION:

The staff of the Department of City Planning and Buildings recommends that the City Planning Commission take the following action:

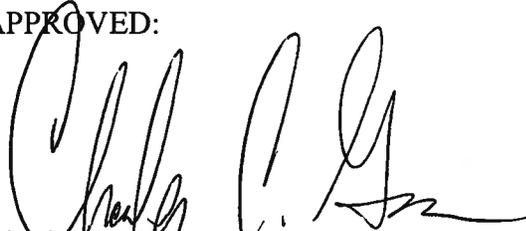
APPROVE the sale of City owned property at 3114 Price Avenue in the East Price Hill neighborhood for use by a developer as part of a parking lot to serve the East Price Hill Incline Business District.

Respectfully submitted,

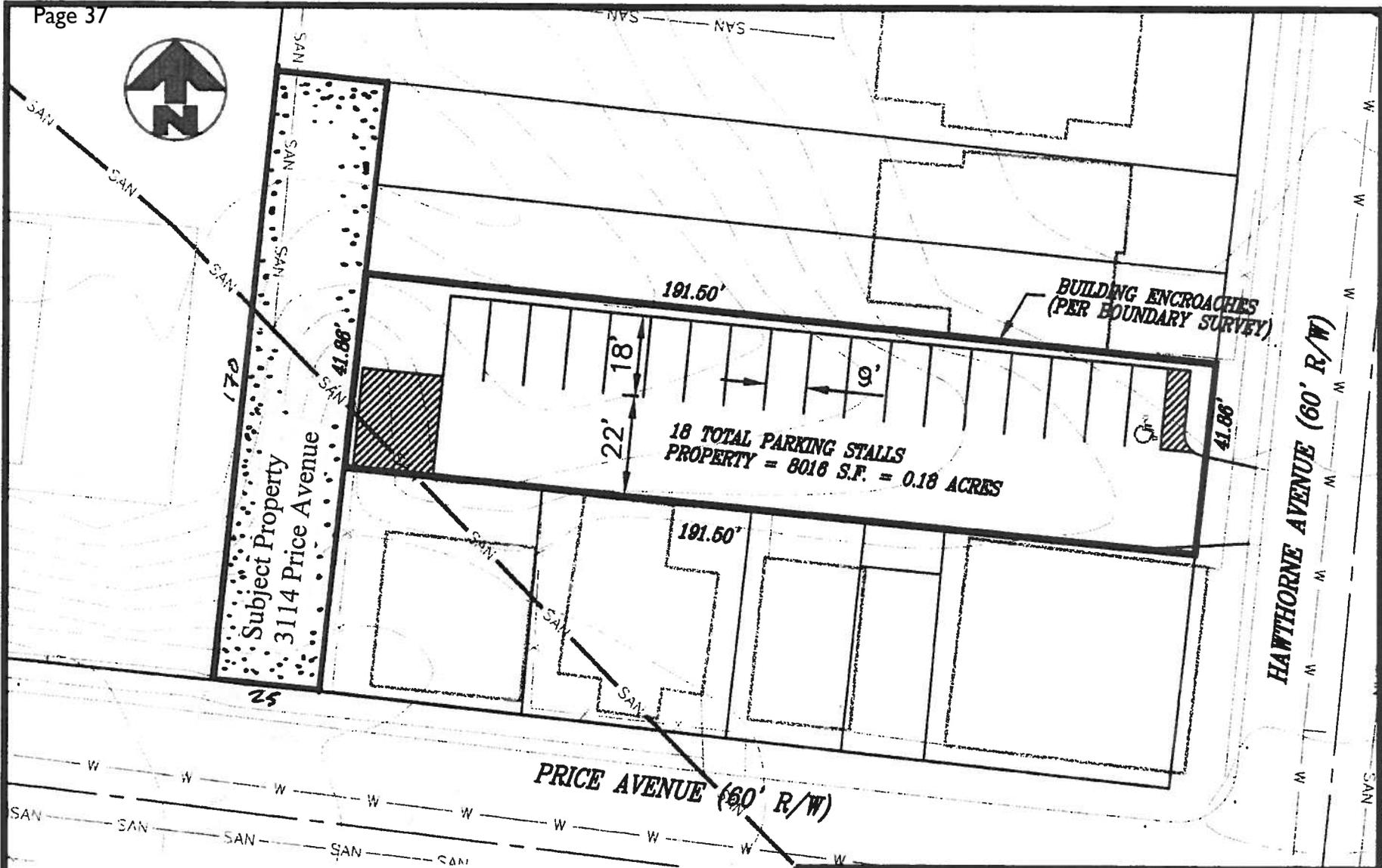


Stephen C. Briggs
Senior City Planner

APPROVED:



