A regular meeting of the Cincinnati City Planning Commission was held this day in the J. Martin Griesel Room of Two Centennial Plaza.

Present: Mr. Byron Stallworth, Chair  
Mr. John Eby, Vice-Chair  
Assistant City Manager John Juech, Commissioner  
Ms. Anne Sesler, Commissioner  
Vice Mayor Christopher Smitherman, Commissioner

Absent: Mr. Jacob Samad, Commissioner

Staff Present: Ms. Katherine Keough-Jurs, City Planning, Director  
Mr. Marion Haynes, Legal Counsel  
Mr. Alex Peppers, City Planning, Supervising Planner  
Mr. Felix Bere, City Planning, Senior City Planner  
Mr. Jared Ellis, City Planning, City Planning  
Ms. Stacey Hoffman, City Planning, Senior City Planner  
Mr. Andy Juengling, City Planning, Senior City Planner  
Ms. Caroline Kellam, City Planning, Senior City Planner  
Ms. Samantha McLean, City Planning, City Planner  
Ms. Kira Palmer, City Planning, AmeriCorps VISTA  
Mr. James Weaver, City Planning, Senior City Planner

_Mr. Stallworth called the meeting to order at 9:10 a.m. and asked that everyone join in the Pledge of Allegiance._

Mr. Stallworth asked that the minutes from December 6, 2019; December 20, 2019; January 17, 2020; and January 24, 2020 be approved.

**Commission Action:**  
Approve the minutes from December 6, 2019; December 20, 2019; January 17, 2020; and January 24, 2020.  

- **Motion:** Mr. Juech  
- **Seconded:** Mr. Eby  
- **Ayes:** Mr. Smitherman, Ms. Sesler, Mr. Juech, Mr. Eby, and Mr. Stallworth.
**Consent Agenda – Legislative**

**ITEM 1**
A report and recommendation on a proposed aerial easement at 1540 Elm Street in Over-the-Rhine. The Department of City Planning staff recommended that the City Planning Commission:

**APPROVE** the proposed aerial easement at 1540 Elm Street in Over-the-Rhine.

**Commission Action:**
Adopted the staff’s recommendation for **Item 1** on the **Legislative Consent Agenda**.

- Motion: Mr. Eby
- Second: Mr. Smitherman
- Ayes: Mr. Eby, Mr. Juech, Ms. Sesler, Mr. Smitherman, Mr. Stallworth

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**Consent Agenda – Quasi-Judicial**

**ITEM 2**
A report and recommendation on the proposed vacation and Dedication Plat of Medpace Way in Madisonville. The Department of City Planning staff recommended that the City Planning Commission:

**APPROVE** the proposed vacation and Dedication Plat of Medpace Way in Madisonville.

**ITEM 3**
A report and recommendation on a proposed subdivision of land at 3660 Kroger Avenue in Mount Lookout. The Department of City Planning staff recommended that the City Planning Commission:

1) **APPROVE** the requested rear lot configuration under Section 800-03(c) of the Subdivision Regulations; and

2) **APPROVE** proposed subdivision of land at 3660 Kroger Avenue in Mount Lookout, as the proposed division of land is generally consistent with General Provision Purposes outlined in Section 100-03 of the Subdivision Regulations.

**Commission Action:**
Adopted the staff’s recommendations for **Item 2** and **Item 3** on the **Quasi-Judicial Consent Agenda**.

- Motion: Mr. Juech
- Second: Mr. Smitherman
- Ayes: Mr. Eby, Mr. Juech, Ms. Sesler, Mr. Smitherman, Mr. Stallworth.
Discussion Agenda – Legislative

ITEM 4
Ms. Hoffman presented a report and recommendation on a proposed zone change from Residential Mixed (RMX) and Residential Multi-family (RM-1.2) to Single-family Residential (SF-4) at 3117 Victory Parkway in Walnut Hills. The Department of City Planning staff recommended that the City Planning Commission:

APPROVE proposed zone change from Residential Mixed (RMX) and Residential Multi-Family (RM-1.2) to Single-family Residential (SF-4) at 3117 Victory Parkway in Walnut Hills.

Speakers and Discussion:

Mr. Eby asked for clarification on the area that needed to be rezoned, to which Ms. Hoffman replied that the entire site need to be rezoned.

Jose Castrejon, Landscape Architect with McGill Smith Punshon, Inc., provided details on the scope of the cemetery work, including the current capacity and the continued rising trend of cremations and the need to accommodate additional cremains. Mr. Castrejon also mentioned the three-to-five-year expansion plan and the challenge of matching a zoning classification with a cemetery use. He concluded by thanking the Department of City Planning staff and the Walnut Hills Community Council and added that that if the cemetery wished to expand in the future, they would need to create a Master Plan made with similar input from staff and the Community Council.

