

***** AGENDA *****
CITY PLANNING COMMISSION
CITY HALL
COUNCIL CHAMBERS, ROOM 300
801 PLUM STREET
CINCINNATI, OHIO 45202
VIRTUALLY VIA ZOOM

February 17, 2023
9:00 a.m.

CALL TO ORDER AND PLEDGE OF ALLEGIANCE

MINUTES Consider the minutes of February 3, 2023. (page 2)

CONSENT ITEM – LEGISLATIVE

ITEM 1 A report and recommendation on the proposed relocation of artwork on City-owned property along Central Parkway in CUF. (Hoffman) (page 7)

DISCUSSION ITEMS – LEGISLATIVE

ITEM 2 A report and recommendation on a proposed zone change from Commercial General – Auto-oriented (CG-A) to Single-family Residential (SF-6) at 2380 Nova Avenue in Westwood. (Couch) (page 22)

ITEM 3 A report and recommendation on a proposed zone change from T5N.LS-O (Neighborhood Large Setback-Open) to T5N.SS-O (Neighborhood Small Setback-Open) located at 644-664 Crown Street in Walnut Hills. (Urbancsik) (page 29)

OTHER BUSINESS

DIRECTOR’S REPORT

ADJOURN

PROCEEDINGS OF THE CITY PLANNING COMMISSION

February 3, 2023

Regular Meeting

A regular meeting of the Cincinnati City Planning Commission for Friday, February 3, 2023 was held in the Council Chambers of City Hall, 801 Plum Street, Cincinnati, Ohio 45202 and virtually on Zoom.

The manner of remote participation complied with all requirements of the Open Meetings Act. The meeting could be watched in real time on CitiCable or by livestreaming the meeting at www.cincinnati-oh.gov/media. Members of the public were invited to participate in-person or by registering online to receive the Zoom link. Public comments and questions to be shared with the City Planning Commission could be submitted to the Department of City Planning and Engagement in advance of the meeting.

Present: Mr. Byron Stallworth, Chair
Mr. Jacob Samad, Vice Chair (via Zoom)
Vice Mayor Ms. Jan-Michele Lemon Kearney, Commissioner
Assistant City Manager, Mr. William “Billy” Weber, Commissioner

Excused: Mr. John Eby, Commissioner
Ms. Anne Sesler, Commissioner

Staff Present: Ms. Katherine Keough-Jurs, City Planning & Engagement, Director
Mr. Charles Martinez, Law, Legal Counsel
Mr. Alex Peppers, City Planning & Engagement, Deputy Director
Mr. Andrew Halt, City Planning & Engagement, City Planner
Ms. Stacey Hoffman, City Planning & Engagement, Senior City Planner
Ms. Caroline Kellam, City Planning & Engagement, Senior City Planner
Mr. Jesse Urbancsik, City Planning & Engagement, Senior City Planner
Ms. Ashlie Wilkson, City Planning & Engagement, Senior Administrative Specialist

Mr. Stallworth called the meeting to order at 9:06 a.m. and asked that everyone join in the Pledge of Allegiance, followed by a Moment of Silence in honor of two recently deceased community members, Dick Weiland and Jean Robert de Cavel, due to their dedication to Cincinnati.

Minutes

Commission Action:

Approved the minutes from the December 16, 2022 and January 20, 2023 meetings.

Motion: Ms. Kearney
Second: Mr. Weber
Ayes: Ms. Kearney, Mr. Samad, Mr. Stallworth, Mr. Weber
Nays: None
Excused: Mr. Eby, Ms. Sesler

Discussion Agenda – Legislative

ITEM 1

Ms. Hoffman presented a report and recommendation on a proposed zone change from Commercial Community – Auto-oriented (CC-A), Commercial Community – Pedestrian (CC-P), and Office General (OG) to Planned Development (PD), including a Concept Plan and Development Program Statement, at the southwest quadrant of the intersection of Reading Road and E. Martin Luther King Jr. Drive in Avondale. The Department of City Planning and Engagement staff recommended that the City Planning Commission:

1. **ACCEPT** the Concept Plan and Development Program Statement as submitted; and
2. **ADOPT** the Department of City Planning and Engagement Findings as detailed on page 8 of the staff report; and
3. **APPROVE** the proposed zone change from Commercial Community – Auto-oriented (CC-A), Commercial Community-Pedestrian (CC-P), and Office General (OG) to Planned Development (PD), including a Concept Plan and Development Program Statement, at the southwest quadrant of the intersection of Reading Road and E. Martin Luther King Jr. Drive in Avondale.

Speakers and Discussion:

Mr. Eddie Rigaud III, representing Queen City Hills and member of the applicant team, provided specific details of where and when construction would begin and stated the proposal would provide flexibility in addressing right-of-way issues. Mr. Rigaud also stated the development would allow them to extend sidewalks to facilitate pedestrian traffic and safety. Mr. Stallworth asked Mr. Rigaud about his team’s economic inclusion goals. Mr. Rigaud stated his team would be using The Port’s standards to meet inclusionary goals and confirmed Queen City Hills was working on a community benefits agreement (CBA). Mr. Stallworth asked the success rate of other developers’ inclusionary plans. Mr. Rigaud deferred the question to the design builder.

