MINUTES OF THE
CITY PLANNING COMMISSION
SEPTEMBER 1, 2006
J. MARTIN GRIESEL CONFERENCE ROOM
TWO CENTENNIAL PLAZA – SUITE 700
805 CENTRAL AVENUE

CALL TO ORDER

Mr. Faux called the meeting to order at 9:07 a.m.

Commission Members:

Present: Caleb Faux, Jacquelyn McCray, Milton Dohoney, Jr., Rainer vom Hofe, James Tarbell, and Donald Mooney

Community Development and Planning Staff: Margaret Wuerstle, Katherine Keough-Jurs, Bonnie Holman, Rodney Ringer, Jennifer Walke, Felix Bere, Adrienne Cowden, and Caroline Kellam.

Law Department:
Julia Carney

APPROVAL OF MINUTES

Submission of the minutes from the July 7, 2006 Planning Commission meeting for approval.

Motion:	Ms. McCray moved approval of the minutes.
Second:	Mr. vom Hofe
Ayes:	Mr. Faux, Ms. McCray, Mr. Tarbell, Mr. Dohoney, Mr. vom Hofe, and Mr. Mooney
Nays:	None, **motion carried**

CONSENT ITEMS

ITEM #1 A report and recommendation on a re-plat of Lots 5 and 33 of the Sonoma Hill Subdivision, creating Lots 5A and 33A, located north of the Sonoma Court and Strathmore Drive intersection in the Madisonville neighborhood.

Motion:	Mr. Mooney moved approval of Item #1
Second:	Ms. McCray
Ayes:	Mr. Faux, Ms. McCray, Mr. Tarbell, Mr. Dohoney, Mr. vom Hofe, and Mr. Mooney
Nays:	None, **motion carried**

DISCUSSION ITEMS

ITEM #2 A report and recommendation on a proposed zone change for (PD) Planned Development District #35 in the community of Winton Place.

PURPOSE: To determine the appropriate zoning for the Sun Chemical Corporation PD #35 District, which was created as part of the new Zoning Code process.

ADJACENT LAND USE/ZONING:

North: Single-family and Park & Recreation uses in the SF-6 Single-Family District.
South: Heavy Manufacturing uses in the ME Manufacturing Exclusive District.
East: Multi-family, commercial and vacant commercial uses in the RM-2.0 Residential-Multi-family District and CN-P Commercial Neighborhood-Pedestrian District.
West: Vacant, single-family and two-family uses in the SF-4 Single-Family District.

BACKGROUND:
In 1974, when the R-5(T) District was expanded, the staff report suggested several recommended conditions or guidelines. At that time, such guidelines had no more standing in the t-zone process than merely suggestions. When the Transitional District Regulations were amended 10 years later, the guidelines became part of the ordinance which had the approval of the City Planning Commission and City Council. The guidelines used for the Sun Chemical property specify those land uses, which may be permitted in the district.

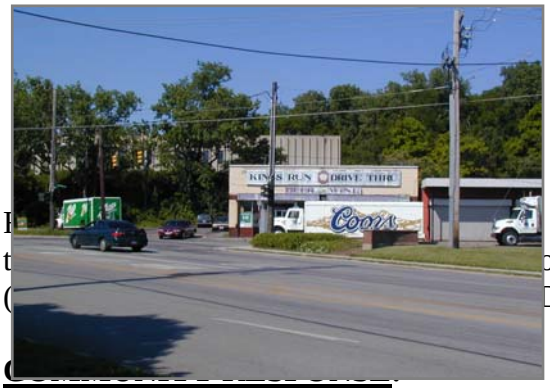
During the development of the new Zoning Code, staff created a (PD) Planned Development Districts on the Sun Chemical Corporation property using the old R-5T District guidelines. This was done because the old t-zones used guidelines much like the new PD District uses a final development plan to regulate the use(s) of a site. This allowed the old t-zone guidelines, to continue to regulate this site.

Figure 1: Existing research building

Figure 2: View of property going West on Este Ave.

ISSUES:
The Sun Chemical Corporation is approximately 15 acres in size. Mr. Herb Benson, a representative from Sun Chemical Corporation stated that, “they do not plan to change the

current use of the site, and want to remain a good neighborhood to the surrounding property owners". Staff believes that the current PD District zoning placed on the site, with the old R-5 (T) guidelines serving as the final development plan regulations is the appropriate zoning for the property. Rezoning the site to another district such as the ML Manufacturing Limited District would make the site conforming but would eliminate the guidelines protections, which were created to protect the surrounding residences from the existing use.



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One resident (Harvey Davis) in the vicinity of the proposed site attended the April 25, 2006 staff conference and expressed his support for continuing the PD District. No response has been issued from the Winton Place Community Council regarding the zone change request.

CONCLUSIONS:

During the development of the new Zoning Code, staff created a (PD) Planned Development District on the Sun Chemical Corporation property using the old R-5T District guidelines as the final development plan regulations.

The property is built out with the Sun Chemical Corporation who wants to remain a good neighbor to surrounding property owners.

3. The existing PD District has the support from abutting residents.

4. Rezoning the site would make the site conforming but would eliminate the t-zone guidelines, which provided protection to the surrounding property owners.

5. Staff believes that the current PD District placed on the site is the appropriate zoning.

RECOMMENDATIONS:

The staff of the Department of Community Development and Planning recommended that the City Planning Commission approve the Planned Development District designation on the Sun Chemical Corporation site, which is currently listed as PD #35 with the old t-zone guidelines that were established in 1995, as the Final Development Plan for the Sun Chemical Corporation Development as listed below.

E. Approve the old application of Transition Zone Guidelines for the Planned Development District #35 ~~R-5(T)~~ ~~District~~ located between Chickering Avenue and Kings Run Drive from Zig Zag Avenue to Este Avenue as listed below:

1. The following uses may be allowed in this district:

    a) Office permitted under ~~SEC. 1445-206~~ Schedule 1413-05 of the ~~M-1~~ ML District Use Regulations;

    b) Experimental, analytical, research, or testing laboratories permitted under ~~SEC. 1445-208~~ Schedule 1413-05 Use Regulations of the ~~M-1~~ ML District Use Regulations;

    c) Warehousing permitted under ~~SEC. 1441-207~~ Schedule 1409-07 of the ~~B-4~~ CC-M District Use Regulations;

    d) Accessory parking lots and garages serving a use located in the District or on adjacent property on the south side of Este Avenue owned by the same owner;

    e) Accessory parking and staging areas of truck trailers serving a use located in the District or on adjacent property on the south side of Este Avenue owned by the same owner; however, trucks, including refrigerated trucks, may not be allowed to idle overnight in such lots or areas; and,

    f) Locker rooms and other structures accessory to a use located in the district or on adjacent property on the south side of Este Avenue owned by the same owner determined by the Director of Buildings and Inspections to be of similar character or usage.

2. Commercial manufacturing activities, except those incidental to the laboratories enumerated in 1b above, are prohibited.

    A natural screen of existing trees, bushes and other vegetation must be preserved along the western boundary of the Transition District to buffer development of this area from adjacent residential properties as follows:

    a) A 40 foot wide buffer extending from the east extension of the south line of Flatt Terrace north to the center line of East Epworth Avenue;

    b) A 60 foot wide buffer extending from the center line of East Epworth Avenue north to the center line of Reardon Avenue; and,

    c) A 100 foot wide buffer extending from the center line of Reardon Avenue north to the center line of Zig Zag Avenue.

Vehicular or pedestrian access to the Transition District area from Chickering, East Epworth, Reardon, Creston or Zig Zag Avenues is prohibited except for emergency vehicles and normal maintenance activities which may access the site from either the Reardon Avenue or Creston Avenue right-of-way.

Lighting used to illuminate a parking facility or the premises in general must be arranged in a manner as to direct light away from adjoining properties in an ~~R~~ SF District.

Lighting of parking areas located on poles may not be higher than twenty feet above the paved surface.

DISCUSSION

Mr. Rodney Ringer , Senior City Planner presented this item.

Mr. Ringer gave a brief overview of the proposed zone change investigation. He stated the report had been previously presented to the Planning Commission on July 7, 2006 and since that time the report was updated to reflect current zoning code language.

In response to Ms. McCray's question regarding lighting, Mr. Ringer stated that topography eliminated the necessity to restrict lighting away from the adjoining RM-2 district.

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

ITEM #3 A report and recommendation on a proposed zone change at 2500-2512 Highland Avenue from the CC-P Commercial Community Pedestrian to CC-M Commercial Community Mixed District in the community of Mt. Auburn.

ZONE CHANGE UPDATE:

On July 7, 2006, at the request of the applicant, the Cincinnati Planning Commission (CPC) tabled this zone change request for 2500-2512 Highland Avenue. The Commission requested that City staff work with the developer to decide if there was any scenario where a drive-thru would work at this site and if not, other uses that may be appropriate for the property.

On Tuesday July 11, 2006, City staff from Department of Transportation and Engineering (DOTE) and Department of Community Development and Planning (DCDP) met with the applicants for the zone change. It was determined at the meeting that if the zoning was changed to CC-M, the proposed site plan would require variances. The applicant would need variances for the placement of the Taco Bell building and from the prohibition of parking along the street frontage. In addition, DOTE believes that any drive-thru would be inappropriate and unsafe at the intersection of McMillan and Highland and would oppose curb cuts. DOTE staff and Planning staff do not feel that it is appropriate in this situation to recommend a zone change request that then requires variances and creates an unsafe condition at the intersection. Other uses that would not require a zone change were discussed at the meeting. The applicant requested that his current zone change request proceed through the process.

GENERAL INFORMATION:

Petitioner: Dave Schaff
The JFP Group, LLC
625 Eden Park Drive, Suite 1025
Cincinnati, Ohio 45202

Request: A change of zoning at 2500-2512 Highland Ave. from the CC-P Commercial Community Pedestrian to CC-M Commercial Community Mixed District in the neighborhood of Mt. Auburn.

Adjacent Land Use and Zoning:

South: RMX Residential Mixed 1-3 dwelling units

East: CC-M Commercial Community Mixed
CC-A Commercial Community Auto

North: OG Office General

West: PD Planned Development
RMX Residential Mixed 1-3 dwelling units

Staff Conference: The Planning Division staff held a public conference on this request on Thursday June 22, 2006. Three neighboring property owners and Stanley Broadnax, President of the Mt. Auburn Community Council were in attendance. The three abutting property owners and the Mt. Auburn Community Council are opposed to the zone change for similar reasons, which are outlined below:

1. Concern that the combination of the McMillan Manor development and the two proposed developments on the other corners will overburden the community with increased population and cars.
2. Concern that the drive thru restaurant will increase traffic congestion at the intersection.
3. Concern that there was a lack of community input and minority inclusion early in the developers planning process.

Since the properties included in this zone change request are near the Corryville neighborhood, both Mt. Auburn and Corryville were notified. Notices were sent to property owners within a 400-foot radius of the subject property. Although technically the properties are not located in Corryville, they have written a letter of support of the proposed zone changes.

Although not required, the JFP Group used the same mailing list as city staff and held an informational public meeting in the Mt. Auburn community to explain the zone change and answer questions. In addition, the JFP Group presented their zone change at both the Mt. Auburn and Corryville Community Council meetings.

BACKGROUND:

Zoning History: Historically the northeast (2500-2512 Highland Avenue) and northwest corners of this intersection had commercial zoning and the southeast and southwest corners had multi-family mixed-use transitional zoning. When JFP bought these properties, there were mixed-use buildings on the site that have since been demolished.