Charles C. Graves, III
Director of City Planning and Buildings



**907 HAWTHORNE AVENUE
 PRELIMINARY PARKING LOT SKETCH
 CITY OF CINCINNATI
 HAMILTON COUNTY, OHIO**

SCALE: 1"=40'
 DATE: 12/15/10
 DRAWN: MKB
 CHECKED: .
 JOB No. 100485GIS

KLEINGERS
 & ASSOCIATES

6305 Centre Park Drive, West Chester, OH 45069
 (513) 779-7851 Fax (513) 779-7852
 www.KLEINGERS.com

PRICE HILL
RECREATION
COMPLEX

★ <<---3114 PRICE AV, CINC

HAWTHORNE AV

PRICE AV

CONSIDINE AV



PR

PRICE HILL
RECREATION
COMPLEX

CN-P

←← 3114 PRICE AV, CINC

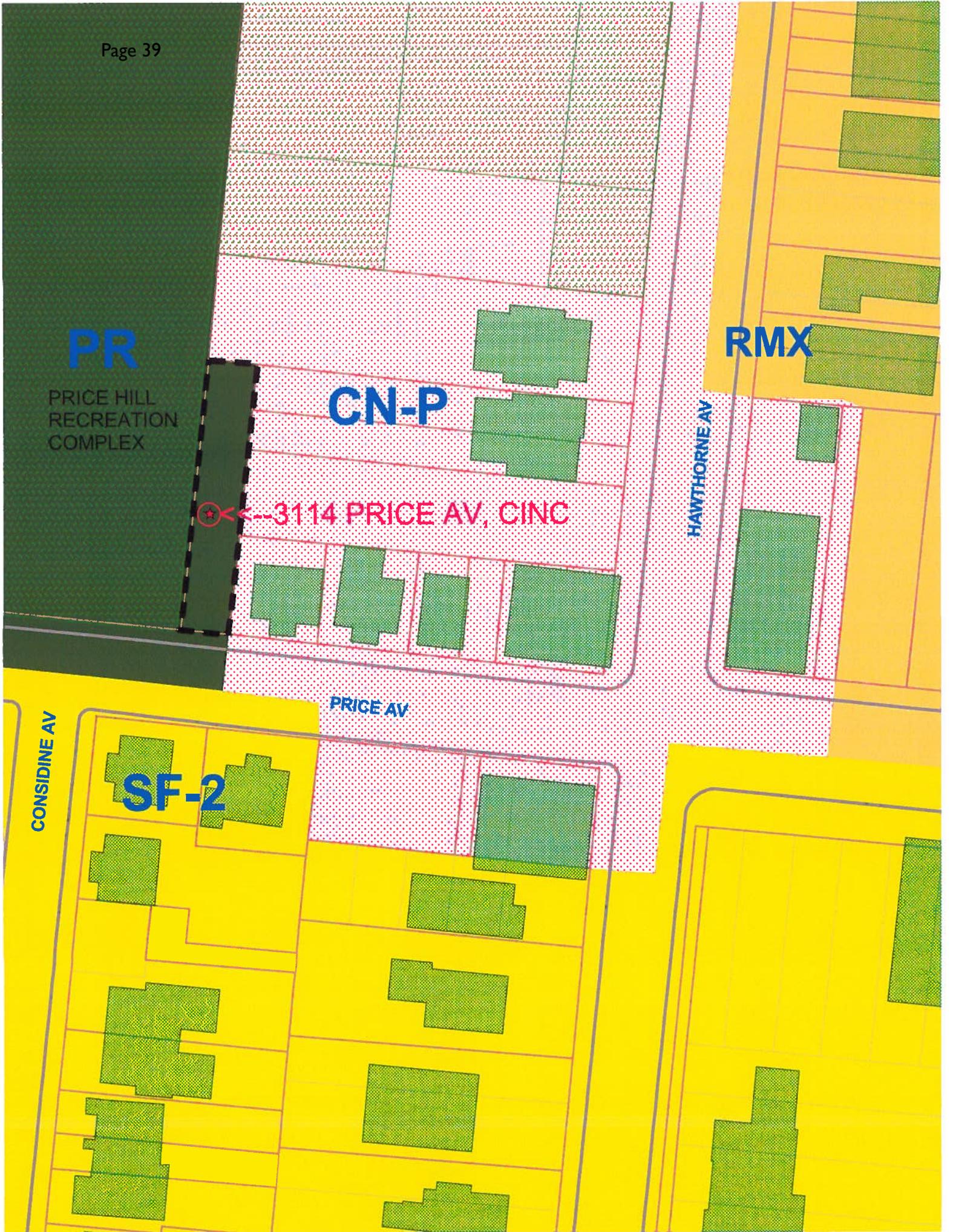
RMX

HAWTHORNE AV

PRICE AV

CONSIDINE AV

SF-2



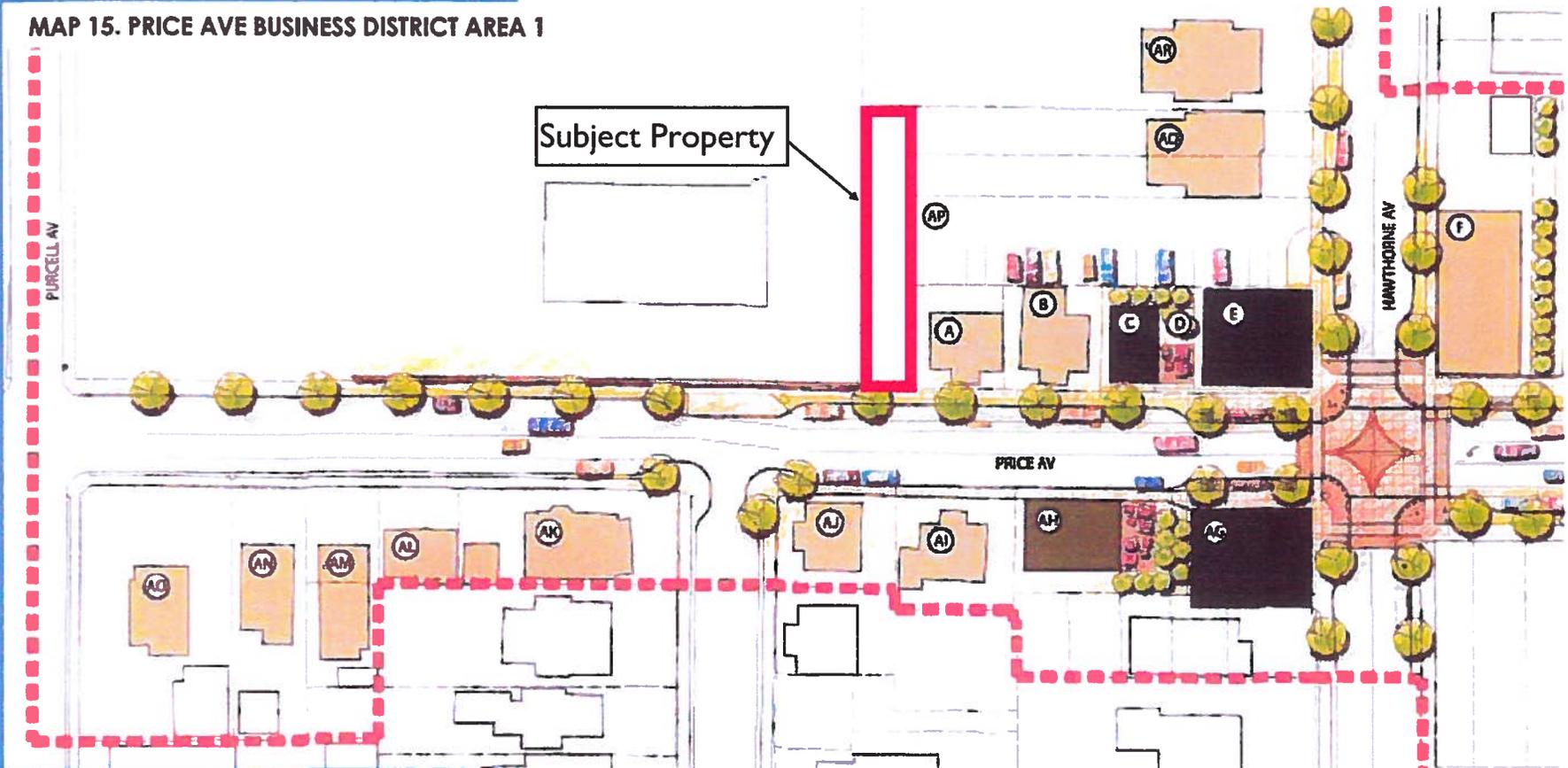
4.2 LAND USE

The proposed master plan will be composed of four distinctive areas:

Area 1, from Purcell Ave to Hawthorne Ave, will conserve its primarily residential and recreational character. Opportunities for infill (building D and

AH) and redevelopment (buildings C, E, and AG) are present at the corner of Price Ave and Hawthorne. The character will be of no more than three stories mixed-use buildings to allow for increased residential density to support existing and potential business (Corner BLOC Coffee and

MAP 15. PRICE AVE BUSINESS DISTRICT AREA 1



August 17, 2012

**Honorable City Planning Commission
Cincinnati, Ohio**

SUBJECT:

A report and recommendation on a sale of City owned property at 350 Two Mile Road to Harbor View Holdings, LLC in the California Neighborhood.