Tom Bittner, Walnut Hills Cemetery Superintendent and the applicant, was present to answer any questions on behalf of the cemetery where he stated he had worked for 30 years.

Mr. Smitherman asked what would happen when the cemetery was at 100 percent capacity, to which Mr. Bittner replied that there was an endowment fund, a trust, to cover expenses should assets become depleted. Mr. Bittner added that the cemetery had invested quite well over the course of its 177 years and the trust is in place by law. Mr. Smitherman also asked about the home on the cemetery site, which Mr. Bittner replied was the sexton or superintendent residence on-site.

Mr. Smitherman referred to a letter that was regarding site maintenance at the cemetery. Mr. Bittner had been of the opinion that area referred to in the letter was City-owned property and that the brush line had been cleaned up. Mr. Bittner added that the cemetery had purchased two vacant blighted homes on Lincoln Avenue in order to remove the blight and to stop junk dumping by the placement of a fence.
Commission Action:
Adopted the staff’s recommendation for Item 4 on the Legislative Discussion Agenda.

Motion: Ms. Sesler
Second: Mr. Eby
Ayes: Mr. Eby, Mr. Juech, Ms. Sesler, Mr. Smitherman, Mr. Stallworth

ITEM 5
Ms. McLean presented a report and recommendation on a proposed zone change for the area generally at the terminus of Bigelow Street, bounded by Walker Street to the west, properties fronting Josephine Street to the east, and Ringgold Street to the south from Single-family (SF-2) and Residential Mixed (RMX) to Planned Development (PD) including the Concept Plan and Development Program Statement in Mt. Auburn. The Department of City Planning staff recommended that the City Planning Commission:

1) ACCEPT the Concept Plan and Development Program Statement as submitted;
2) ADOPT the Department of City Planning Findings as detailed on page 3-11 of the staff report and
3) APPROVE the proposed zone change for the area generally at the terminus of Bigelow Street, bounded by Walker Street to the west, properties fronting Josephine Street to the east, and Ringgold Street to the south from Single-family (SF-2) and Residential Mixed (RMX) to Planned Development (PD) including the Concept Plan and Development Program Statement in Mt. Auburn, with the following condition:
   a. The subject development must follow the additional requirements listed in the Coordinated Site Review Committee letter to ensure that the Planned Development (PD) meets the requirements of all departments as they apply for all permits.

Speakers and Discussion:
Ms. Sesler asked about the Change.org petition that Ms. McLean had mentioned in her presentation. Ms. McLean added that the petition had been included in the packet as an attachment. Ms. Sesler asked that the Commission note the many out-of-town addresses and uncertainty about what information had been provided in the petition.

Anne McBride, from McBride Dale Clarion, provided background on the proposed project. Ms. McBride’s background included the reason for choosing the Planned Development (PD zoning, the challenges with topography and site development, and the commitment of 46 percent of the development site to be open space. Ms. McBride added that Final Development Plan would have to come back before the City Planning Commission. She also cited consistency with Plan
*Cincinnati* and the *Mt. Auburn Community Plan* (1992). Ms. McBride concluded with stating that no one was being involuntarily displaced by the proposed development and that open space on the hillside would remain.

Michael Backers, PE with Civil Environmental Consultants (CEC), discussed the geotechnical aspects of the proposed development including boring and hillside issues.

Mr. Stallworth asked how far the boring went, to which Mr. Becker replied 100 linear feet across the strata. Mr. Backers further explained the role of the geotechnical engineer and his work on the project including hill runoff mitigation and attempting to work with the geography. Mr. Stallworth also asked Mr. Backers about water runoff, to which Mr. Backers provided information about working with a civil engineer and a planned underground reservoir.

Sari Lehtinen, Senior Architect Designer with M+A Architects, presented details on the architectural design of the buildings within the PD and noted traffic patterns coming out of the residential parking garage and the general traffic patterns of the site.

Dan Schimberg, President of Uptown Rental Properties, discussed his 32 years of working within the City and connecting uptown to downtown through Mt. Auburn. He also talked about his other development projects in Mt. Auburn including Wellington Place. Mr. Schimberg also discussed his company’s engagement strategy and the importance of community support for the developments. He added that changes to the proposed development plan had been done in response to community concerns and requests. Mr. Schimberg also referred to the online Change.org petition and stated that it was not factual.