Existing Use: The properties at 2500-2512 are vacant cleared sites.

Proposed Use – 2500-2512 Highland Avenue: The petitioner proposes to construct a drive-thru Taco Bell restaurant on the site. This restaurant will seat 52 patrons and provide 25 parking spaces along with on-site stacking capacity for 15 cars for the drive-thru.

FINDINGS:

Community Response: As stated above with the summary of the zoning staff conference, the Mt. Auburn Community Council is opposed to the re-zoning of both properties and the Corryville Community Council is supportive of both zone changes.

ANALYSIS:

2500-2512 Highland Avenue – Taco Bell drive-thru restaurant

Historically this intersection has not had or been zoned for auto-related businesses. McMillan Street is a major four-lane arterial with on street parking on both sides of the street. Approximately 19,100 vehicles pass the site daily. Highland Avenue is a four-lane major collector road. Approximately 7,510 vehicles pass the site daily. Based on Department of Transportation and Engineering (DOTE) comments related to the Institute of Transportation Engineers Trip Generation Manual and the Uptown Transportation Study this intersection can't handle a new auto related drive-thru restaurant facility nor a zoning district that permits other types of auto-oriented uses.

Other issues related to a drive-thru restaurant include the location and sound level of the drive-thru speaker, the location and screening of a dumpster, and a potential increase of trash in the neighborhood. Additionally, if this drive-thru restaurant is developed, parking will be a problem. This is a 52-seat restaurant that will employ 50 people. Only 25 parking spaces are being provided.

CONCLUSIONS:

2500-2512 Highland Avenue - Taco Bell drive-thru restaurant

1. This property has historically been zoned commercial, but has never been an auto-oriented commercial zone.
2. Based on Department of Transportation and Engineering (DOTE) comments related to the Institute of Transportation Engineers Trip Generation Manual and the

Uptown Transportation Study this intersection can't handle a new restaurant facility with a drive-thru.

3. The new CC-M zoning designation is not consistent with the current uses at this intersection.
4. The CC-M zoning designation will negatively impact the existing character of the surrounding area and this area cannot handle the type of auto-related uses permitted in this zoning district.
5. The benefits of the proposed use do not outweigh the negative impact on the neighborhood.
6. The zone change would then still require variances to construct the drive-thru as proposed.

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

1. Disapprove a zone change for the property located at 2500-2512 Highland Avenue from the CC-P Commercial Community Pedestrian to CC-M Commercial Community Mixed District for the following reasons:

a) This property has historically been zoned commercial, but has never been an auto-oriented commercial zone.
b) Based on Department of Transportation and Engineering (DOTE) comments related to the Institute of Transportation Engineers Trip Generation Manual and the Uptown Transportation Study this intersection can't handle a new restaurant facility with a drive-thru.
c) The new CC-M zoning designation is not consistent with the current uses at this intersection.
d) The CC-M zoning designation will negatively impact the existing character of the surrounding area and this area cannot handle the type of auto-related uses permitted in this zoning district.
e) The zone change would then still require variances to construct the drive-thru as proposed.

<u>DISCUSSION</u>
Ms. Caroline Kellam, Senior City Planner presented this item.

Ms. Kellam presented an overview of the zone change request for 2500-2512 Highland Avenue. She stated the request had been tabled at the July 7, 2006 Planning Commission meeting to allow time for the developers to meet with planning and Department of Transportation and Engineering (DOTE) staff to work to come up with a plan that would allow a drive-thru restaurant on the site. She stated that a meeting was held in July and based on the discussions, DOTE staff and Planning staff do not feel that it is appropriate in this situation to recommend a zone change that would require variances and create an unsafe condition at this busy intersection.

Ms. Martha Kelly, Department of Transportation, stated that all of the site plans that were submitted by the developer have flaws for the circulation of traffic in and around the drive-thru.

She stated that DOTE staff do not feel that auto-orientated business is in the best interest of the public at this location due to the existing capacity and safety problems that we have today.

Mr. Terry Jacobs, CEO of the JFP group, presented background information on the JFP Group, past, current and future projects and improvements to the area near the 2500-2512 Highland Avenue site. The McMillan Manor development and the proposed condominium development illustrate his company's commitment to bring people back to the city. He also said that the proposed restaurant would be convenient to the traffic that is already present.

Mr. Jaime Overby, Senior Vice President of the JFP Group, stated that JFP has looked at many options for this site. He gave an overview of the process used to determine the proposed development. He stated that a zone change would be the best option to ensure the long-term viability of the site. He said that the proposed restaurant would have a seating area for walk-in customers as well as the drive-thru that would provide convenience for the thousands of cars that drive by the site daily.

Mr. Tarbell asked why the developer considered a drive-thru restaurant a better use than a sit-down restaurant. In response, Mr. Gattis, of the JFP Group, stated that the lot was not of sufficient size to build a 150-200-seat restaurant.

Mr. Tarbell stated that the developer's first development, McMillan Manor and the proposed condominium development creates a certain density that aids and encourages pedestrian patronage, which is exactly what is desirable in the city. The proposed drive-thru use is in stark contrast to the pedestrian friendly formula you have used on the other two corners.

Mr. vom Hofe asked for clarification on the proposed location of the entrance and exits for the restaurant. In response, Mr. Todd Wilber, Taco Bell Franchisee, stated there would be an entrance and exit off of McMillan Street and a right in and right out on Highland Avenue. He said the proposed site sketch is the result of numerous consultations with staff and the Department of Traffic and Engineering (DOTE). The entrances and exits were situated as far away from the intersection as possible and there would be more than adequate parking spaces. Mr. Wilber gave an overview of his business experience, community involvement, operational success and future plans for the proposed Taco Bell. He stated that his restaurant would provide employment opportunities for approximately 40-50 local community members and detailed other benefits.

Mr. Mooney stated that his only concern with the design was that the building was set back too far from McMillan Street. He thought the proposed restaurant would be an improvement over the present situation and would support a zone change.

Mr. Jacobs stated that the developers have explored many options for the site and have presented what they feel is the best use for the neighborhood and also what economically makes the most sense.

Mr. Dohoney stated that he understands the developers have put a great deal of time and effort to design a workable plan for this site. He asked the developers why they thought the Mt. Auburn

Community Council had not given approval for this project. Mr. Gattas stated that he thought the Community Council was not basing their opinion on facts but on the opinion that the drive-thru restaurant will cause an increase in the already heavy local traffic.

Mr. Tarbell stated that he has a very high regard for the investment that has been made by the developer in the local area. He felt that the current proposal was a fundamentally flawed planning concept and would be supportive of a more urban high-density mixed-use concept.

Mr. Jacobs expressed his disappointment with the outcome of the zoning request and reiterated his belief that the proposed design was the best use for the site.

Motion:	Ms. McCray moved approval of Staff Recommendation that the zone change request be denied for Item #3
Second:	Mr. vom Hofe
Ayes:	Mr. Faux, Ms. McCray, Mr. Tarbell, Mr. Dohoney, Mr. vom Hofe, and Mr. Mooney
Nays:	None, **motion carried**

ITEM #4 A report and recommendation on a proposed zone change at 6606 Paddock Road from a SF-6 Single Family Residential District to a ML Manufacturing Limited District in the neighborhood of Bond Hill

GENERAL INFORMATION:

Owner: City of Cincinnati
801 Plum Street
Cincinnati, OH. 45202

Request: A change of zoning at 6606 Paddock Road from the SF-6 Single-Family Residential District to a ML Manufacturing Limited in the neighborhood of Bond Hill.

Adjacent Land Use and Zoning:

South: SF–6 Single-Family Residential – 6,000 sf lots

East: PD Planned Development

North: PD Planned Development
West: Interstate I-75 and Elmwood Place (outside Cincinnati limits)

Staff Conference: The Planning Division staff held a public conference on this request on Tuesday May 23, 2006. Aaron Fairbanks, President of the Bond Hill Community Council and some abutting property owners attended. The following concerns were raised regarding any future development:

1. If a new development generated more truck traffic, Paddock Road would need to be widened.
2. Neighboring residential property owners wanted to be sure that the existing buffer between their properties and the Millcreek site would be maintained. The proposed Manufacturing Limited (ML) zone requires a 35' buffer between the ML zone and any residential zone.
3. There was no opposition to the zone change recommendation.

BACKGROUND:

Zoning History: Prior to February 2004 the property at 6606 Paddock Road was a R-2 Single-Family Residential District. The surrounding area along Highland and Dorchester Avenues had the following zoning designations:

South: R-6 Multi-Family High-Density District

East: R-5 Multi-Family Medium-Density District

North: R-5 Multi-Family Medium-Density District

West: R-5 Multi-Family Medium-Density District

Existing Use: Currently the property at 6606 Paddock Road is an approximate 25-acre site featuring the vacant and blighted Millcreek Psychiatric Center buildings in the Bond Hill community. The transfer of the land from Hamilton County to the City of Cincinnati, occurred on December 30, 2005. The property is abutted by I-75 and Elmwood Place to the west, Techsolve and other commercial properties to the north and east and residential uses to the south.

Proposed Use: The City of Cincinnati proposes to change the zoning to allow for commercial and light manufacturing uses. Once the zoning is changed the City proposes to market the property for development.

PLANS:
The Seymour Avenue Neighborhood Business District Redevelopment Strategy 2000 recommends the property be developed as single-family housing. However, this recommendation was made before the development of the Villages of Daybreak, which will create 300 new single-family homes in Bond Hill. The need for additional single-family houses in Bond Hill is no longer urgent.

FINDINGS:
Community Response:
Two community meetings were held in the fall of 2005 in the Bond Hill community. Property owners within a 400' radius were notified, including all neighboring communities. After these two public meetings, the community communicated the following desires:

UNDESIREABLE USES
1. Correctional facilities
2. Multi-family housing
3. Heavy industry

DESIRABLE USES
1. Rookwood Development
2. Medical Clinic
3. Senior Housing Complex
4. Mixed Use – Light Industry (clean) and Commercial
5. Super Kroger
6. Offices
7. Single-Family Housing

GOALS
1. Increase tax base
2. Create jobs for Bond Hill residents

ANALYSIS:
Previously, this property was zoned R-2. After the zoning code rewrite it was zoned SF-6 with the anticipation there would be a single-family housing development on the site. The Bond Hill community desired to have more single-family housing, although this was prior to the development of the Villages of Daybreak, which involves the construction of 300 new single-family homes in the Bond Hill community. Since 2000, there has been more commercial development along Paddock Road near the I-75 interchange. The current residential zoning will further limit the marketability and future development of this property.

Staff has studied the uses throughout the Bond Hill community, along with current developments in the neighborhood and the immediate area surrounding the Millcreek site. Techsolve and other commercial/ light manufacturing developments abutting this site have been very successful. According to Techsolve representatives and other neighboring commercial developments there is a demand for larger commercial development sites in the City of Cincinnati. There may be the need for of the abutting commercial developments to expand. A 25-acre site is a marketable size site.

The community has expressed a desire for more commercial developments like Techsolve especially if there were a mid-range family style restaurant within the development. Staff has held three public meetings and notified all of the surrounding communities. There has been no opposition to a change of zoning for commercial uses. The Bond Hill community is interested in increasing the tax base, improving their community and creating jobs for Bond Hill residents.

City staff will solicit development proposals through the Request for Proposal (RFP) process and an appropriate development will be recommended to the Cincinnati Planning Commission (CPC)

and City Council. The public process will continue because City Council (CC) must approve the sale of city owned property and the final development on the site.