BACKGROUND:

The City of Cincinnati is the owner of the real property that consists of 13.06 acres of unimproved real property located at 350 Two Mile Road adjacent to the California Golf Course in California. Approval of the sale agreement will allow the property to be sold to Harbor View Holdings, LLC, an Ohio limited liability company and real estate developer who will construct single-family residences thereon. The Harbor View Holdings, LLC, has agreed to purchase the property for a sum of \$196,000.00, the fair market value as determined by the City's Real Estate Division. The City is disposing of the property without competitive bidding because of the following reasons; i) the property is landlocked and steeply sloping and hence challenging to develop ii) the developer has contract to purchase the adjacent parcel of land to provide roadway access to the property, and iii) for these reasons, it is unlikely that anyone else would be interested in purchasing the property.

The property which is controlled by the Cincinnati Recreation Commission (CRC) is zoned Park and Recreation (PR) and designated for recreational uses. In order for the developer to utilize the property for residential use, a change in zoning is needed. The developer can petition for a zone change through the City Planning and Buildings and Inspections who are charged with the rezoning process and issuing building permits upon successful rezoning from a PR to an appropriate zoning classification which would permit the nature of housing development planned on the property.

The City Manager, in consultation with CRC, has determined the excess property is not needed for any municipal purpose. The CRC approved the sale of the property to the developer by a resolution dated March 20, 2012. The disposition of City property is subject to terms and conditions stipulating that the developer shall satisfy all conditions of the sale as set forth in the City's Coordinated Report, including DOTE construction standards, provide utility easements in favor of Greater Cincinnati Water Works (GCWW) and Duke Energy for the purposes of access, repair and maintenance of utilities lines and infrastructure.

RECOMMENDATION:

The staff of the Department of City Planning and Buildings recommends that the City Planning Commission take the following action:

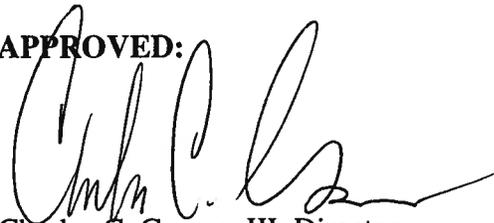
Approve the sale of City owned property at 350 Two Mile Road to Harbor View Holdings, LLC in the California Neighborhood.

Respectfully submitted,



Felix F. Bere, AICP
Senior City Planner

APPROVED:



Charles C. Graves, III, Director
Department of City Planning and Buildings

PR

SF-20

CALIFORNIA GOLF COURT

PR

Property to be sold

PR

CALIFORNIA

SF-20

SF-20

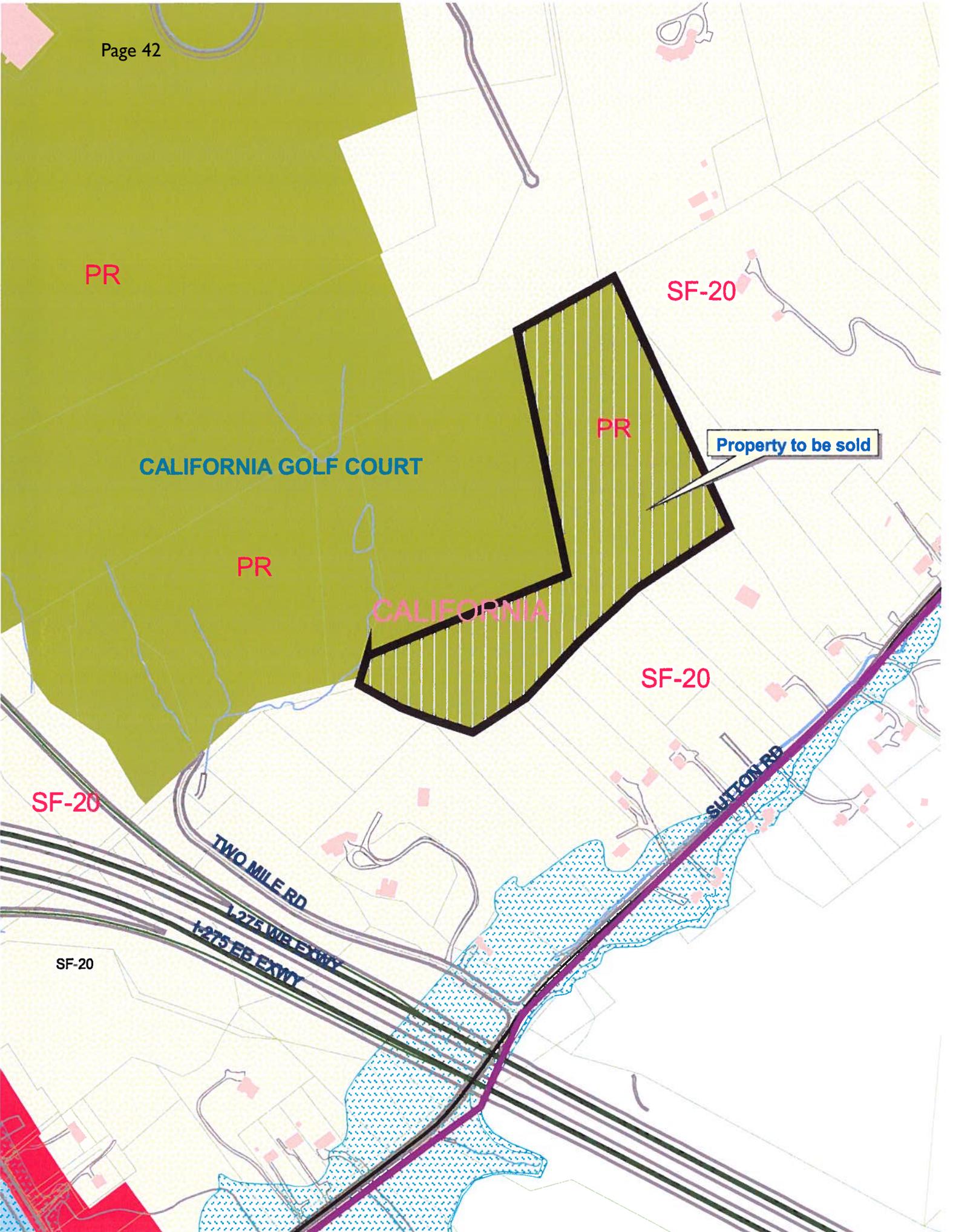
TWO MILE RD

I-275 WB EXWY

I-275 EB EXWY

SUTTON RD

SF-20



**Honorable City Planning Commission
Cincinnati, Ohio**

August 17, 2012

SUBJECT:

A report and recommendation on channel and highway easements over City-owned parcels adjacent to the Kellogg Avenue (U.S. Route 52) right-of-way for the rehabilitation of a stone arch culvert over the Lick Run waterway in the neighborhoods of California and Mt. Washington.

