A regular meeting of the City Planning Commission was held this day at 9:00 a.m. in the J. Martin Griesel Room of Two Centennial Plaza with the following members present: Vice-Chair Byron Stallworth, Mr. John Eby, Vice-Mayor Christopher Smitherman, Mr. Jacob Samad, Ms. Anne Sesler, and Assistant City Manager John Juech.

Also in attendance were Mr. Marion Haynes, legal counsel, and Department of City Planning staff: Mr. Alex Peppers, Mr. James Weaver, Ms. Stacey Hoffman, Ms. Caroline Kellam, Mr. Jared Ellis, Ms. Samantha McLean, Mr. Andy Juengling, Ms. Kira Palmer, Mr. Michael Allen, and Ms. Jeanetta Anderson.

Mr. Stallworth called the meeting to order and asked everyone to join in the Pledge of Allegiance.

Mr. Stallworth asked that the September 6, 2019 minutes be approved.

The Commission approved the minutes from September 6, 2019.
Mr. Smitherman made the motion, which Mr. Juech seconded.
Ayes: Mr. Smitherman, Mr. Juech, Mr. Samad, Mr. Eby and Mr. Stallworth.

Discussion Items – Legislative

Mr. Juengling presented Item 1, a report and recommendation on a proposed zone change from Park and Recreation (PR) to Office General (OG) at 1801 Gilbert Avenue in Walnut Hills. The Department of City Planning staff recommended approval.

Mr. Stallworth asked about the attendance at the public staff conference. Mr. Juengling answered that the only attendees were the applicant and some students from the University of Cincinnati’s school of Design, Architecture, Art, and Planning.

Colleen Reynolds, with DSD Advisors, introduced Scott Altman, President and CEO of the Cincinnati Ballet. Mr. Altman gave a presentation that included renderings, site plans, and site orientation of the proposed new ballet facility.

Mr. Stallworth noted the slope of the site and asked Mr. Altman how the parking structure would be supported.

Greg Pinter, with GBBN Architects, provided details on the parking structure construction. Emily Ahouse, Executive Director of the Walnut Hills Redevelopment Foundation, reiterated
their support for the project.

Mr. Smitherman stated his appreciation for the project and for the Cincinnati Ballet.

**The Commission adopted the staff’s recommendation for Item 1 on the Legislative Discussion Agenda.**
Mr. Eby made the motion, which Mr. Smitherman seconded.
Ayes: Mr. Smitherman, Mr. Juech, Mr. Samad, Mr. Eby, and Mr. Stallworth.

Ms. Sesler arrived at 9:23 a.m.

Mr. Juengling presented **Item 2**, a report and recommendation on a proposed zone change from Single-family (SF-4) to T4 Neighborhood Small Footprint – Open (T4N.SF-O) for the properties at the northwest corner of the intersection of Madison Road and Stewart Avenue in Madisonville. The Department of City Planning staff recommended approval.

Colleen Reynolds introduced Nicholas Lingenfelter, Vice President of Development for PLK Communities who gave a slide presentation.

Mr. Lingenfelter provided background on PLK Communities and on the community engagement process for this particular project. He stated that of the engagement sections, ten of the meetings were public, and thanked the Madisonville Community Council and Madisonville Community Urban Redevelopment Corporation (MCURC) leadership for their cooperation. Mr. Lingenfelter further stated he felt that the absence of an affirmative vote from the Madison Community Council had to do with offsite traffic concerns and not the zone change request. Mr. Lingenfelter felt that it would ultimately be decided by the Department of Transportation and Engineering (DOTE) on whether stoplight and other traffic improvements would be needed.

Mr. Lingenfelter noted that many changes had been made to the design of the plan since July based on public feedback. That included changes to the exterior material, changing ownership of the proposed roads from public to private which allowed for lower streetlight heights, aligning the right-of-way for safety concerns, and providing a six-foot high buffer fence for abutting property owners. He also provided additional background on the property including the need to change the current zoning to the Form-Based Code zoning and stressed no additional density would be created from the requested zone change. He further clarified the desire for the requested zone change was based on the disparity between the two existing zones in regards to height and building standards and the existing Stewart Home on the corner of Madison Road and Stewart Road that would be incorporated into the proposed development.