CONCLUSIONS:

1. Although this property has always been zoned residential, for the last several years there has been more commercial development along Paddock Road near the I-75 interchange. Given there is no longer the need for more housing in the community the current residential zoning limits the marketability and future development of this property.
2. A re-zoning of the property will encourage the removal of this vacant and blighted psychiatric center complex.
3. After the re-zoning, the site will be cleaned and a new development will increase the tax base and brings jobs to the City.
4. The ML zoning designation next to a residential district imposes stringent development regulations including 35' buffers, regulations on trash screening, parking lot developments and sign installations.
5. The proposed zone change will not negatively impact the existing character of the surrounding area.
6. Even though the final use of the site is unknown, the CPC will review and the CC must approve the final development on the site.

RECOMMENDATION:

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

1. Approve a zone change from SF-6 Single-Family Residential to a ML Manufacturing Limited in the neighborhood of Bond Hill for the following reasons:

    a. Although this property has always been zoned residential for the last several years there has been more commercial development along Paddock Road near the I-75 interchange. Since there is no longer the need for more housing in the community the current residential zoning further limits the marketability and future development of this property.
    b. A re-zoning of the property will encourage the removal of this vacant and blighted psychiatric center complex.
    c. After the re-zoning, the site will be cleaned for a new development that will increase the tax base and brings jobs to the City.
    d. The ML zoning designation next to a residential district imposes stringent development regulations including 35' buffers, regulations on trash screening, parking lot development and sign installations.
    e. The proposed zone change will not negatively impact the existing character of the surrounding area.
    f. Even though the final use of the site is unknown, the CPC will review and the CC will approve the final development on the site.

DISCUSSION
Ms. Caroline Kellam, Senior City Planner presented this item.

Ms. Kellam gave an overview of the request and zoning history. She stated that after several community meetings, staff felt there was no longer the need for more housing in the community and re-zoning the properties would increase the marketability, tax base and employment.

Ms. McCray suggested due to the large size of the property it would be appropriate to have a larger comprehensive planning effort and analysis prior to development.

Motion:	Mr. Mooney moved approval of Item #4
Second:	Mr. Tarbell
Ayes:	Mr. Faux, Ms. McCray, Mr. Tarbell, Mr. Dohoney, Mr. vom Hofe, and Mr. Mooney
Nays:	None, **motion carried**

Mr. Faux took a moment to welcome the new City Manager, Mr. Milton Dohoney to the City Planning Commission. Mr. Tarbell left the meeting at 10:05 AM.

ITEM #5 A report and recommendation on a proposed zone change from CG-A Commercial General- Auto to a (PD) Planned Development District on the property outside of the southeast corner of Planned Development District #36 (PD-36) in Oakley.

Ms. Katherine Keough-Jurs requested that items #5 & 6 be presented and discussed concurrently.

GENERAL INFORMATION:

Petitioner: City of Cincinnati, Office of the City Manager

Purpose: The proposed Millworks development was designated as Planned Development (PD) District #36 (PD-36) in 2004. The property in question is included the Millworks development, but has not yet been included in PD-36, the zoning district that guides the Millworks development.

BACKGROUND:
Millworks Town Center is a proposed new development in Oakley comprised of 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. The majority (74 acres) of the Millworks development is already designated as PD-36. The property proposed for a zone change is approximately 2 acres in size and is located in the southeast corner of the project site.

EXISTING CONDITIONS:

This property, currently owned by Crossroads Community Church and the City of Cincinnati, is currently street right-of-way on Marburg Avenue and parking for Crossroads Church. It is proposed to be the site of a portion of a building and surrounding parking as part of the Millworks development. This property is expected to be transferred to Millworks Town Center L.L.C. sometime in late 2006.

The property surrounding the area for rezoning is as follows:
North: CG-A (Commercial General - Auto)
West: PD-36 (Planned Development District #36)
South: MG (Manufacturing General)
East: MG (Manufacturing General)

SUMMARY OF THE CONCEPT PLAN:
The proposed *Millworks Town Center* is a phased development consisting of approximately 27 buildings totaling approximately 625,000 square feet of office space, 300,000 square feet of retail space, 76,000 square feet of entertainment space, and up to 750,000 square feet of residential space. Approximately 3,000 parking spaces will be provided on surface lots and additional parking would be possible in a proposed multi-level parking structure.

As part of the Development Agreement between the City of Cincinnati and Millworks Town Center, L.L.C., the developer has pledged to construct, with private funds, a new roadway to replace Vandercar Way. This new road will be dedicated to the City as a public roadway. The new roadway will connect Madison Road to Marburg Avenue, and will eliminate the need for the part of Marburg Avenue between Vandercar Way and Madison Road. The developer plans to remove the traffic signal and street lighting and construct driveway aprons at both ends of the former street. The traffic signal(s) at the intersection of the new roadway and Marburg Avenue will be a partial-private signal(s). The new roadway, as well as the area along Marburg Avenue between Madison Road and Ibsen Avenue will feature Hadco lights, or equivalent luminaries and poles approved by the City of Cincinnati, similar to those installed in the adjacent Center of Cincinnati development.

The developer will also construct sidewalks, tree lawns, and signals that are consistent with City specifications and those of the adjacent Center of Cincinnati development.

BASIC REQUIREMENTS OF A PLANNED DEVELOPMENT DISTRICT:
According to Section 1429-05 of the Cincinnati Zoning Code, a PD District and development within a PD District must comply with the following:

(a) *Minimum Area* – The minimum area of a PD must be two contiguous acres. The property requested for rezoning is approximately 2 acres in size; the property already within PD-36 is 74 acres in size.
(b) *Ownership* – Millworks Town Center L.L.C. is in the process of assembling all parcels. All current property owners are aware of this request and none are in opposition.
(c) *Multiple buildings on a lot* – more that one building is allowed on a lot. There will be a total of approximately 27 buildings on this site.

(d) *Historic Landmarks and Districts* – the site is not in a historic district nor does it contain any historic landmarks.
(e) *Hillside Overlay Districts* – the site is not located in a Hillside Overlay District.
(f) *Urban Design Overlay District* – the site is not located within an Urban Design Overlay District.

CONCEPT PLAN AND DEVELOPMENT PROGRAM STATEMENT:
According to Section 1429-09 of the Cincinnati Zoning Code, a petition to rezone a property to PD must include a concept plan and development program statement. The purpose is to describe the proposed use or uses to be conducted in the PD District. The concept plan must include text or diagrams that specify:

(a) *Plan Elements* – the applicant has submitted a new concept plan for the site that includes the property in question. The concept plan includes sufficient information regarding proposed land uses, building location, streets and driveways, and building set back lines
(b) *Ownership* – the applicant is in the process of acquiring all property.
(c) *Schedule* – The overall schedule is dependent upon the construction of the Kennedy Connector Road, which is expected to begin in July 2007. Depending on market conditions, primary Millworks construction is proposed as follows: Phase I, fourth quarter 2006 – third quarter 2008; Phase II, first quarter 2007 – third quarter 2008. All buildings will be completed and open by fourth quarter 2010.
(d) *Preliminary Reviews* – All utilities are available to the site and at adequate capacities. Millworks Town Center L.L.C. has been coordinating the infrastructure design with MSD, Greater Cincinnati Water Works and other City departments including the Department of Transportation and Engineering. To ensure that all proposed infrastructure is sufficient, Planning Staff will circulate a copy of the final development plan to these City departments upon submission.
(e) *Density and Open Space* – The open space area comprise approximately 4 acres of the site.

PLANS:
This property is within the Oakley North Urban Renewal Plan, adopted in 2001 and amended to include the retail land use for this project in 2005. Another amendment to include the residential land use has been proposed in 2006 and is currently in the approval process.

PUBLIC COMMENT:
A public Staff Conference was held on June 20, 2006. There were no attendees. However, this project is discussed nearly every month at the Oakley Community Council meetings and the developer of the Millworks Town Center, along with City staff, has worked to keep the Community Council and surrounding property owners up to date on the progress of the development. The Oakley Community Council voted to support the change of zoning on July 11, 2006.

CITY PLANNING COMMISSION ACTION:

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

1. The PD concept plan and development program statement are consistent with applicable plans and policies and is compatible with surrounding development;

   The Millworks Town Center development is consistent with the Oakley North Urban Renewal Plan as amended in 2005 and as proposed to be amended in 2006. It is compatible with surrounding development as it is bound by industrial, retail and other commercial development on all sides.

2. The PD concept plan and development program statement enhance the potential for superior urban design in comparison with the development under the base district regulations that would apply if the plan were not approved;

   The Millworks Town Center development proposes a unique design featuring mixed-uses. Traditional commercial zoning would not have allowed the flexibility needed to accomplish this site design.

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

   The property currently zoned CG-A Commercial General - Auto, currently allows more intensive uses than the new development proposes. The mixed-use nature of this development will add to the other positive developments in the Oakley neighborhood and will greatly enhance the area.

4. The PD concept plan and development program statement includes adequate provisions for utility services, refuse collection, open space, landscaping, buffering, pedestrian circulation, traffic circulation, building design and building location.

   All aspects are covered in the concept plan as submitted.

FINAL DEVELOPMENT PLAN:

Pursuant to Section 1429-13 *Final Development Plan*, a final development plan and program statement would be submitted to City Planning Commission after approval of the concept plan and Planned Development (PD) designation by City Council.

A final development plan must be filed for any portion of an approved concept plan that the applicant wishes to develop and this plan must conform substantially to the approved concept plan and development program statement. The final development plan requirements anticipate changes from the concept plan by requiring significantly more detail. Approval of the final development plan would allow the developer to obtain building permits. The process allows the

City Planning Commission to authorize Staff to approve minor amendments that might become necessary and outlines the process for major amendments that must be reviewed and approved.

CONCLUSIONS:

1. The re-zoning of the property outside the southeast corner of Planned Development District #36 (PD-36) in Oakley is necessary for construction of the proposed *Millworks Town Center* development.
2. The applicant has submitted a satisfactory updated concept plan and has successfully met all basic requirements of the Planned Development District.

RECOMMENDATION:

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

1. **Accept** the revised concept plan for the proposed *Millworks Town Center* development; and

2. **Approve** the zone change from CG-A Commercial General - Auto District to PD Planned Development District at the property outside the southeast corner of Planned Development District #36 (PD-36) in Oakley, contingent upon the sale of the property to Millworks Town Center L.LC.

ITEM #6 A report and recommendation on proposed amendments to the Oakley North Urban Renewal Plan in the community of Oakley.

BACKGROUND

In June of 2001, City Planning Commission and City Council adopted the Oakley North Urban Renewal Plan. The purpose of the Plan was to study the impact to the surrounding Oakley neighborhood of burgeoning retail development in this historically industrial area. The planning process provided an opportunity for the City, the Oakley community, and private business owners to cooperatively develop consensus and leverage community assets for further redevelopment. The resulting Plan proposed a strategy to maximize development opportunities while minimizing adverse impacts on adjacent areas. The former City Planning Department prepared the Plan and the Department of Transportation and Engineering's Office of Architecture and Urban Design prepared the Blight Study.

In June of 2006, City Planning Commission and City Council amended the Oakley North Urban Renewal Plan to allow for office and retail uses on the site of Planned Development District #36, also known as the Millworks Town Center.

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

On May 24, 2006, the City Manager's Economic Development Division requested that the Oakley North Urban Renewal Plan be amended again to permit residential, office, and retail uses in the southwestern portion of the Plan, specifically within Planned Development District #36.