Mr. Smitherman asked Mr. Schimberg where the petition came from, to which Mr. Schimberg responded it originated from three residents who live on Bigelow Street.

Mr. Stallworth asked Mr. Schimberg about the inclusion numbers as they pertained to construction workforce demographics, to which Mr. Schimberg replied 42 percent of the construction workforce employees were minorities, also stressing the importance of an inclusive workforce.

Mr. Stallworth also asked Mr. Schimberg questions regarding water run-off, to which Mr. Schimberg explained the plan to remove the top of the hill and to manage the stormwater run-off to lessen the run-off load and amount. Mr. Stallworth followed up his question by asking about the type of views that would be available, to which Mr. Schimberg replied 270-degree views would be available.
Mr. Stallworth concluded his questions to Mr. Schimberg by asking about affordable housing, including percentage of affordable housing. Mr. Schimberg explained his approach to affordable housing, including a new type of an affordable housing model and his retention and continued maintenance of existing Uptown Rental Properties.

Megan Donahue, resident of 1931 Bigelow Street, provided statements regarding her experience living in Mt. Auburn, her desire to see more benefits to the residents of Bigelow, Walker and Auburn Streets, and her concern about the stability of the hillside. Ms. Donahue also cited the Minutes of the Mt. Auburn Community Council meeting regarding the changes to the heights of the proposed buildings and shared photos of the existing viewshed with the members of the Commission. Ms. Donahue concluded by suggesting the existing historic homes remain and that the applicant build within the current zoning.

Mr. Stallworth asked Ms. Donahue to provide clarification regarding the Mt. Auburn Community Council meetings, specifically as to the number of times she had attended, how many people were at the meeting, and the voting to support or not support the proposed development. Mr. Stallworth asked Ms. Donahue if she could estimate the number of people at the seven meetings Ms. Donahue stated to have attended. Ms. Donahue relied that the attendance from thirty people to about sixty people.

Ms. Sesler asked Ms. Donahue to show where she lived on the map. Ms. Donahue clarified and provided more details on the Change.org petition. Ms. Donahue also stated that there would be insufficient parking and a divot that she stated was caused by demolition trucks and could possibly be made worse by construction truck traffic.

Mr. Stallworth called for a break at 10:41 a.m.

The meeting resumed at 10:48 a.m.

David Barnett, resident of 8 Park Place, stated that his residence was a historic property and that he had not wanted to live in a high-density area, and was concerned with the proposed development impacting neighborhood character, property values, traffic issues, and parking. Mr. Barnett concluded his statement by saying he was in opposition to the project.

Josh Berner, resident of 1923 Bigelow Street, addressed the Change.org petition and stated its intention was to engage the community. Mr. Berner also stated his concerns with the proposed zone change, including the loss of on-street parking and the scale of the proposed development. Mr. Berner also discussed the existing homes that defined the neighborhood character and what the losses of those homes could mean.
Mr. Stallworth asked Mr. Berner how long he had been a resident, to which Mr. Berner replied he had been a resident since 2017. Mr. Stallworth also asked if Mr. Berner had attended the Mt. Auburn Community Council meetings. Mr. Berner replied that he missed the August and September meetings but had been very engaged since that time.

Mr. Berner added to his previous comments, citing the Auburn Avenue Corridor Strategic Development Plan (2017) in respect to how new development should be scaled. Mr. Berner concluded that he desired a more compatible project with the neighborhood.

Susan Bethel, resident of 1941 Auburn Avenue, stated that she thought the increase in rental properties would decrease the appeal of single-family homes to potential buyers and was not consistent with current development trends.

Andrew McLaughlin, resident of 1837 Walker Street, stated that he was representing the Walker Street Homeowner’s Association that had invested money into the neighborhood for a retaining wall. Mr. McLaughlin also stated that he and the other residents of Bigelow Street were in support of the proposed development.

Mr. Stallworth asked Mr. McLaughlin the amount of money that had been put into the retaining wall, to which Mr. McLaughlin replied thousands of dollars on the retaining wall, brush removal, and lighting.

Kristine Sturgeon, resident of 1917 Bigelow Street, stated that her experience working with Uptown Rental Properties had been positive and was supportive of the development proposal.

Eric Russo, Executive Director of the Hillside Trust, stated that he had reviewed the geotechnical reports and he believed that the proposed development could be built. Mr. Russo added that it was imperative that the proposed building be built on bedrock or pierced down into bedrock. An additional issue that Mr. Russo noted concerned water run-off collection and the proposed underground detention basin. Mr. Russo also stated that the developer should go above and beyond the minimum requirements for water management and recommended an on-site geotechnical engineer. He concluded his remarks by saying that the Hillside Trust had declined to take the hillside on Walker Street due to liability and that the roadway must be properly constructed.