Mr. Lingenfelter discussed the benefits to the community which included the proposed roads being private and maintained by PLK as well as underground detention as well as a left-hand turn signal at Madison Road and Stewart Road. He also noted the north entrance/exit on the site plan was now approved by DOTE to be entrance only. Mr. Lingenfelter also noted the access point on the southernmost point of the site plan was required by the Fire Department.
Mr. Lingenfelter cited the site plan within the slide presentation and noted that the proposed development, working with Zoning Division, met the requirements of the Form-Based Code put in place in 2013. Mr. Lingenfelter noted that approximately twenty-nine trees had been removed to be replaced with forty-eight new trees. In his closing comments, Mr. Lingenfelter provided a timeline for the due diligence of the subject property, including neighborhood engagement. He also noted again the offsite concerns that had been raised during the community engagement process.

Ms. Reynold added that PLK had committed to be before the City Planning Commission on this day but would allow for thirty days before being referred to City Council to allow for anything that had been put together for a Memorandum of Understanding (MOU) or anything additional the community wished to see being built into the Development Agreement. Mr. Lingenfelter noted that it would be the second thirty-day delay to make accommodations for the community.

Ms. Sesler asked about how to address neighborhood concerns that were outside of the development and out of the developer's control, further asking for clarification on the role of the Commission holding up a proposal for another agency, such as DOTE. Mr. Juengling answered that concerns outside the scope of the development were usually not reviewed as part of the zone change request, but those concerns may be addressed during the Coordinated Site Review (CSR) process. Ms. Sesler asked about the timing of the CSR process and about DOTE's recommendation.

Mr. Stallworth asked Mr. Lingenfelter about PLK's workforce inclusion policy. Mr. Lingenfelter provided details on the workforce inclusion plan which included women and veterans and clarified LPK was not their own general contractor and had not yet made a decision. Mr. Stallworth noted the shortage of public housing vouchers and how the proposed development would address the shortage, to which Mr. Lingenfelter responded that the proposed development units would all be market-rate and explained the details on new construction and affordable housing within PLK, including the issues associated with affordable housing.

Mr. Eby inquired if Mr. Lingenfelter had built anything like this before, to which he provided details on the developments in Union Township and Maineville, Ohio. Mr. Eby mentioned the work being done for the neighboring property owners on the western side of the property. Mr. Lingenfelter noted the fence on the property line and the offer to put landscaping on the neighbor's property.

Mr. Stallworth asked about LEED certification of the proposed development, to which Mr. Lingenfelter responded the decision had not been made yet.

Mr. Stallworth temporarily excused himself and Mr. Eby called up the next speakers.

Barron Matern, resident of 5042 Anderson Place, expressed his concerns regarding traffic, lights from cars in parking spaces, and loss of the landscaping buffer if changed from SF-4 (Single-family Residential). Mr. Matern did not want the proposed zone change to be approved.
Mark Powell, resident of 5207 Stewart Avenue, expressed his desire to maintain the current zoning, and asked for a thirty-day delay for additional conversation and discussion.

Ms. Sesler asked what else could be developed on the site. Mr. Juengling explained the difference between the existing zoning and the Form-Based Code (FBC) zoning.

Mr. Stallworth asked Mr. Powell who he represented, to which Mr. Powell responded he was a member of the Madisonville Community Council (MCC).

Bob Igoe, resident of 5055 Anderson Place, Madisonville business owner, member of the SAM (Stewart Road, Anderson Place, and Madison Road) Homeowner’s Association, and former MCC President, stated that the Madisonville Community Council had not yet taken a vote to allow the SAM members to engage with City departments. Mr. Igoe raised concerns with proposed building setbacks and the notification process. Mr. Igoe expressed his desire to postpone the Commission vote for thirty days, citing the need for additional engagement from City departments, specifically DOTE, the Zoning Division, and City Planning.

Ms. Sesler asked Mr. Igoe if the City had not been responsive enough with its answers, to which Mr. Igoe explained that he wanted more engagement with urgency and the additional thirty days to obtain the finalized MOU document.

Jim Wittkopf, resident of 5046 Anderson Place, stated that the process was not done right from the start and that he wished to maintain the single-family nature of the subject area. He felt that approving the zone change could allow the zoning to expand north of Madison Road to Chandler Street, removing the existing single-family homes. Mr. Wittkopf asked for an additional thirty days for more consideration.

Mr. Stallworth asked if the zone change was approved, if someone could petition to expand the zoning further north. Mr. Haynes responded that a zone change did not give a right to continue to the zoning without a zone change process. Mr. Wittkopf further stated that any zone change from the existing single-family would change the character of the neighborhood.