PURPOSE OF THE AMENDMENT

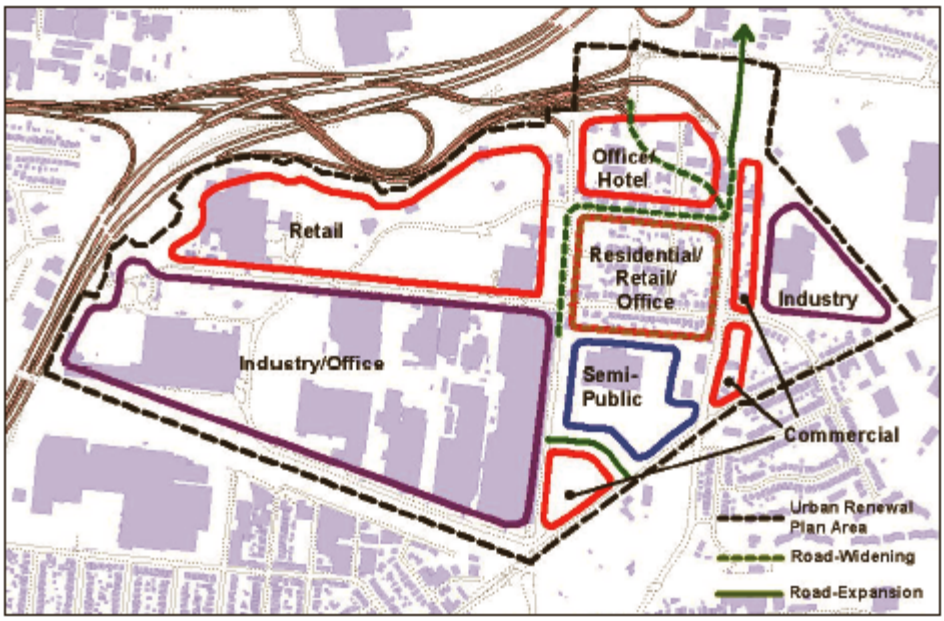
The proposed new development on this site, Millworks Town Center, features the redevelopment of several industrial sites into a mixed-use development including office, retail, and residential uses. However, the adopted Urban Renewal Plan recommends only office and retail uses on the site. Because the residential uses are a new aspect of the project, it is necessary to amend the Urban Renewal Plan to allow for those uses.

ANALYSIS

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

The Oakley North Urban Renewal Plan, as amended in June 2005, calls for the development on this site to be office and retail in nature. Since that time, the development has evolved to include a residential aspect. City staff and the Oakley Community alike view the addition of the residential uses as a very positive enhancement of this development plan. During the planning process of the Oakley North Urban Renewal Plan in 2001, the Oakley Community voiced their concern about the impact on the neighborhood if the entire plan area were developed solely for commercial uses. The preferred land use configuration was for retail uses to be interspersed with office, hotel and residential uses to allow for a more diverse and well-balanced mixed-use corridor.

At the time, it was thought that the site of the Millworks Town Center would remain industrial, and mixed-use developments were proposed east of Marburg Road.



As of 2006, the area east of Marburg Road has not yet developed as expected. However, the proposed office/retail/residential development at Millworks (shown in the above map as Industry/Office) can provide a portion of the mixed-use character that is desired in this area.

PUBLIC COMMENT

The developer of the Millworks Town Center served on the Steering Committee that drafted the 2001 Urban Renewal Plan and, along with City staff, has worked with the Oakley Community Council and surrounding property owners to keep them up to date on the progress of the development. The Oakley Community Council voted to support the amendments to the Urban Renewal Plan on July 11, 2006.

FINDINGS

Staff recommends amending the Oakley North Urban Renewal Plan to include residential uses on the site of Planned Development district #36. As with the amendment from June 2005, the amendments should be in the form of text and map changes to the portions of the plan that relate to this site.

Because the map is being amended for the second time in nearly a year, it would also be logical to update other portions of the long-term land use map that have changed since the Plan's initial adoption. Such additional changes should include: the proper location of the Kennedy Connector, the correct outline of the Millworks development site, the desired land use of the property surrounding the new Kennedy Connector, and the demarcation of current industrial properties and their future recommended uses. There are two specific text changes recommended and three map changes, including the complete replacement of the long-term land use map, as detailed on the attached addendum.

CONCLUSIONS

1. An amendment to the Oakley North Urban Renewal Plan is appropriate, as the project has changed to include residential uses along with office and retail uses in this development.
2. The amendment should include text changes to recommendations related to this site as well as replacement of a new, more up-to-date long term land use map.

RECOMMENDATION

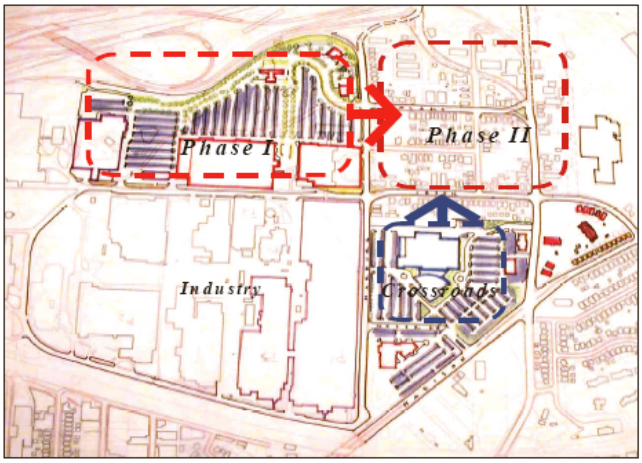
The staff of the Department of Community Development and Planning recommended that City Planning Commission take the following action:

> **Approve** the amendments to the Oakley North Urban Renewal Plan in Oakley as shown below:

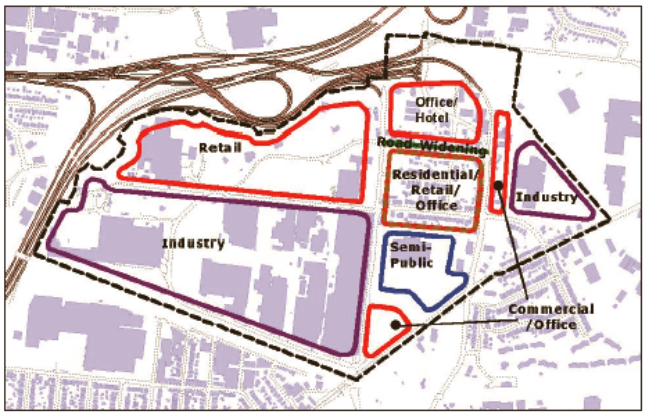
Approved Amendments to Oakley North Urban Renewal Plan
June 2005

Text and Map Amendments:

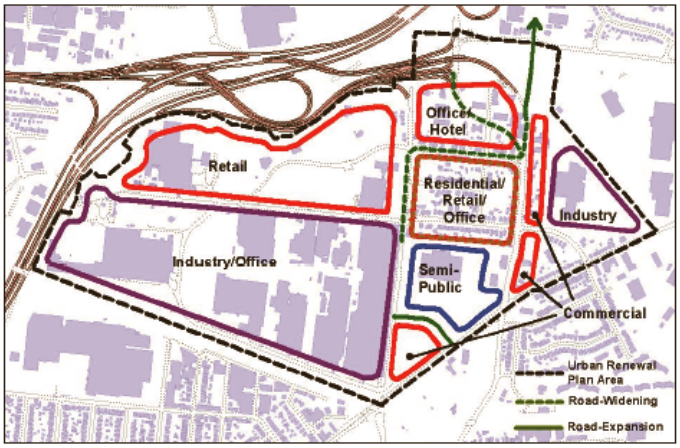
Page 4:Lower left section of the map should read "*Office and Retail*" instead of "Industry".



Page 8:Lower left section of the map should read "*Office and Retail*" instead of "Industry".



Page 10: Lower left section of the map should read "*Office and Retail*" instead of "Industry/Office".



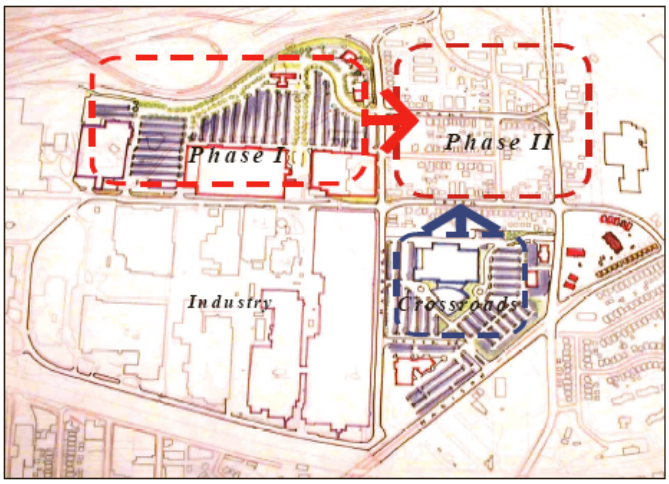
Page 11: Goal 3, Objective 2 should read "Maximize underutilized manufacturing facilities by attracting new *retail* and office uses *and working with industrial uses to help with expansion when necessary*."

Page 12: Goal 5, Objective 2 should read *"Study impact of Office and Retail traffic generated from the former Unova site on the surrounding Oakley neighborhood*."

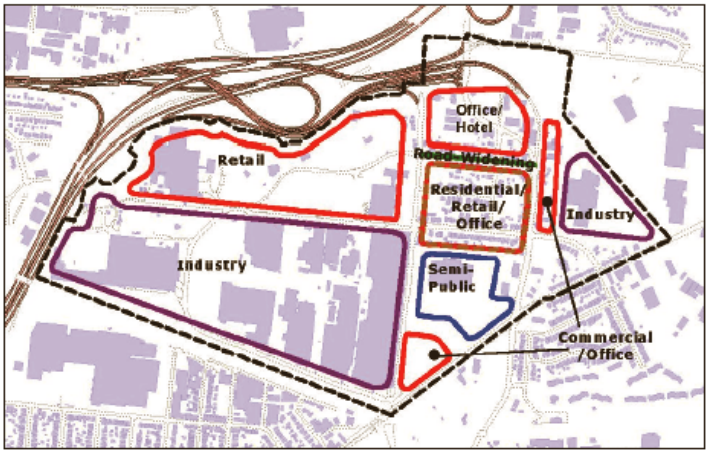
Proposed Amendments to Oakley North Urban Renewal Plan
July 2006

Text and Map Amendments:

Page 4: Lower left section of the Institutional Expansion map should read: *Office, Retail, and Residential* instead of "Industry".



Page 8: Lower left section of the Interim Land Use map should read: *Office, Retail, Residential and Existing Industrial* instead of "Industry".



Page 10: *Replace Long-Term Land Use Map* (please see next page for replacement map)

Page 11: Goal 3, Objective 2 should read "Maximize underutilized manufacturing facilities by attracting new retail, *residential* and office uses and working with industrial uses to help with expansion when necessary."

Page 12: Goal 5, Objective 2 should read *"Study impact of office, residential and retail traffic generated from the former Unova site on the surrounding Oakley neighborhood."*

DISCUSSION

Ms. Katherine Keough-Jurs, Senior City Planner presented Item #5 and Item #6 together.

Ms. Keough-Jurs presented a brief overview of Items #5 and #6. She stated that staff recommended approval of the zone change and amendments to the urban renewal plan.

Motion:	Mr. Mooney moved approval of Item #5 and Item #6
Second:	Ms. McCray
Ayes:	Mr. Faux, Ms. McCray, Mr. Dohoney, Mr. vom Hofe, and Mr. Mooney
Nays:	None, **motion carried**

Mr. Tarbell returned to the meeting at 10:15 AM.