BACKGROUND:

The State of Ohio, through the Ohio Department of Transportation, is undertaking a highway project on Kellogg Avenue over Lick Run. The City of Cincinnati is the owner of the properties to the east and west of, and adjacent to, the Kellogg Avenue right-of-way at Lick Run, which are managed by the Cincinnati Park Board and Greater Cincinnati Water Works. The State needs easements for highway and channel purposes over a portion of the property in order to complete the project.

The City Manager, in consultation with the Cincinnati Park Board and Greater Cincinnati Water Works, has determined that granting the easements will not be adverse to the City's interest in the property. The City's Real Estate Division has determined the fair market value of the easements to be approximately \$2,363.00, which the State has agreed to pay. The City has determined that eliminating competitive bidding is in the best interest of the City because the State requires the easements in order to complete the project and therefore would otherwise be subject to appropriation by the State.

RECOMMENDATION:

The staff of the Department of City Planning and Buildings recommends that the City Planning Commission take the following action:

APPROVE the channel and highway easements over City-owned parcels adjacent to the Kellogg Avenue (U.S. Route 52) right-of-way for the rehabilitation of a stone arch culvert over the Lick Run waterway in the neighborhoods of California and Mt. Washington.

Respectfully submitted,



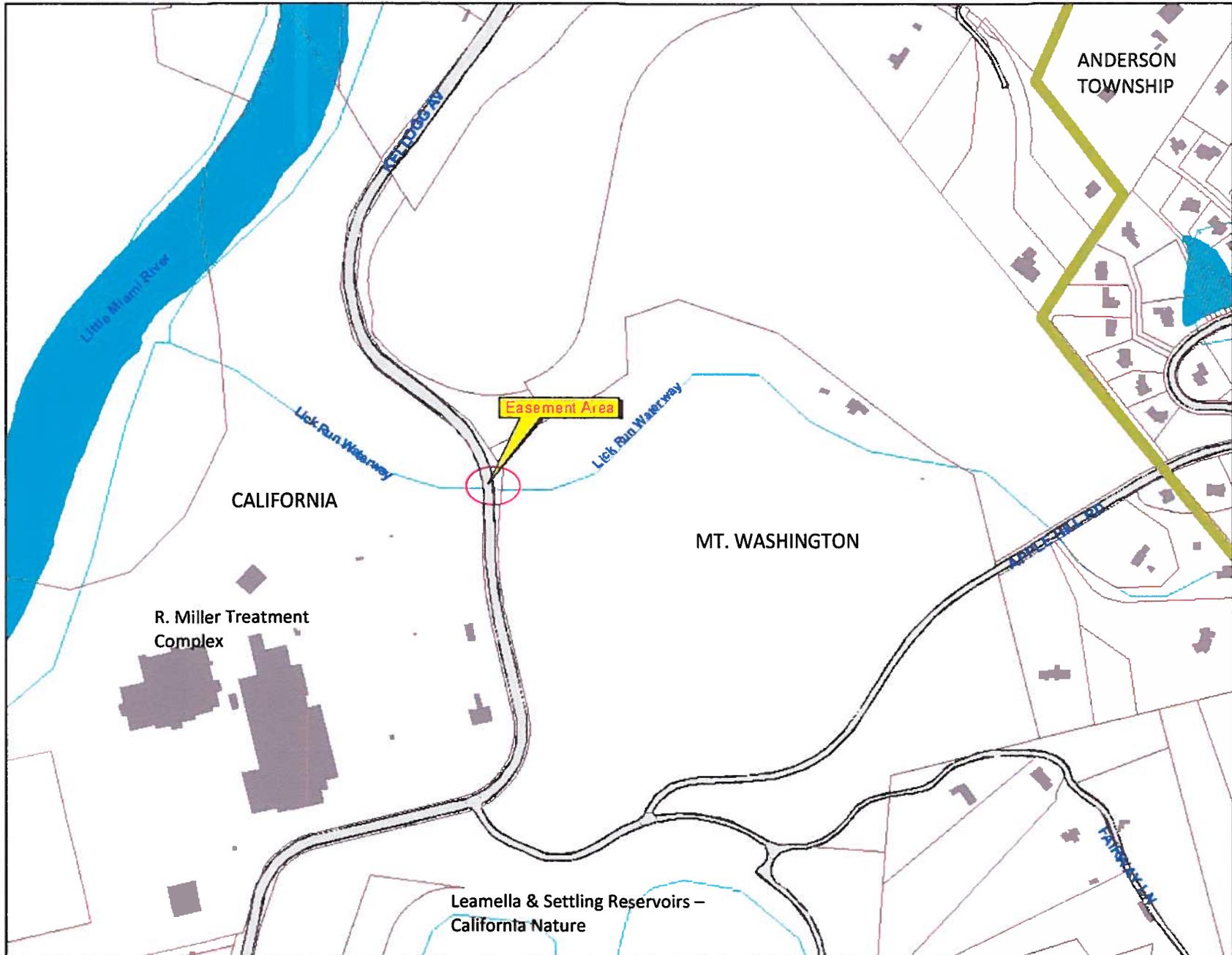
Rekha Kumar
Planning Intern

APPROVED:



Charles C. Graves III, Director
Department of City Planning and Buildings

EASEMENT AREA ADJACENT TO KELLOGG AVENUE OVER LICK RUN WATER WAYS



**Honorable City Planning Commission
Cincinnati, Ohio**

August 17, 2012

SUBJECT: A report and recommendation on the extension of Interim Development Control (IDC) Overlay District No. 69, Pleasant Ridge Neighborhood Business District (NBD).

BACKGROUND AND PROCESS

On June 15, 2012, the City Planning Commission recommended that City Council establish Interim Development Control District (IDC) No. 69, Pleasant Ridge Neighborhood Business District, for a period of ninety (90) days. City Council officially established IDC No. 69 by ordinance on June 20, 2012. The period of 90 days is set to expire in September of this year and will need to be extended in accordance with the Cincinnati Zoning Code.