Sara Sheets, resident of 4537 Hector Avenue and former Executive Director of MCURC, stated she was not for or opposed to the proposed zone change, but was at the meeting to request a thirty-day delay. Ms. Sheets did not feel that there been a proper discussion of the zone change process in a public realm and wanted the November MCC meeting to happen for an open engagement opportunity. Mr. Stallworth asked Ms. Sheets her personal opinion regarding change in Madisonville, to which Ms. Sheets replied change was already happening in Madisonville, citing development engagement with Madison Road and Whetsel Avenue and the Medpace development.

Mr. Samad asked Ms. Sheets if she had been involved in the original FBC rezoning process in Madisonville and whether the proposed zone change was consistent with that. Ms. Sheets explained that the FBC rezoning process had extensive community engagement to maintain the existing character of Madisonville with carefully considered boundaries.
Elisha Chamberlain, representing MCURC, stated that the Board was requesting an extension on the vote of the zone change for thirty days. Mr. Stallworth asked if PLK had been to a Community Council meeting, to which Ms. Chamberlain responded yes and wished for further community engagement. Ms. Sesler asked how much time was necessary, to which Ms. Chamberlain stated she believed the community was close to reaching a conclusion.

Kate Botos, MCC President, read aloud the MCC’s formal request for a thirty-day extension on the vote that was included in the Commissioner’s packets. Ms. Botos explained that the process was taking so long because of the hand delivery of notification to residents and the engagement process.

Mr. Smitherman asked Ms. Botos why PLK’s commitment to hold the referral to City Council for thirty days wasn’t sufficient time. Ms. Botos responded that residents wanted a more concrete commitment, including a MOU or a Community Benefits Agreement (CBA) and more engagement with City departments.

Mr. Smitherman asked the City Administration if the proposed zone change was approved without having the neighborhood concerns fully addressed if verbal commitments be honored, to which Mr. Juech responded that the agreement would be honored and the item would not come to City Council unless the neighborhood concerns were fully addressed.

Mr. Samad asked what the timing would be if the Commission vote was delayed for thirty days. Mr. Juech responded the item would have to come back to the Commission, realistically in 2020.

Mr. Samad asked Mr. Lingenfelter how a delay until 2020 would impact the proposed development. Mr. Lingenfelter reiterated again that the development team would not go to City Council for at least thirty day and that the DOTE and community-wide concerns were out of the team’s control. He stated that multiple holds were starting to have economic impacts of around $50,000.00 to $100,000.00 per month. Ms. Reynolds added that another reason for the thirty-day City Council hold was the work being done in regards to the MOU. Mr. Lingenfelter added that additional delays would incur additional construction costs.

Mr. Smitherman asked Mr. Lingenfelter how he would address Mr. Matern’s concerns. Mr. Lingenfelter elaborated on his engagement with Mr. Matern and that he would continue to work with Mr. Matern to address his concerns. Mr. Stallworth stated he wanted to make sure the neighbors’ concerns were addressed in writing. Mr. Lingenfelter affirmed his commitment to working with the neighbors and that the schedule moving the development forward would be a challenge.
Mr. Juech stated that he had just received word from the Mayor’s office that the item would not be heard by City Council for at least thirty days or prior to December 1, 2019. Ms. Sesler asked if additional community engagement could happen within the thirty days before a City Council referral. Mr. Juech responded that MCC would have to make that determination and hoped that true engagement would happen during that time. Ms. Sesler wanted to make sure City departments would be able to provide answers, and Mr. Juech assured that City departments would be available to provide assistance.

Chris Hanlin, resident of 4522 Hector Avenue, expressed mixed feelings for the project and hoped for the preservation of the Benjamin Stewart Home on the corner of Madison and Stewart roads and wanted to know what he assurances would be made to ensure the home wasn’t demolished. Mr. Lingenfelter stated a deed restriction could be put in place or added to the MOU to preserve the home.

Arthur J. Knott, resident of 5028 Stewart Avenue, was concerned the density of the proposed development could cause additional traffic issues and felt there had not been enough notification. Mr. Knott hoped the developer would consider less density in the development.