ITEM #7 A report and recommendation on proposed text amendments to §1419-21. Limited or Full Service Restaurant of the Cincinnati Zoning Code.

PURPOSE:

To obtain input and direction from the Planning Commission on zoning text as it relates to outdoor areas of limited or full service restaurants and/or drinking areas.

PROPOSED TEXT AMENDMENT:

§ 1419-21. Limited or Full Service Restaurants and Drinking Establishments.

Outdoor ~~eating~~ areas of limited or full service restaurants and drinking establishments must be located, developed and operated in compliance with the following:

(a) **Residential District Boundary Line**. For the purposes of this section the term "residential district boundary line" shall mean the district boundary line of the SF-20, SF-10, SF-6, SF-4, SF-2, RMX, RM-2.0, RM-1.2, and RM-0.7 districts.

(b) **Location.** Outdoor ~~eating~~ areas on any public sidewalk or alley requires a revocable street privilege. Any outdoor area located within ~~150~~ 100 feet of a residential district boundary line requires conditional use approval pursuant to the procedures and criteria of Chapter 1445, Variances, Special Exceptions and Conditional Uses.

(c) **Maximum Size.** ~~Within 150 feet of a residential district boundary line the outdoor area may not exceed 25% of the indoor area accessible to the public and within 500 feet of a residential district boundary line,Tthe outdoor eating area may not exceed 25 50 percent of the indoor eating area accessible to the public.~~ Within 500 feet of a residential district boundary line,~~T~~the outdoor ~~eating~~ area may not exceed ~~25~~ 50 percent of the indoor ~~eating~~ area accessible to the public.~~,~~

~~excluding other space not accessible to the public.~~ Additional area requires conditional use approval pursuant to the procedures and criteria of Chapter 1445, Variances, Special Exceptions and Conditional Uses.

(d) **Barriers.** Decorative walls or fencing must enclose an outdoor ~~eating~~ area.

~~(e)~~ ~~**Alcoholic Beverages.** The provision of alcoholic beverages must be secondary and accessory to the provision of food.~~

~~(f)~~ ~~**Cooking Facilities.** Cooking facilities may not be located in outdoor eating areas.~~

~~(g)~~ ~~**Live**~~ **Entertainment.** ~~Live entertainment may not be presented in outdoor eating areas.~~ Within 500 feet of a residential district boundary line, entertainment, including the use of audio/visual equipment or amplified sound is prohibited unless conditional use approval is obtained pursuant to the procedures and criteria of Chapter 1445, Variance, Special Exceptions and Conditional Uses.

(h) **Fixtures.** Furniture and fixtures provided for use in an outdoor eating area may consist only of movable tables, chairs, umbrellas, planters, lights and heaters. Lighting fixtures may be permanently affixed onto the exterior front of the building. All movable furniture and fixtures must be removed during the off-season.

(i) **Hours of Operation.** Within ~~150~~ 100 feet of a residential district boundary line ~~T~~the use of outdoor ~~eating~~ areas is prohibited between ~~11~~ ~~10~~ Midnight PM and 7 AM on ~~weekends~~ Friday and Saturday and ~~10~~ ~~9~~ 10 PM and 7 AM on ~~weekdays~~ on all other days unless conditional use approval is obtain pursuant to Chapter 1445 Variance, Special Exception and Conditional Uses. In all other locations, the use of outdoor areas shall be prohibited after 2:00 AM.

(j) **Breweries and Wineries.** Beer and wine production accessory to a limited or full service restaurant is limited to an area that may not exceed 10,000 sq. ft and may not produce any objectionable odor, dust or fumes.

(k) **Required Buffer Yards**. Where any side or rear yard of the permitted use abuts a residential district boundary line, a 10 foot buffer area ensuring visual and sonic separation shall be provided.pursuant to Chapter 1423-03 Landscaping Plan.

(l) **Parking Requirements for Outdoor Areas.** Off-street parking shall be calculated at 1 space per 300 square feet of outdoor floor area. Off-street parking facilities must be made permanently available to the use served.

JUSTIFICATION:

On December 16, 2005 the Planning Commission (CPC) made recommendations to City Council on text changes to the Zoning Code for the regulation of outdoor eating and drinking areas. The Economic Development Committee of City Council held a public meeting on February 6, 2006 on the text changes as approved by the CPC. Based on comments received during the public

meeting, revised text changes were submitted by Councilmember Chris Bortz and Councilmember David Crowley for consideration by the Planning Commission. The Planning Commission tabled the changes proposed by Councilmember Bortz and Councilmember Crowley at the March 3, 2006 meeting until a meeting could be scheduled to discuss the impact of the proposed changes. Text amendments resulting from the meeting with the Councilmembers, Planning staff and Planning Commission Chair, Caleb Faux were submitted to the Planning Commission for consideration at the March 17, 2006 meeting. The Planning Commission did not recommend approval of the text amendments as proposed. Instead, the Commission further revised the sections on Location, Maximum size, and Hours of Operation before recommending approval of the text amendments to §1419-21 of the Zoning Code. These revised text amendments were submitted to the Economic Development Committee for a public hearing on April 17, 2006. Councilmember Bortz and Councilmember Crowley requested that additional revisions to the text amendments be submitted to the Planning Commission as a By-Leave item at the April 21, 2006 meeting. These text amendments were the same amendments that were submitted to the Planning Commission at the March 17, 2006 meeting with one exception. The Hours of Operation were changed from 10:00 PM to Midnight on Friday and Saturday and from 9:00 PM to 10:00 PM on all other days. Again the Planning Commission did not approve the text amendments as proposed by the Economic Development Committee. Instead the Planning Commission made three changes to the proposed amendments as follows:

1. **Location.** The Planning Commission added to this section the following language: <u>Any outdoor area located within 150 feet of a residential district boundary line requires conditional use approval pursuant to the procedures and criteria of Chapter 1445, Variances, Special Exceptions and Conditional Uses.</u>

2. **Maximum Size.** The proposed text amendment permitted the size of outdoor areas within 500 feet of a residential district boundary line to be 50% of the indoor area accessible to the public. The Planning Commission changed this section such that the allowable size of outdoor areas within 150 feet of a residential district boundary line could be 25% of the indoor area accessible to the public and outdoor areas within 500 feet of a residential district boundary line could be 50% of the in door area accessible to the public.

3. **Hours of Operation.** The proposed text amendment prohibited the use of outdoor areas within 50 feet of a residential district boundary line between the hours of Midnight and 7AM on Friday and Saturday and between the hours of 10 PM and 7 AM on all other days. The Planning Commission increased the distance between outdoor areas and a residential district boundary line to 150 feet. The hours of operation were approved as proposed.

The Economic development Committee did not approved the text amendments with these three changes. The major differences between the versions approved by the Planning Commission and the Economic Development Committee are the ***Location*** section and the ***Maximum Size*** section. The Planning Commission's version proposes that outdoor areas within ***150*** feet of a residential district boundary line obtain a conditional use approval while the Economic Development Committee's version proposes that outdoor areas within ***50*** feet of a residential district boundary

line obtain a conditional use approval. The current version before the CPC compromises the distance at ***100*** feet.

Additionally, the Economic Development Committee's version permitted outdoor areas within 500 feet of a residential district boundary line to be 50% of the indoor area accessible to the public with the option of a conditional use approval for larger outdoor areas. The Planning Commission's version restricted outdoor areas within 150 feet of a residential district boundary line to 25% of the indoor areas accessible to the public and outdoor areas within 500 feet of a residential district boundary line to 50% of the indoor areas accessible to the public. The current version before the CPC is the same as the Economic Development Committee's proposal.

DISCUSSION

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

Mr. Mooney asked if this item had been presented to the City Council. Upon learning that the City Council had not voted on the proposed text amendment he moved to table this item. He said that the Council should vote on the proposal that is before them. He felt that the City Planning Commission has done their job and it was now up to the City Council to vote or to leave the Zoning Code as it is. Mr. Mooney stated that the Planning Commission had heard testimony on this issue many times and that it was his opinion that enough time had been spent on this item until the City Council decides what they will do with it. Mr. Mooney's motion to table Item #7 did not receive a second to the motion.

Mr. Faux stated that the item was tabled by Council and was sent back to the Economic Development Committee for further review. The new proposal is a compromise between what had previously been sent to Council by the City Planning Commission and what the Economic Development Committee had drafted. He reviewed the differences between the prior proposal and the current proposal. In response to Mr. Dohoney's question, Mr. Faux gave a brief overview of the history of the proposed text amendment and the process that would have to be followed to bring the proposal before the City Council for a vote.

Mr. Tarbell stated that he believed the current proposal would be approved by the City Council.

In response to a question by Ms. McCray, Ms. Wuerstle reviewed the three changes made to the amendment before the Commission and the rationale used to draft the current proposal.

Mr. Carl Uebelacker, Hyde Park resident, asked if the City Planning Commission rejected the current proposal and re-approved their past proposal, would it then have to be go forward to the City Council. Mr. Faux stated that it would go forward to the Economic Development Committee. The Economic Development Committee has advanced none of the versions, approved by the Planning Commission, to the City Council agenda. He said if the current proposal is not approved, he believed the result would be that the previous version rejected by the Planning Commission, which is less restrictive, would be advanced to the City Council and approved.

Mr. Faux stated that the Planning Commission has analyzed and discussed this issue many times and he requested a vote on the proposal before the commission.

Mr. Marvin Kraus, North Avondale resident, asked for an opportunity to speak about this item.

Mr. Faux stated that he understood there were people present who wished to speak on the issue. However, since this issue had been discussed many times in the past, he said he felt that he and the Planning Commission members were well aware of the opinions of the community members.

Motion: Mr. Tarbell moved approval of Item #7
Second: Mr. Dohoney

Mr. Uebelacker stated that he objected to being denied the opportunity to address the Planning Commission regarding the proposal prior to the vote. He said he felt it was unfair to both sides of the issue. Mr. Kraus stated that he agreed with Mr. Uebelacker.

Mr. Tarbell then called the question.

Ayes: Mr. Faux, Ms. McCray, Mr. Dohoney, and Mr. vom Hofe,
Nays: Mr. Mooney, **motion carried**

ITEM #8 A report and recommendation on PD #39 the Machine Flats amendment to Final Development Plan to add Cultural Institutional use and signage.

GENERAL INFORMATION

Owner: Middle Earth Developers
P.O. Box 14823
Cincinnati, Ohio 45250

BACKGROUND

On December 1, 2004 City Council passed Ordinance No. 377-2004 notwithstanding the provisions of Chapter 1413, Manufacturing Districts, of the Cincinnati Zoning Code. This action permitted the property owner, Middle Earth Developers, to begin development of 3301 Colerain Avenue into a mixed-use project comprised of residential apartments and light industrial uses. Building permits were issued on February 15, 2005 for the building renovation.

Subsequently, on February 24, 2005, City Council passed Ordinance No. 72-2005 creating Planned Development District No. 39 to permit residential, light industrial and office uses. The planned development of the property will result in 46,120 square feet of commercial space, 60 market-rate residential dwelling units and a 48 parking space garage, in a 64,000 square foot structure. There will be 72 surface parking spaces located in a courtyard area.

The renovation of property has been completed for the 60 market-rate residential dwelling units with parking and 40 units are occupied. The light manufacturing and office space has been partially prepared for reuse. The property has been named the Machine Flats Apartments.

REQUEST

The owner of the property and Muller Architects have requested that Cultural Institution use be added to the permitted uses for Planned Development District No.39.