According to Chapter 1431 of the Cincinnati Zoning Code, an IDC Overlay District may be extended for an additional nine-month period. The Department of City Planning and Buildings, in conjunction with various other administrative departments in the City, is currently undertaking the development of a Form-Based Code. The Pleasant Ridge neighborhood, among other neighborhoods, has expressed an interest in potentially implementing a Form-Based Code.

The Form-Based Code will take several more months to complete and be adopted before implementation in neighborhoods can begin. The implementation of a Form-Based Code may substantially affect permitted uses in the already established IDC Overlay District in Pleasant Ridge (see Exhibit A). Until the Form-Based Code is developed and potentially implemented in Pleasant Ridge, the extension of the current IDC Overlay District would be beneficial for the neighborhood in protecting the public interest as well as the current character of the Neighborhood Business District.

According to §1431-15, the City Planning Commission has the duty to review applications in the established IDC Overlay District No. 69 as specified in the approved ordinance by City Council. All permits that fall within the IDC boundary for the stated uses are made subject to review by the City Planning Commission in accordance with the City Council approved "Regulations and Application Review Guidelines for Interim Development Control District No. 69, Pleasant Ridge Neighborhood Business District and Designation of Administrative Reviewer" (see Exhibit B). The following applications are and would be subject to review by the City Planning Commission:

- i. Building permits for new construction, demolition of existing structures, exterior alterations or additions to existing structures and changes in use.

The ninety day ordinance will expire on September 18, 2012. City Council will need to approve a new ordinance to extend IDC Overlay District No. 69 for an additional nine months before that time expires if desired. In order to do so, City Council must receive an affirmative recommendation from the City Planning Commission to make this extension. An additional nine months will leave IDC Overlay District No. 69 in effect until June 20, 2013.

The general public was notified of the IDC nine-month extension public hearing before the City Planning Commission by means of an ad in the City Bulletin. All individual property owners within the boundary of IDC Overlay District No. 69 were notified by a mailed letter sent within ten days of the establishment of IDC Overlay District No. 69. No negative response from the public has been received to date by the

Department of City Planning and Buildings.

RECOMMENDATION

The staff of the Department of City Planning and Buildings recommends that the City Planning Commission take the following action:

RECOMMEND that City Council extend Interim Development Control District No. 69, Pleasant Ridge Neighborhood Business District, for nine additional months until June 20, 2013 finding that:

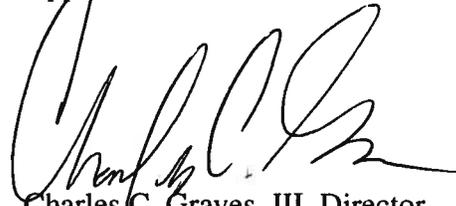
- a) The study of the proposed amendment to the Cincinnati Zoning Code and map that would affect the allowable land uses within Interim Development Control District (IDC) No. 69, Pleasant Ridge Neighborhood Business District, is on-going and;
- b) The City Planning Commission has not yet completed the consideration of the proposed map amendment that would affect allowable land uses within Interim Development Control District (IDC) No. 69, Pleasant Ridge Neighborhood Business District; and
- c) There is a prospect of new construction, demolition of existing structures, exterior alterations or additions to existing structures and changes in use that would be inconsistent with preliminary objectives or findings for the area approved by the City Planning Commission.

Respectfully Submitted,



Alex Peppers, City Planner
Dept. of City Planning & Buildings

Approved:



Charles C. Graves, III, Director
Dept. of City Planning & Buildings

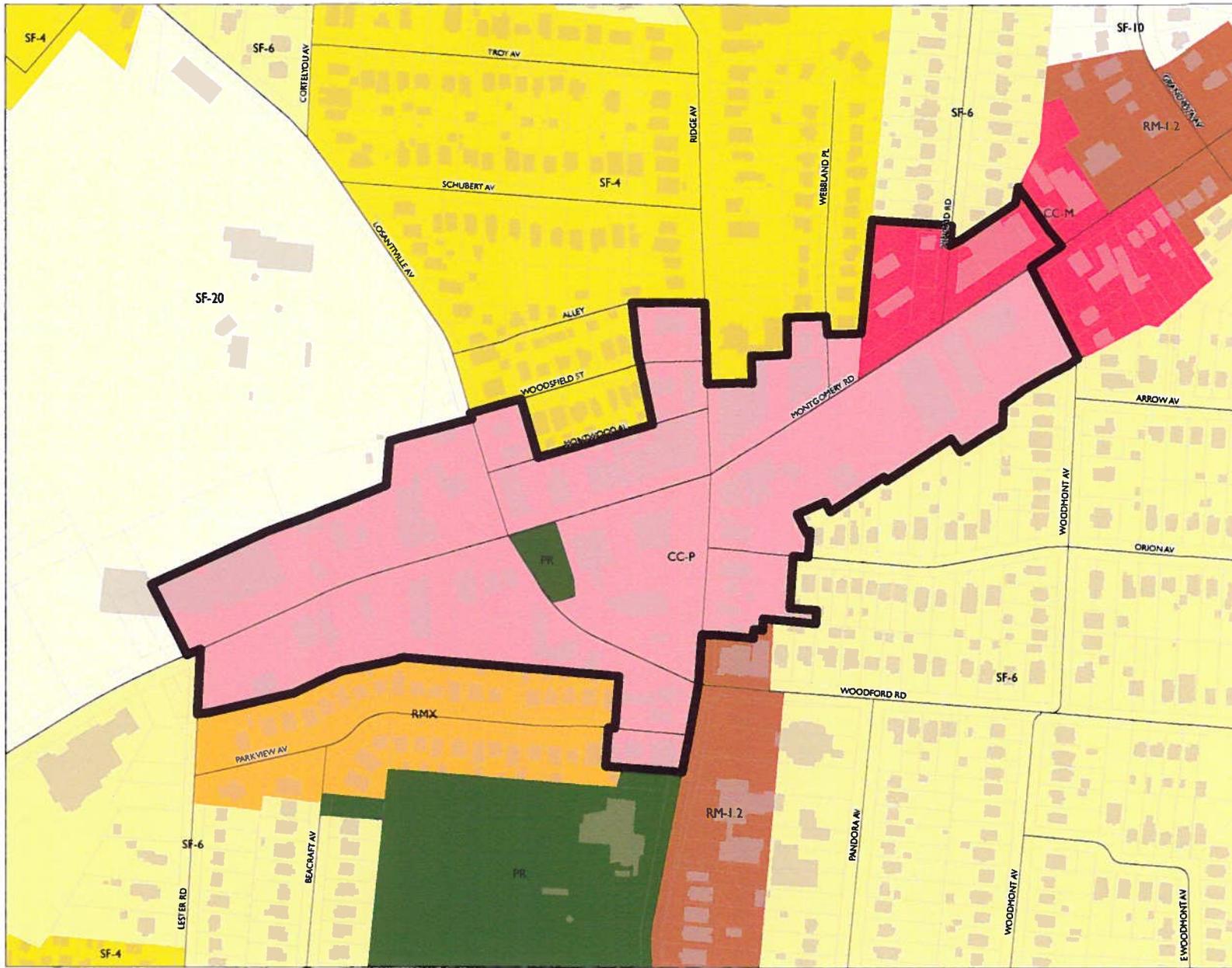


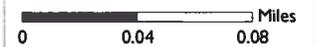
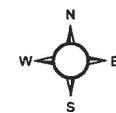
EXHIBIT A