Bryan Williams, with DOTE, elaborated on the CSR process and DOTE’s involvement based on the CSR meetings and the concerns that had been raised. DOTE concerns included the additional turn lane and pedestrian safety concerns. Mr. Williams stated there had been additional requests outside of the scope of the proposal that had been requested by the Madisonville neighborhood, and that a solution to the Madison Road and Anderson Place intersection issues could be found within thirty days. Mr. Smitherman noted that DOTE was an important partner in pedestrian safety.

Mr. Stallworth asked Ms. Botos to state her position on the thirty-day delay to which she responded work would continue no matter the outcome on this day and that her primary concern was the safety of the neighborhood. Mr. Samad asked if the thirty-day Council referral delay would satisfy the request of the MCC or if the Commission should delay another thirty days to make a decision. Ms. Botos stated that the key stakeholder group in the community would not be satisfied if the Commission approved the zone change on this day.

Ms. Sesler added that City Council did not always agree with the Commission’s decision and there would be additional opportunity for discussion. Ms. Sesler asked Ms. Botos if she thought DOTE could be responsive enough to the issues with DOTE within thirty days, to which Ms. Botos responded yes.

Mr. Smitherman stated that Mr. Knott shared powerful emotion with the Commission in his statements.

Mr. Eby stated that the zoning extension north along Stewart allowing multi-family residential would be an issue for those who wished to maintain the single-family character in that area.
Mr. Samad questioned whether to postpone the vote on the item for an additional thirty days to allow for additional conversations.

Ms. Botos elaborated on her time on the MCC and past development proposals and cited Madisonville’s changing landscape in regards to new developments. Mr. Eby added to her comments and stated that any development should fit the neighborhood.

Matt Davis, with DSD Advisors on behalf of PLK, clarified that if the zone change was approved by the Commission, it would still need to go before City Council. Mr. Peppers verified that if approved by the Commission, the proposed zone change would still have to be approved by City Council.

Ms. Sesler and Mr. Stallworth both stated that the Commission meeting was about the proposed zone change and Mr. Stallworth hoped that the Community Council could find resolution. He added that he was concerned with the timing of the proposed development moving forward. Mr. Stallworth then said he was ready for the Commission to make motions to approve or disapprove the recommendation that was before them on this day.

Mr. Smitherman asked what type of amendments could be made to staff’s recommendation. Mr. Haynes responded this type of zoning was not the type to be conditioned but the Commission could hold the item, approve the item, recommend not approving the item, or consider another type of zoning that would be appropriate for the area. Mr. Haynes added that legally speaking, both the Commission and City Council evaluated public health, safety, and general welfare when considering a zone change.

Mr. Smitherman asked when the next Commission meeting would be, to which Mr. Peppers responded November 15, December 6, and December 20, 2019. Mr. Smitherman expressed his desire to possibly hold the item for two weeks based on the testimony provided.

Mr. Smitherman made a motion to table the item until the November 15, 2019 Commission meeting to allow for more neighborhood conversation, which Mr. Eby seconded.

Mr. Davis and Mr. Lingenfelter returned to speak regarding concerns about holding the item for two weeks and felt the issues that had been raised had more to do with DOTE. Mr. Lingenfelter asked what could be expected of PLK within the two week period of the hold. He further committed to waiting to present at City Council until the outstanding concerns had been addressed.

Mr. Williams returned to clarify that any outstanding issues with DOTE would continue to be addressed, no matter what the outcome of the vote on this day. Mr. Stallworth asked Mr. Williams what DOTE might be able to accomplish within two weeks, to which Mr. Williams replied there could be recommendations available within two weeks.

Mr. Smitherman stated that the density of the proposed development was driving the traffic concerns.
Mr. Smitherman withdrew his motion to table the item until the November 15, 2019 Commission meeting but stated he wasn’t sure how he would be voting when the item came before the Economic Growth and Zoning Committee.

Mr. Samad stated that he would like City Council to factor in all the concerns before they made a decision if the item was approved by the Commission and was referred to City Council.

The Commission adopted the staff’s recommendation for Item 2 on the Legislative Discussion Agenda.
Ms. Sesler made the motion, to which Mr. Juech seconded.
Ayes: Ms. Sesler, Mr. Juech, Mr. Samad, and Mr. Eby and Mr. Stallworth
Nay: Mr. Smitherman

Director’s Report

Mr. Peppers congratulated Mr. Stallworth on his reappointment to the Commission for an additional five years.

The meeting adjourned at 11:48 a.m.

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

Date: 12/20/19

Byron Stallworth, Vice-Chair
City Planning Commission

Date: 12/20/19