The American Sign Museum is planning to relocate from its current facility at the Essex in Walnut Hills at 490 E. McMillan Street to the Planned Development District No. 39 at 3301 Colerain Avenue. The museum is a not-for-profit corporation that was founded in 1999 as the National Signs of the Times Museum. The American Sign Museum is considered a Cultural Institution use as defined by the Cincinnati Zoning Code Section 1401-01-C22.

The American Sign Museum will be located in a one-story warehouse section of this mixed-use property with primary frontage along Monmouth Street west of Colerain Avenue. The museum will have exhibits set up for both guided and self-guided tours within a 21,000 square foot area showcasing a number of period signs. The museum will have its own in-house service shop for receiving, cleaning and basic electrical repair of signs prior to being displayed.

The proposed museum will be open limited hours on weekends and by appointment.

A portion of the museum space will be subleased to a separate neon sign shop that will create of new signs and restore existing signs as an independent business (light manufacturing use). The neon sign shop will occupy approximately 1,600 square feet and have its own entry, bathrooms and office.

A wall sign identifying the American Sign Museum is to be affixed to the brick of the existing elevator shaft tower that extends above the building. Indirect lighting would be used to illuminate the sign during the evening hours.

FINDINGS

Since 2004, the existing four-story building section has been renovated into 60 apartments of which 40 apartments are occupied. Office and light manufacturing space located along the Monmouth Avenue frontage has been partially renovated in anticipation of tenants. The proposed American Sign Museum relocation to 3301 Colerain Avenue would occupy space otherwise assigned to light manufacturing or warehousing use. The museum will be a more compatible use with the adjacent residential apartments.

COMMUNITY RESPONSE

- The Community Council supports the project.
- The Camp Washington Business Association supports the project.

ZONING CODE REVIEW

The property is zoned Planned Development (PD) District No. 39 for the purpose of permitting a mixed use development consisting of residential, light manufacturing and office use in a former

manufacturing facility. According to Section 1425-19-A, Off-Street Parking and Loading Requirements, a Cultural Institution use requires one parking space for every 500 square feet of floor area. The museum will occupy 21,000 square feet and is required to have 42 parking spaces and one loading dock. The neon sign shop is required to have one parking space and no loading dock is required. The property owner has agreed to provide 44 parking spaces for the museum and neon sign shop use.

Section 1429-21 Final Development Plan Amendments are categorized as either minor or major. Minor amendments are field condition, engineering data, topography or design related. Only the City Planning Commission may approve major amendments, provided that the City Planning Commission determines that such adjustments do not substantially alter the concept or intent of the approved final development plan.

CONCLUSIONS

1. The planned relocation of the American Sign Museum as a Cultural Institution at 3301 Colerain Avenue will continue the mixed-use project theme as originally intended for PD No. 39 consisting of residential, light manufacturing and office use.
2. The museum will be a compatible use with the adjacent residential apartments.
3. The Camp Washington Community Council and Business Association support the zone change request.

RECOMMENTATION

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

Approve the American Sign Museum as a Cultural Institution use in the Final Development Plan for Planned Development District No.39 located at 3301 Colerain Avenue.

DISCUSSION

Mr. Stephen Briggs, Senior City Planner presented this item.

Mr. Briggs gave a brief overview of the proposal to allow the American Sign Museum, designated as a Cultural Institution to relocate to 3301 Colerain Ave.

Motion:	Mr. Tarbell moved approval of Item #8
Second:	Mr. Mooney
Ayes:	Mr. Faux, Ms. McCray, Mr. Tarbell, Mr. Dohoney, Mr. vom Hofe, and Mr. Mooney
Nays:	None, **motion carried**

ITEM #9 A report and recommendation on the Camp Washington Industrial Urban Renewal Plan Boundary.

PURPOSE

To approve a boundary identifying portions of the Camp Washington neighborhood as the study area for an urban renewal plan.

BACKGROUND

Two years ago the Strategic Program for Urban Redevelopment (SPUR) team identified Camp Washington as a priority study area due to the high concentration of existing manufacturing activity and recent closures of businesses. The goal of SPUR is to return vacant, underused land to productive use and retain existing businesses. Efforts by the SPUR team require predevelopment evaluation that focuses on early consideration of the potential for redevelopment on manufacturing sites. The Department of Community Development and Planning staff engaged the services of Cole & Russell Architects as consultants to prepare a study and plan. A draft of the plan is being prepared.

In accordance with Chapter 725, Cincinnati Municipal Code (CMC) "Urban Renewal", (Ordinance No. 225-1990), the procedure for adoption of an Urban Renewal plan requires the following sequence of events:

1. Identification of a proposed study area boundary by the City Planning Commission;
2. Preparation of a preliminary or draft plan by the City Manager;
3. Submission of the preliminary draft plan to the Planning Commission for review and comment; and
4. Preparation of the proposed plan in final form by the City Manager.

The development of an urban renewal plan with design guidelines satisfies the second requirement for implementing a development plan for the manufacturing areas of Camp Washington. A draft of this plan will be submitted to the City Planning Commission for review and comment prior to submission of the final document.

THE GEOGRAPHICAL LOCATION OF THE PROPOSED URBAN RENEWAL AREA

The proposed urban renewal area is situated along the Spring Grove Avenue corridor of the Camp Washington neighborhood. The study area is bounded approximately by Ludlow Avenue and Interstate 74 to the north; Colerain Avenue and Interstate 75 to the east; Western Hills Viaduct to the south; and Rail Road Yards to the west.

PROJECT COORDINATION

The Department of Community Development and Planning is coordinating with the consultant Cole & Russell Architects, the Camp Washington Business Association and the Community Council to complete the necessary steps to adopt the Camp Washington Industrial Urban Renewal Plan. The Office of Architecture and Urban Design is conducting a blight study for the area in accordance with Chapter 725 CMC.

The Camp Washington Community Council voted to support the Urban Renewal study boundary on June 6, 2006.

RECOMMENDATION

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

> Approve the Camp Washington Industrial Urban Renewal Plan study area boundary for the preparation of an urban renewal plan in accordance with Chapter 725 of the Cincinnati Municipal Code.

DISCUSSION

Mr. Stephen Briggs, Senior City Planner presented this item.

Mr. Briggs gave a brief overview of the Camp Washington Industrial Urban Renewal Plan and study area boundary.

Motion:	Ms. McCray moved approval of Item #9
Second:	Mr. vom Hofe
Ayes:	Mr. Faux, Ms. McCray, Mr. Tarbell, Mr. Dohoney, Mr. vom Hofe, and Mr. Mooney
Nays:	None, **motion carried**

Mr. Tarbell left the meeting at 10:37 AM.

ITEM #10 A report and recommendation on a proposed zone change for PD-15 from the existing Planned Development (PD) District to a Manufacturing General (MG) District in the Lower Price Hill neighborhood.

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. These PD districts represented Transitional (T) Zone Districts, Planned Unit Development (PUD) projects and Special Housing Overlay (SHO) Districts approved under the previous Zoning Code. None of the aforementioned T-Zone, PUD or SHO zoning designations were incorporated into the current Zoning Code.

On January 20, 2006 the City Planning Commission extended the concept approval for PD Districts that lacked final development plans for a period of one year to February 13, 2007 as permitted under § 1429-1(c) of the Zoning Code. Staff was instructed to study the initial 37 Planned Development Districts to assess their status and to begin the zone change process as necessary. PD-15 in Lower Price Hill was one of the 12 PD Districts that lacked a final development plan and required a new zoning designation.

Plans

PD-15 was created specifically to further the goals of the 2003 *Lower Price Hill Industrial Area Urban Renewal Plan*. This document served as the concept plan for PD-15. The plan represented

the first step in transitioning the neighborhood's commercial base from heavy industrial to light industrial and office uses. One of the plan's most ambitious goals envisioned the clean-up and redevelopment of existing industrial sites and buildings, including the Queen City Barrel Company (QCB). QCB represented the largest private property holder in Lower Price Hill, owning or controlling most of the parcels east of the CSX rail spur, south of Gest Street and west of Evans Street.

The Department of Community Development & Planning and the Strategic Program for Urban Redevelopment (SPUR) team began to pursue acquisition of QCB property in 2004. That same year, a five-alarm fire gutted QCB's barrel and drum reclamation operation at 809 Evans Street. Negotiations between QCB and the City were placed on hold pending evaluation of any necessary remediation of the building and site by the United States and Ohio Environmental Protection Agencies. In 2005 the SPUR team reopened negotiations and in April 2006 QCB signed a purchase contract with the City. Final plans to re-develop the approximately 12-acres of QCB real estate as part of MetroWest, a 20- to 25-acre urban industrial park, are not expected until all acquisition and site clean-up is completed and a developer is selected in the next two to five years.

Community Response

Staff held a conference on Wednesday, July 12, 2006. Mark A. Spuzzillo (owner of 1901 W. 8th Street), Beth Nagy, representing neighborhood organizations and Cincinnati Public Schools (CPS), and James Scudder (owner of 726 Burns Street) attended the meeting. A summary of the staff conference is attached. Frank Triantos (owner of 1001 Summer Street and 2100 Gest Street) contacted staff on Friday, July 14, 2006. He inquired about the need for the zone change, the timeline and any impact the MG zoning will have on existing businesses.

On Friday, August 4, 2006 Department of Community Development & Planning staff Adrienne Cowden and Steve Briggs met with representatives from CPS and the Lower Price Hill Business Community including Ms. Nagy, Darlene Kamine and Bill Burwinkle. Ms. Nagy, Ms. Kamine and Mr. Burwinkle were particularly interested in how the PD rezoning would impact the renovation of Oyler School at 2121 Hatmaker Street and cooperative efforts by CPS and neighborhood groups to redevelop the east side of Burns Street (west of the Johnston Paper Company) with new residences and parking for the school. Staff indicated that the rezoning of PD-15 was a separate issue that would not impact property outside the district boundary.

No other interested parties, community organizations or adjacent property owners have contacted staff about the application.

DISCUSSION

In light of the time necessary to clean-up, reclaim and prepare the site for redevelopment as an urban industrial park, retaining the current PD District is unrealistic. The proposed MetroWest project area extends beyond the boundary of PD-15 and may include several phases. Preparation of a final development plan for any of these phases is premature until various properties are assessed and acquired.

Based on a study of the area, MG is the appropriate zoning designation for PD-15. The PD District is entirely surrounded by a large MG Zoning District. Of equal importance is the fact that the MG zoning designation will accommodate the area's existing industrial and manufacturing uses and create the fewest non-conforming uses. While removal of the PD

designation eliminates oversight of development in the area by the City Planning Commission, the City will maintain control over site development through leases, environmental clean-up and developer agreements. Also, removal of the PD designation would not preclude a request for another PD at a more appropriate time in the future if it is needed and/or desired for MetroWest.

RECOMMENDATION: The staff of the Department of Community Development & Planning recommended that the City Planning Commission take the following action:

> Approve a zone change for PD-15 in the Lower Price Hill neighborhood from a Planned Development (PD) District to a Manufacturing General (MG) District.

DISCUSSION

Ms. Adrienne Cowden, Senior City Planner presented this item.

Ms. Cowden gave a brief history of the current PD District. She stated that MG would be the appropriate zoning designation and allow the time necessary to clean-up, reclaim and prepare the site for redevelopment as an urban industrial park.

Motion:	Mr. Mooney moved approval of Item #10
Second:	Ms. McCray
Ayes:	Mr. Faux, Ms. McCray, Mr. Dohoney, Mr. vom Hofe, and Mr. Mooney
Nays:	None, **motion carried**

Mr. Tarbell returned to the meeting at 10:42 AM.