Pleasant Ridge Interim Development Control District (IDC)

Parcels within Pleasant Ridge Neighborhood Business District (NBD)

Legend

- IDC Boundary
- Parcels
- Streets
- Railroads
- Buildings



Prepared by Department of City Planning and Buildings
Charles C. Graves, III, Director

June, 2012

EXHIBIT B

**Regulations and Application Review Guidelines for
Interim Development Control District No. 69,
Pleasant Ridge Neighborhood Business District
and
Designation of Administrative Reviewer**

Section I. Applications Subject to Review:

- (1) Building permits for new construction, demolition of existing structures, exterior alterations or additions to existing structures and changes in use.

Section II. Designated Administrative Reviewer:

Council designates the Department of City Planning and Buildings as the staff reviewing authority for IDC District No. 69, Pleasant Ridge Neighborhood Business District.

Section III. Application Review Guidelines:

In addition to any other necessary reviews and approvals as required by the Cincinnati Zoning Code and any other applicable laws, any proposed use of any property within IDC District No. 69, Pleasant Ridge Neighborhood Business District, shall be reviewed by the City Planning Commission in accordance with the general standards set forth in Section 1445-13 of the Cincinnati Zoning Code.

**Honorable City Planning Commission
Cincinnati, Ohio**

August 17, 2012

SUBJECT: A report and recommendation on the extension of Interim Development Control (IDC) Overlay District No. 67, Wasson Line District.

BACKGROUND AND PROCESS

On June 15, 2012, the City Planning Commission recommended that City Council establish Interim Development Control District (IDC) No. 67, Wasson Line District, for a period of ninety (90) days. City Council officially established IDC No. 67 by ordinance on June 20, 2012. The period of 90 days is set to expire in September of this year and will need to be extended in accordance with the Cincinnati Zoning Code.

According to Chapter 1431 of the Cincinnati Zoning Code, an IDC Overlay District may be extended for an additional nine-month period. On May 8, 2012, Cincinnati City Council passed a Motion (#201200708) directing the Department of City Planning and Buildings to proceed with a planning study to determine the best use for the Wasson Line.

The land use study will take several months to complete, and the result of the study may substantially change the permitted uses within the railroad right-of-way. The extension of the current IDC Overlay District (see Exhibit A) would be beneficial in protecting the public interest by ensuring the compatibility of any development within the area during the time of the study.

According to §1431-15, the City Planning Commission has the duty to review applications in the established IDC Overlay District No. 67 as specified in the approved ordinance by City Council. All permits that fall within the IDC boundary for the stated uses are made subject to review by the City Planning Commission in accordance with the City Council approved "Regulations and Application Review Guidelines for Interim Development Control District No. 67, Wasson Line District and Designation of Administrative Reviewer" (see Exhibit B). The following applications are and would be subject to review by the City Planning Commission:

- (1) Building permits for new construction, demolition of existing structures, exterior alterations or additions to existing structures and changes in use.
- (2) Building permits for signs.
- (3) Building permits for site improvements.
- (4) Permits for the construction or reconstruction of streets or sidewalks.
- (5) Subdivision improvement plans.
- (6) Excavation and fill permits.
- (7) Certificates of Compliance.

The ninety day ordinance will expire on September 18, 2012. City Council will need to approve a new ordinance to extend IDC Overlay District No. 67 for an additional nine months before that time expires if desired. In order to do so, City Council must receive an affirmative recommendation from the City Planning Commission to make this extension. An additional nine months will leave IDC Overlay District No. 67 in effect until June 20, 2013.

The general public was notified of the IDC nine-month extension public hearing before the City Planning Commission by means of an ad in the City Bulletin. All individual property owners within the boundary of IDC Overlay District No. 67 were notified by a mailed letter sent within ten days of the establishment of IDC Overlay District No. 67. No negative response from the public has been received to date by the Department of City Planning and Buildings.

RECOMMENDATION

The staff of the Department of City Planning and Buildings recommends that the City Planning Commission take the following action:

RECOMMEND that City Council extend Interim Development Control District No. 67, Wasson Line District, for nine additional months until June 20, 2013 finding that:

- a) The land use study of the proposed Wasson Line would affect the allowable land uses within Interim Development Control District (IDC) No. 67, Wasson Line District, is ongoing and;
- b) New construction, demolition of existing structures, exterior alterations or additions to existing structures, changes in use, sign, site improvements, construction of streets or sidewalks, subdivision improvement plans, excavation and fill, and Certificates of Compliance could be inconsistent with preliminary objectives or findings for the area approved by the City Planning Commission.

Respectfully Submitted,



Katherine Keough-Jurs, AICP
Senior City Planner

Approved:



Charles C. Graves, III
Director

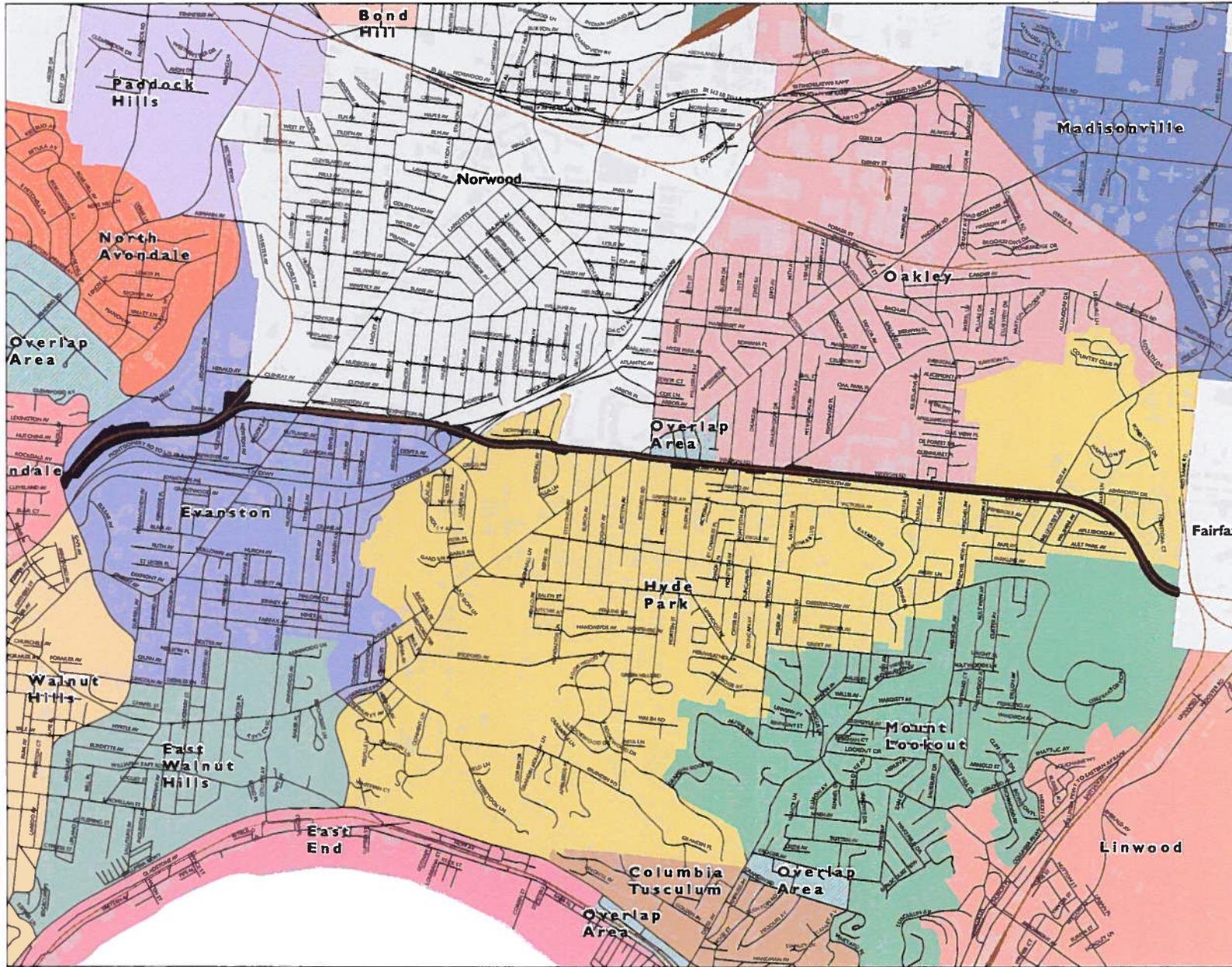


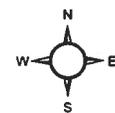
EXHIBIT A

Wason Line Interim Development Control District (IDC)

Parcels within Wason Line Right-of-Way

Legend

- Wason Line IDC Boundary
- Railroads
- Streets
- Buildings



0 0.325 0.65 Miles

Prepared by: Department of City Planning and Buildings
Charles C. Graves, III, Director

June, 2012

EXHIBIT B

**Regulations and Application Review Guidelines for
Interim Development Control District No. 67, Wasson Line District
and
Designation of Administrative Reviewer**

Section I. Applications Subject to Review:

- (1) Building permits for new construction, demolition of existing structures, exterior alterations or additions to existing structures and changes in use.
- (2) Building permits for signs.
- (3) Building permits for site improvements.
- (4) Permits for the construction or reconstruction of streets or sidewalks.
- (5) Subdivision improvement plans.
- (6) Excavation and fill permits.
- (7) Certificates of Compliance.

Section II. Designated Administrative Reviewer:

Council designates the Department of City Planning and Buildings as the staff reviewing authority for IDC District No. 67, Wasson Line District.

Section III. Application Review Guidelines:

In addition to any other necessary reviews and approvals as required by the Cincinnati Zoning Code and any other applicable laws, any proposed use of any property within IDC District No. 67, Wasson District, shall be reviewed by the City Planning Commission in accordance with the general standards set forth in Section 1445-13 of the Cincinnati Zoning Code.

**Honorable City Planning Commission
Cincinnati, Ohio**

August 17, 2012

SUBJECT: A report and recommendation on the extension of Interim Development Control (IDC) Overlay District No. 68, Madisonville Neighborhood Business District (NBD).

BACKGROUND AND PROCESS

On June 15, 2012, the City Planning Commission recommended that City Council establish Interim Development Control District (IDC) No. 68, Madisonville Neighborhood Business District, for a period of ninety (90) days. City Council officially established IDC No. 68 by ordinance on June 20, 2012. The period of 90 days is set to expire in September of this year and will need to be extended in accordance with the Cincinnati Zoning Code.

According to Chapter 1431 of the Cincinnati Zoning Code, an IDC Overlay District may be extended for an additional nine-month period. The Department of City Planning and Buildings, in conjunction with various other administrative departments in the City, is currently undertaking the development of a Form-Based Code. The Madisonville neighborhood, among other neighborhoods, has expressed an interest in potentially implementing a Form-Based Code.

The Form-Based Code will take several more months to complete and be adopted before implementation in neighborhoods can begin. The implementation of a Form-Based Code may substantially affect permitted uses in the already established IDC Overlay District in Madisonville (see Exhibit A). Until the Form-Based Code is developed and potentially implemented in Madisonville, the extension of the current IDC Overlay District would be beneficial for the neighborhood in protecting the public interest as well as the current character of the Neighborhood Business District.

According to §1431-15, the City Planning Commission has the duty to review applications in the established IDC Overlay District No. 68 as specified in the approved ordinance by City Council. All permits that fall within the IDC boundary for the stated uses are made subject to review by the City Planning Commission in accordance with the City Council approved "Regulations and Application Review Guidelines for Interim Development Control District No. 68, Madisonville Neighborhood Business District and Designation of Administrative Reviewer" (see Exhibit B). The following applications are and would be subject to review by the City Planning Commission:

- (1) Building permits for new construction, demolition of existing structures, exterior alterations or additions to existing structures and changes in use.
- (2) Building permits for signs.
- (3) Building permits for site improvements.

The general public was notified of the IDC nine-month extension public hearing before the City Planning Commission by means of an ad in the City Bulletin. All individual property owners within the boundary of IDC Overlay District No. 68 were notified by a mailed letter sent within ten days of the establishment of IDC Overlay District No. 68. No negative response from the public has been received to date by the Department of City Planning and Buildings.