Chad Creed, resident of 1927 Bigelow Street, provided the Commission with a visual description of the neighborhood. Mr. Creed’s stated his concern that the height of the building had changed from what had previously been proposed. He added the height as currently proposed would block sight lines and the issue of the height needed to be addressed. Mr. Creed concluded that he was in opposition to the development as proposed on this day.
Mr. Stallworth asked Mr. Backers to return to ask what caused the reported divot in the street and what did it mean. Mr. Backers responded that the divot was basically a pothole and should be addressed by the Department of Transportation and Engineering.

Mr. Smitherman added that his staff was present and would into the issue of the divot and the conditioned the street.

Ms. Sesler asked Ms. Keough-Jurs if an on-site geotechnical engineer could be something the Commission could require. Ms. Keough-Jurs responded that the Commission was being asked to approve the zone change and the Concept Plan and that the second phase would be the Final Development Plan, adding that the Coordinated Site Review process would be taking a closer look at the design and construction during the project. Ms. Keough-Jurs added that any concerns would be passed along the Department of Buildings and Inspections.

Mr. Eby noted that the report from Civil Environmental Consultants (CEC) recommended an on-site geotechnical engineer.

Mr. Stallworth asked Mr. Schimberg to return to address the number of parking spaces per units. Mr. Schimberg first clarified the role of the on-site geotechnical consultant was to make sure foundation construction was done as planned. Mr. Schimberg addressed the view corridors and the original plan and how the proposed building was aligned with the spline on the hill to provide for view sheds and that the design was based on Bigelow resident request. Mr. Schimberg stated that the proposed development was eighty spaces above the required minimum and that parking spaces were meant to be accommodating with residents using Josephine Street for ingress and egress.

Mr. Juech stated that he had been involved with this project for a couple of years and reminded the Commission that they were being asked to approve the zone change. Mr. Juech added that the proposed development was a good use the land and that there would be further review. He also stated that the project had been done well from a City perspective, commending the development team and stating his support for the development.

Mr. Eby stated he was supportive of the amount the engagement that had been done and asked Mr. Schimberg to describe the character of Walker Street. Mr. Schimberg described the placement of the houses on the west side of the street and explained that the intent of the scale of the development was not meant to overshadow the existing homes on Walker Street. Mr. Schimberg noted the townhome design within part of the development and that a staircase on the hillside would be added for pedestrian accessibility. Mr. Schimberg added that he thought the demographic of the residents would be a mix of ages including empty nesters and a range from 25 to 75 years old with an average age in the 30’s.
Mr. Eby asked Mr. Schimberg if he was committed to having a geotechnical engineer on site, to which Mr. Schimberg replied yes, he was more than committed and would be retaining ownership of the building for a very long time.

Mr. Smitherman acknowledged the residents of Bigelow Street for presenting their perspectives and encouraged the developer to work with the residents of Bigelow Street. Mr. Smitherman also thanked the residents of Josephine Street for their investment and added that he would be voting in support of the project.

Mr. Schimberg stated that he agreed with Mr. Smitherman that engagement with the current residents would continue and that the views from the east and west would be maintained. Mr. Schimberg also cited his internal architectural review board that worked with members of the community and was continually seeking compromise on the design.

Mr. Smitherman mentioned that Mr. Schimberg’s affordable housing model might be used moving forward.

**Commission Action:**
Adopted the staff’s recommendations for Item 5 on the Legislative Discussion Agenda.
- Motion: Ms. Sesler
- Second: Mr. Juech
- Ayes: Mr. Eby, Mr. Juech, Ms. Sesler, Mr. Smitherman, Mr. Stallworth

**Director’s Report**

Ms. Keough-Jurs reminded the Commission that the next meeting was in two weeks and that there would be no meeting on March 6, 2020 so that the Commissioners could attend training at the David J. Allor Planning and Zoning Workshop. Ms. Keough-Jurs concluded with mentioning that the 2019 End of Year report was available on the Department of City Planning website.

*The meeting adjourned at 11:57 a.m.*
APPROVAL OF THE PROCEEDINGS OF THE CITY PLANNING COMMISSION

February 7, 2020

The minutes for the February 7, 2020 Regular Meeting are approved as distributed.

Katherine Keough-Jurs, AICP, Director
Department of City Planning

Byron Stallworth, Vice-Chair
City Planning Commission

Date: 4/17/2020

Date: 7 APR 2020