ITEM #11 A report and recommendation on a proposed Final Development Plan for PD #44, Keystone Parke in Evanston.

BACKGROUND

On March 17, 2006 the City Planning Commission approved a zone change from CC-A Commercial Community-Auto and SF-4 Residential Single Family District to PD Planned Development and approved the concept plan for PD District #44 (PD-44) as proposed by Neyer Properties, the property owner and developer. The property is located on a site that is bound by Realistic Avenue to the west, Dana Avenue to the north, and Interstate 71 to the east and south.

Keystone Parke (previously called *The Keystone*) is a proposed new development in Evanston comprised of approximately 460,000 square feet of Class A office space on top of a four story parking structure, with an out-parcel for a restaurant or other amenity (located outside of PD-44). Neyer Properties, the developer of *Keystone Parke*, has also been working with the Evanston Community Council, Cincinnati Recreation Commission (CRC), and Cincinnati Park Board to discuss coordination of needed improvements to the adjacent Evanston Playfield. The total project investment is estimated at approximately $70,000,000 and will bring nearly 2,000 office related jobs to the Evanston community and the City of Cincinnati.

FINAL DEVELOPMENT PLAN

A final development plan has been prepared by Kleingers & Associates and submitted by Neyer Properties. The final plan proposes a development that is similar to that approved in the concept plan, but featuring changes to the size, setbacks, and architecture of the three buildings.

The proposed *Keystone Parke* is a phased development consisting of three buildings totaling approximately 460,000 square feet of Class A office space on top of a parking garage. Office Buildings 1, 2, and 3 are proposed to be 4 stories, 7 stories, and 10 stories, respectively, above the parking garage. The proposed building setbacks are zero (0) feet from Dana Avenue, seven (7) feet from Realistic Avenue, and 28 feet from the I-71 right of way. Access to the site is provided by an entrance from the existing Realistic Avenue and a new driveway located on Dana Avenue, across from the exit ramp from I-71 south. Internal circulation is provided by a private road through the center of the project, and another private road at the south end of Realistic Avenue that provides access to the rear of the project.

Parking will be provided in a 163-space plaza-level lot and an additional 1,415 spaces in structured levels below grade for a total of 1,578 parking spaces. There is one (1) one-story parking structure underground below Office Building 1, and a four-story garage underground below Office Buildings 2 and 3. Because of the topography of the site, which slopes down from the intersection of Dana and Realistic Avenues toward I-71, both garages have some portion that is above grade and open to the air, allowing for a substantial portion of the garage to receive natural light and ventilation. Access to the garages is available through entrances from Realistic Avenue or interior roads.

Landscaping
The landscaping plan shows various deciduous trees, evergreen trees, and shrubs surrounding the buildings, dispersed throughout the open space, and located on landscaped islands in the roadways within the development. Trees are also to be planted along Realistic Avenue, softening the appearance of the building and parking structure, but still providing visibility, as the parking may be used by park visitors and office users alike.

Parking
Parking will be provided with a 163-space plaza-level lot and four structured levels below grade containing approximately 1,415 spaces for a total of 1,578 parking spaces. According to the Cincinnati Zoning Code, one parking space is required for every 400 square feet of office space. Using this calculation, approximately 1,150 parking spaces would be required. The proposed 1,578 parking spaces exceed this requirement.

Engineering
All utilities are available to the site and at adequate capacities. Neyer Properties has been coordinating the infrastructure design with MSD, GCWW and other City departments. To ensure that all proposed infrastructure was sufficient, Planning Staff immediately circulated a copy of the final development plan to key City departments. Any comments received will be incorporated into construction documents.

Property Ownership
Vacation of Oesper Avenue and Realistic Avenue

In order to control all property within the development boundary, Neyer Properties has petitioned the City for the sale of Oesper Avenue and the lease of Realistic Avenue. A coordinated report has been circulated, and the Real Estate Division of the City's Law Department is in negotiations with Neyer Properties for completion of the sale and lease.

Interstate 71 Right-of-Way
On August 1, 2006, Neyer Properties received confirmation from Ohio Department of Transportation (ODOT) that Governor's Deeds are being prepared to complete the purchase of the remnant parcels along the Interstate 71 right-of-way.

Open Space

Approximately 1.64 acres (25%) of the 6.69-acre development are proposed as open space or landscaped areas. The proposed development is adjacent to the Evanston Playfield, which is owned by Cincinnati Park Board and operated by Cincinnati Recreation Commission (CRC). Because *Keystone Parke* presents an excellent opportunity to coordinate improvements to the playfield, Neyer Properties, Inc. has worked with staff from CRC and the Park Board to assist with improvements to Evanston Playfield. Proposed improvements include: reconfiguration of both passive and active recreation space, restoration of the swimming pool, renovation of the historic pool house, and the addition of a walking trail, a new playground, and new adjacent parking. Both CRC and the Park Board have approved these improvements.

Signage

The site plans shows two project signs, one at each entrance. The site plan also shows a community sign to be located near the Dana Avenue entrance. As no tenants have been publicly announced yet, there are no Building Identification Signs proposed. Future signage needs for the Building Identification Signs will be governed by the guidelines set forth in Chapter 1411-39 (f) of the Zoning Code, *Building Identification Signs.*

Schedule
Demolition is complete, and earthwork is expected to occur in 2006. Depending on market conditions, construction is proposed as follows: Phase I (Office Building 1) first quarter 2007 – second quarter 2008; Phase II (Office Building 2) second/third quarter 2007 – fourth quarter 2008; Phase III (Office Building 3) 2008 - 2009. All construction is proposed to be complete by fourth quarter 2010.

Differences between Concept Plan and Final Development Plan

In the concept plan, the development included three buildings - 7 stories, 6 stories, and 5 stories in height. The final development plan shows three buildings - now 10 stories, 7 stories, and 4 stories in height. Additionally, the two buildings located adjacent to Interstate 71 were set back approximately 30 feet from the right-of-way. The final development plan shows three buildings that each have a 28-foot setback. There have also been architectural changes made to the exterior of the buildings.

In each of these situations, the changes were necessary in order to modernize the appearance and theme of the development. The site plan and elevations submitted with the concept plan had been prepared nearly six years ago, at the outset of the development process. As the development

progressed, and it became clear that this would be a centerpiece project for the Evanston Community, it was necessary to upgrade the appearance of the office buildings from a suburban model development to one that is more urban in form, with more modern materials and details. In all, the proposed changes will make this a higher-quality development than the one previously proposed.

PUBLIC COMMENT

Neyer Properties has been working with the Evanston Community Council throughout the development process, with preliminary discussions taking place over six years ago. At that time, it was conveyed that the Evanston Community Council would be unable to provide support for the project unless all property was acquired through private transactions with the property owners. In 2005, Neyer Properties returned to both the City and the Evanston Community Council to discuss moving forward with this project. Since that time, representatives of Neyer Properties, Inc. have met with Evanston Community Council leadership on many occasions to discuss this project. The full Evanston Community Council has heard a presentation on this development or discussed this development at the October 2005, January 2006, February 2006, March 2006, and July 2006 meetings. The Evanston Community Council voted to support this Final Development Plan at their meeting on July 20, 2006.

CONSISTENCY WITH EXISTING PLANS

This property is within the Evanston NBD Urban Renewal Plan, adopted in 1998 and amended to include this project in 2006. It was determined that an amendment to this Plan was appropriate, as the circumstances of the site had changed to include this new neighborhood-supported development. City Planning Commission approved the amendment on January 20, 2006 and Cincinnati City Council approved the amendment on February 23, 2006.

CODE REQUIREMENTS

Pursuant to Section 1429-13 Final Development Plan of the Cincinnati Zoning Code, a final Development Plan and Program Statement must be submitted to the City Planning Commission for any portion of an approved concept plan that an applicant wishes to develop. The final plan must conform substantially to the accepted concept plan. The final development plan requirements anticipate changes from the concept plan and require significantly more detail as approval of the final development plan precedes building permit application submission.

Under Section 1429-15, the City Planning Commission may approve a final development plan for a development in a PD District on consideration of the following:

(a) Consistency

Plan is consistent with the purpose of the PD District because it:

- Allows for more efficient development of property
- Allows the developer to be more creative with the use of the space, creating a modern office development layout with views of the development from both Interstate 71 and Dana Avenue.
- Includes open space areas interspersed throughout the development, and features landscaping that provides connectivity to the Evanston Playfield, which is immediately adjacent to the development.

(b) Adequate Streets

The development has an adequate street network because it:

- Utilizes the existing Realistic Avenue as one of two main entrances/exits.
- Provides one additional entrance/exit on Dana Avenue. ODOT has given preliminary approval for this road to be located across from the entrance to I-71, conditional upon certain lane configurations.
- Creates additional roadways within and surrounding the development to provide passenger and emergency vehicular access.
- Improves Realistic Avenue and as a result provides better access to the Evanston Playfield, and more convenient, safer parking.

(c) Adequate Infrastructure

The development has adequate infrastructure because:

- MSD has given conditional approval based on sewer credits.
- The developer has been working with GCWW to ensure no interference with water mains, and appropriate hydrants and sprinkling.
- Comments and concerns of all other departments will be addressed specifically in construction documents.

(d) Covenant

(e) Release of Covenants

(g) Sufficiency of Legal Documents

(h) Sufficiency of Provisions for Maintenance of Common Areas

Neyer Properties is entering into a development agreement with the City of Cincinnati for Tax Incentive Financing (TIF). This development agreement, approved by Cincinnati City Council on June 21, 2006, outlines the responsibilities and development controls for this project.

(f) Compatibility

The proposed uses and arrangement are compatible with surrounding land uses because:

- The site is located near commercial uses along Dana Avenue, and is adjacent to I-71. This is the appropriate location for this sort of use.
- The development will provide an anchor to Evanston's Dana Avenue business district.
- The development is buffered from residential uses by Evanston Playfield, which will receive significant improvements as a result of this project.
- Neyer Properties has pledged to continue to work with the Evanston Community to ensure that the development will be a long-term asset to the neighborhood.

FINDINGS

Neyer Properties has spent many months working with the Evanston Community as well as City Staff from all pertinent departments to ensure a development plan that meets all necessary codes and requirements. Although the final development plan differs slightly from the concept plan, it creates a more modern, visually appealing development that will be an asset to the Evanston

Community. As the project moves forward with construction, all efforts will be made to ensure continued adherence to all necessary codes and requirements.

Therefore, it is the opinion of staff of the Department of Community Development and Planning that the proposed *Keystone Parke* development is in compliance with Section 1429-15 "Planning Commission Approval of Final Development Plan". The proposal is consistent with the purpose of the Planned Development District Regulations and the previously accepted Concept Plan of March 17, 2006.

RECOMMENDATION

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

> **Approve** a Final Development Plan for Planned Development (PD) District #44 The Keystone (now called *Keystone Parke*), located at the property bound by Realistic Avenue, Dana Avenue, and Interstate 71 in Evanston, authorizing the development to proceed.

DISCUSSION

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

Ms. Keough-Jurs gave the history of PD #44 and an overview of the Final Development Plan for PD #44, now named Keystone Parke.

Ms. McCray asked if the Community Council was in favor of this proposal. Ms. Keough-Jurs said that they were in favor of the proposal.