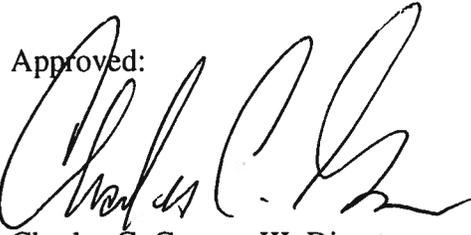
RECOMMENDATION

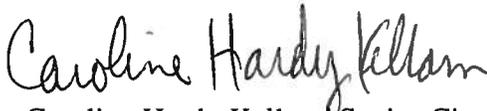
The staff of the Department of City Planning and Buildings recommends that the City Planning Commission take the following action:

RECOMMEND that City Council extend Interim Development Control District No. 68, Madisonville Neighborhood Business District, for nine additional months until June 20, 2013 finding that:

- a) The study of the proposed amendment to the Cincinnati Zoning Code and map that would affect the allowable land uses within Interim Development Control District (IDC) No. 68, Madisonville Neighborhood Business District, is on-going and;
- b) The City Planning Commission has not yet completed the consideration of the proposed map amendment that would affect allowable land uses within Interim Development Control District (IDC) No. 68, Madisonville Neighborhood Business District; and
- c) There is a prospect of new construction, demolition of existing structures, exterior alterations or additions to existing structures, signs, site improvements and changes in use that would be inconsistent with preliminary objectives or findings for the area approved by the City Planning Commission.

Respectfully Submitted,

Approved:

Charles C. Graves, III, Director
Dept. of City Planning & Buildings


Caroline Hardy Kellam, Senior City Planner
Dept. of City Planning & Buildings

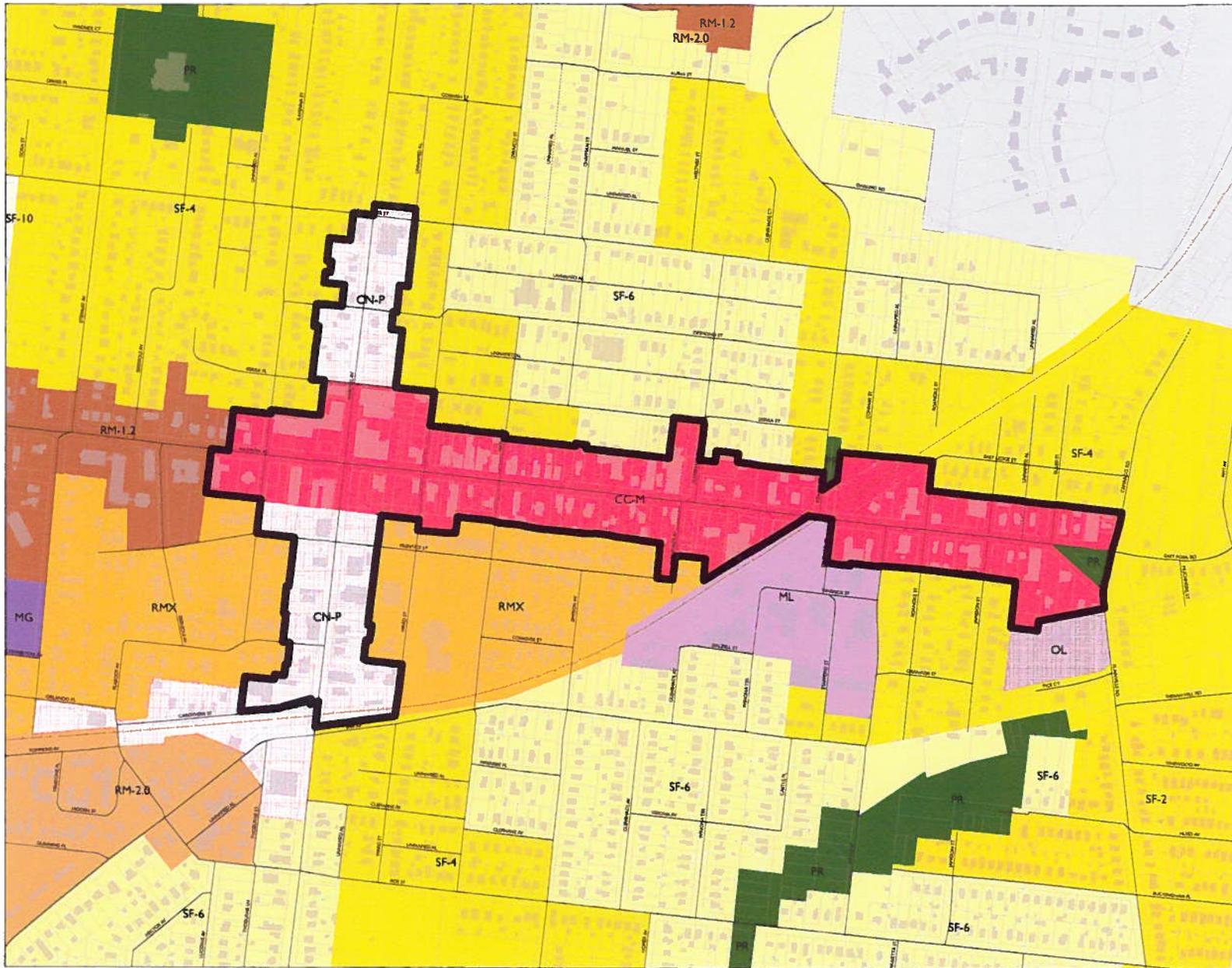
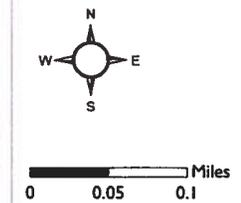


EXHIBIT A

Madisonville Interim Development Control District (IDC)

Parcels within Madisonville Neighborhood Business District (NBD)

- Legend**
- IDC Boundary
 - Parcels
 - Streets
 - Railroads
 - Buildings



Prepared by Department of City Planning and Buildings
Charles C. Graves, III, Director
June, 2012

EXHIBIT B

**Regulations and Application Review Guidelines for
Interim Development Control District No. 68, Madisonville Business District
and
Designation of Administrative Reviewer**

Section I. Applications Subject to Review:

- (1) Building permits for new construction, demolition of existing structures, exterior alterations or additions to existing structures and changes in use.
- (2) Building permits for signs.
- (3) Building permits for site improvements.

Section II. Designated Administrative Reviewer:

Council designates the Department of City Planning and Buildings as the staff reviewing authority for IDC District No. 68, Madisonville Business District.

Section III. Application Review Guidelines:

In addition to any other necessary reviews and approvals as required by the Cincinnati Zoning Code and any other applicable laws, any proposed use of any property within IDC District No. 68, Madisonville Business District, shall be reviewed by the City Planning Commission in accordance with the general standards set forth in Section 1445-13 of the Cincinnati Zoning Code.