Motion:	Mr. Mooney moved approval of Item #11
Second:	Ms. McCray
Ayes:	Mr. Faux, Ms. McCray, Mr. Tarbell, Mr. Dohoney, Mr. vom Hofe, and Mr. Mooney
Nays:	None, **motion carried**

OTHER BUSINESS

ITEM #12 Request by the Evanston Community Council for the City Planning Commission to instruct Planning staff to perform a zoning study on the property within the Evanston – Five Point Urban Renewal Plan to ensure that the zoning is consistent with the Plan.

**The correspondence from the Evanston Community Council is attached at the end of the Minutes as Exhibit A – Item #12.*

DISCUSSION

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

Ms. Keough-Jurs stated that staff had met with representatives of the Evanston Community Council and the Evanston Community Council Business Assosiation. There was concern as they went forward with the development of the Five Points area that some of the zoning is not in line with what was recommended in the Urban Renewal Plan from 2003. They requested staff to do a zoning study of all of the Five Points area.

Motion:	Mr. Mooney moved approval of Item #12
Second:	Ms. McCray
Ayes:	Mr. Faux, Ms. McCray, Mr. Tarbell, Mr. Dohoney, Mr. vom Hofe, and Mr. Mooney
Nays:	None, **motion carried**

ITEM #13 Request by George Corcoran for the Planning Commission to direct Planning Staff to do a zoning change study on his property at 2346 Eastern Ave.

**The correspondence from George Corcoran is attached at the end of the Minutes as Exhibit B – Item #13.*

DISCUSSION

Ms Margaret Wuerstle, Chief Planner presented this item.

Ms. Wuerstle explained the three processes that could be used to request a zoning study. She stated that the applicant believed that his property was zoned improperly during the zoning code rewrite process. She gave a brief overview of the history of the property and the applicant's request. She stated that the building is currently zoned single family. However, it was built as a mixed-use building with commercial space on the first floor and residential above. Mr. Corcoran wishes to reestablish a commercial use on the first floor.

Mr. Mooney stated that the City did a re-write of the Zoning Code a couple of years ago. At that time, the public was given a year to voice any objection to the zoning of their property and receive a free zoning study. That grace period has expired. He also stated that the applicant had the option of applying directly to City Council members. Ms. Wuerstle also explained that other individuals have come forward requesting a free zone change study after the deadline and the Planning Commission has not approved these requests.

Motion:	Mr. Mooney moved **disapproval** of Item #13
Second:	Ms. McCray
Ayes:	Mr. Faux, Ms. McCray, Mr. Tarbell, Mr. Dohoney, and Mr. vom Hofe, and Mr. Mooney
Nays:	None, **motion carried**

ITEM #14 E-mail correspondence from Ron Miller regarding the results of petition to convert HCRPC to a County Planning Commission.

**The summary of Municipal Township Responses to Proposal for Conversion of Hamilton County's Regional Planning Commission to a County Planning Commission is attached at the end of the Minutes as Exhibit C – Item #14.*

DISCUSSION
Ms Margaret Wuerstle, Chief Planner presented this item.

Ms. Wuerstle stated that the item was presented to the Planning Commission to update them on the results of the conversion of HCRPC to a County Planning Commission and for informational purposes only.

ITEM #15 Communication from Law Department regarding IDC Overlay Districts.

**The communication from J. Rita McNeil, City Solicitor to Michael L. Cervey, Director of Community Development and Planning, is attached at the end of the Minutes as Exhibit D – Item #15.*

DISCUSSION
Ms Margaret Wuerstle, Chief Planner presented this item.

Ms. Wuerstle stated that the communication was being presented for the Planning Commission's information. She gave a brief overview of the process, which prompted the Planning Commission's request several months ago for staff to investigate options on revising the IDC section of the Zoning Code.

Mr. Carl Uebelacker, of Hyde Park, stated that he felt the opinion offered in the document from the Law Department is inadequately substantiated and biased against an IDC. He suggested a review of all cases involved and that the Planning Commission request a more complete analysis before accepting the report. He also said that there is a possible loophole problem that urgently needs to be addressed. If loopholes are discovered during a zoning study, neighborhoods are vulnerable to opportunistic developers.

The Planning Commission accepted the report from the law department.

ITEM #16 A report for discussion on the proposed new zoning district entitled Urban Mix.

GENERAL INFORMATION:
Petitioner:
The Brewery District Community Urban Redevelopment Corporation
President: Duane Donohoo
4030 Mt. Carmel-Tobasco Road, Suite 112
Cincinnati, Ohio 45255

Purpose:
To create a mixed-use district in Cincinnati that permits residential and light manufacturing in inner city areas.

BACKGROUND:

The Brewery District Community Urban Redevelopment Corporation (Brewery District) raised concerns during the creation of the new zoning code about the Manufacturing General (MG) zoning district that was applied to the area north of Findlay Market. Under the previous code, the area was zoned M-2. The MG was applied to reflect the predominant zoning and land uses in the area, while creating as few nonconforming uses as possible. The area contains a mix of single family, multi-family, office and warehouse structures. Many of the vacant warehouses and breweries in the area are being converted to residential units and lofts.

After the adoption of the new zoning code in 2004, the City Council approved a 1-year grace period permitting individuals to request a zoning study free of charge if they felt that their property was zoned incorrectly. At that time, the Brewery District submitted a zone change application request for the establishment of a new Urban Mix (UM) District that they created for the area. The goals of the UM District are to promote pedestrian-oriented development while allowing for a full range of residential, business and light manufacturing uses to stimulate development in the area.

EXISTING CONIDITIONS:

Adjacent Land Use and Zoning:
North: Multi-family structures, RM 1.2
East: Mixed use residential and commercial structures, CC-P
South: Findlay Market, CC-P
West: Primarily large commercial buildings fronting Central Parkway, CC-A

Existing Plans:
The Over-the-Rhine Comprehensive Plan (2002) recommends, with the exception of Grant Park, the area north of Findlay Street be Mixed Use Loft Space. The plan states that:

> The loft district is intended to encompass a wide variety of businesses and housing opportunities including office/commercial, light manufacturing, artists' studios, and housing. Older manufacturing and industrial buildings, with their large open floor plates and massive windows, present limitless opportunities for creative and unique developments (page 2)

PUBLIC COMMENT:
The Department of Community Development and Planning staff conducted a public conference on this zone change request on April 4, 2005. Representatives of the Brewery District in attendance were Duane Donohoo (Donohoo Properties, 256 Mohawk), Wade Dent (Pencil Dart, LLC, 222 E. 14th Street), Denny Dellinger (Metal Blast Building, 208 Mohawk), Jeff Raser (Glaserworks, 304 E. 8th Street)), Omar Childress (1910 Elm). Residents and property owners in attendance were Jessie Thomas (2029 Dunlap), Jeff Funk (268 Stark Street), Christopher Phillips (G.C. Pace, 226 Mohawk). City Staff in attendance were Margaret Wuerstle (Chief Planner) and Jennifer Walke (City Planner). All parties were in favor of the change.

Staff received letters in support of the change from three property owners. The Over-the-Rhine Community Council also supports the change.

CITY STAFF COMMENT

The Departments of Law, Transportation and Engineering, Buildings and Inspections and Community Development and Planning have reviewed the proposed designation. Some staff expressed concerns that the proposed district is similar to existing districts such as Manufacturing Limited (ML) and Commercial Neighborhood Pedestrian (CN-P) and will be underused.

ANALYSIS OF PROPOSED CHANGE:

The current zoning designation, MG, reflects many of the current uses of the district, but does not promote the development goals of the neighborhood, such as increasing residential uses and pedestrian-oriented development. Unlike the proposed UM District, MG does not permit residential uses, with the exception of Transitional Housing. The ML District only permits residential uses when they are adjacent to existing residential uses. This proves to be problematic as development trends push for warehouses and breweries located in primarily manufacturing areas to be converted into loft dwelling units. The MG District also permits uses that the community finds undesirable, such as Transitional Housing (all programs), sexually oriented businesses, correctional institutions and juvenile detention facilities. The proposed UM district is similar to the existing CN-P District; however, CN-P does not permit outdoor and large-scale recreation/entertainment uses nor does it permit artisan production industry uses, which are recommended for the subject property in the Over-the-Rhine Comprehensive Plan (2002).

The Over-the-Rhine and West End neighborhoods are designated as Live Work Districts by Council, which permits an owner to live in the building in which s/he works. The UM District differs from the Live Work District, because it promotes adaptive reuse of vacant structures into residential units where there will be no commercial or industrial activity occurring.

Additional factors that should be considered in review of the proposed UM District are as follows:

- Industrial areas, especially in the inner city, are needed to provide jobs to skilled and unskilled laborers. There is a scarcity of industrial property available in the city. In the proposed UM District, ML uses are permitted and MG uses are permitted as a conditional use.

- There are other areas in Cincinnati that contain a mix of residential and manufacturing uses that could benefit from Urban Mix zoning: Northside, South Cumminsville, West End, Lower Price Hill Camp Washington.

-

- The City of Cincinnati, State of Ohio and Federal regulations dealing with health issues, building standards, noise and pollution address the compatibility of mixed uses in the Urban Mix zoning designation.

- Larger cities, such as New York and Chicago have mixed use designations to promote the development of hip, urban areas.

- The Urban Mix designation is consistent with the new urbanism concepts that promote mixed use, walkable communities, which include employment opportunities.

- The City needs to promote revitalization of our urban neighborhoods. Flexible codes provide opportunity for creative development projects.

- The existing Zoning Code does not meet the needs of older neighborhoods that developed as mixed-use, manufacturing and residential districts. Manufacturing uses are not suitable for all residential areas; however this is a unique situation that should be given careful review and consideration.

DISCUSSION

Ms Margaret Wuerstle, Chief Planner and Ms. Jennifer Walke, Senior City Planner presented this item.

Ms. Wuerstle gave a brief history of zone change requested by the Brewery District. The application for the zone change was initiated by the adoption of the new zoning code in 2004. She stated that this is the first new district staff is prepared to present to the City Planning Commission for feedback.

Ms. Jennifer Walke presented an overview of the Brewery District area and an explanaton of the proposed "Urban Mix" zone. She pointed out specific areas that would benefit from the new district and stated that there had been no community opposition.

Mr. Mooney stated that he supported the idea of creating a new zoning district to better fit certain areas of the City. He suggested staff continue to work toward the creation of the new district.

Mr. Dohoney asked if other City Departments had had the opportunity to review the proposal. Ms. Julia Carney, Law Department, stated that her department had concerns that some manipulation of the ML District might work without creating an entirely new district. Ms. Walke stated that there was some support from both the Buildings and Inspections and the Transportation Departments.

Mr. Faux stated that he felt there would be other areas in the City, for example Northside, that would benefit from the proposed district.

Ms. Wuerstle stated that with the Planning Commission's approval, staff would bring the new designation forward for the Brewery District. The new district would then be available for other areas of the City to request once created.

Mr. Jeff Raser, architect, stated that he had been working with the Brewery District for a number of years to analyze the needs of the area and work with staff to find a solution to the zoning issues. He stated that it was determined that there were fundamental differences in the needs of the Brewery District and the requirements of the current zoning districts. Therefore, it was necessary to draft a new zoning district that would appropriately fit the needs. Mr. Raser also

stated that any modifications of a current zone, for example ML, would create changes for every area in the City that is currently zoned ML.

It was the consensus of the Planning Commission that this new designation should be formally processed and brought forward for consideration by the Commission. The Planning Staff was instructed to take the appropriate next steps.

ADJOURN

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

_____ _____

Margaret A. Wuerstle, AICP
Chief Planner

Caleb Faux, Chair

Date: _____ Date: _____