Mr. Brian Currin, with Danis-Foxx and member of the applicant team, stated the concept renderings were developed by a minority-owned architecture firm and confirmed they were also working with diverse sub-consultants. Mr. Currin stated his team worked on multiple

developments within the city, with most of the developments for UC Health and provided details of the inclusionary goals they had and plans for the proposed project.

Ms. Kearney asked Mr. Rigaud where the multi-unit housing would be located. Mr. Rigaud explained where the multi-family housing would be located on the proposal site.

Ms. Franz Stanbury, representing Uptown Consortium, Inc., stated his excitement for the project coming forward.

Mr. Ozie Davis III, representing the Avondale Development Corporation, stated his support for the proposal and expressed the importance of the project to the community. Mr. Davis requested the support and assistance in executing a community benefits agreement between Queen City Hills, Avondale Development Corporation, and Avondale Community Council with stipulations of 1% ownership and skill-learning program for local schools to prepare the various types of jobs the proposal would create. Mr. Davis indicated that there had been community engagement regarding this project, but that there was too low of a turnout at the public staff conference for a project of this size and scale.

Ms. Kearney acknowledged the community engagement efforts between the developer and the community had happened prior to the public staff conference, which may have been why there was a lower turnout at the public staff conference. Mr. Stallworth reiterated the importance of engagement. Mr. Weber acknowledged the developer's multi-use design, stated his excitement for the project, and requested the developer to consider including a transit opportunity design.

Commission Action:

Moved to approve the staff's recommendations for Item 1 on the Legislative Discussion Agenda.

| | |
|----------|---|
| Motion: | Mr. Weber |
| Second: | Ms. Kearney |
| Ayes: | Ms. Kearney, Mr. Samad, Mr. Stallworth, Mr. Weber |
| Nays: | None |
| Excused: | Mr. Eby, Ms. Sesler |

Mr. Samad left the meeting at 9:55 a.m.

Other Business

Mr. Charles Martinez, Senior Assistant City Solicitor in the City of Cincinnati's Law Department and legal counsel to the City Planning Commission, presented proposed amendments to the City Planning Commission Rules.

Mr. Stallworth stated his appreciation for the proposed amendments. Ms. Keough-Jurs requested the Commission to review the proposed amendments and stated the final amendments would be brought back to the Commission for official approval at a future meeting.

Director's Report

Ms. Keough-Jurs thanked the Commission and speakers for their time and stated her appreciation for Mr. Samad taking time out of a work event to ensure there was a quorum. Ms. Keough-Jurs also reminded the Commission of the Connected Communities community engagement meetings scheduled over the month and thanked the department staff for their work on the meetings as well as staff from other departments for their assistance.

Mr. Stallworth encouraged the Commission members to attend one of the scheduled meetings and Mr. Weber commended the Department of City Planning and Engagement staff for their work.

The meeting adjourned at 10:10 a.m.

APPROVAL OF THE PROCEEDINGS OF THE CITY PLANNING COMMISSION

February 3, 2023

The minutes for the February 3, 2023 Regular Meeting are approved as distributed.

Katherine Keough-Jurs, FAICP, Director
Department of City Planning & Engagement

Byron Stallworth, Chair
City Planning Commission

Date: _____

Date: _____

Honorable City Planning Commission
Cincinnati, Ohio

SUBJECT: A report and recommendation on the proposed relocation of artwork on City-owned property along Central Parkway in CUF.

GENERAL INFORMATION:

Location: On the eastern side of Central Parkway, north of Marshall Avenue
Applicant: ArtWorks
Applicant's Address: 2460 Gilbert Avenue, Cincinnati, OH 45206

EXHIBITS:

Provided in addition to this report are the following exhibits:

- Exhibit A Location Map
- Exhibit B Photographs of Existing Mural
- Exhibit C Installation Details
- Exhibit D City of Cincinnati Artwork Donation Agreement
- Exhibit E Waiver of Rights Pursuant to the Visual Artists Rights Act (VARA)

BACKGROUND & ANALYSIS:

The subject mural entitled "*Locks, Docks, and Barrels*" is currently installed on an existing retaining wall at 2708 Central Parkway. That property is being redeveloped into a multi-family residential community. In 2022, this property was included in a change of zoning to Planned Development #92. A Final Development Plan was reviewed and approved by the City Planning Commission on November 4, 2022 and sitework has begun.

ArtWorks proposes the relocation of its existing mural from 2708 Central Parkway, approximately 0.13 miles north to an existing City-owned retaining wall located on the east side of Central Parkway, north of Marshall Avenue. Central Parkway was once the site of the Miami and Erie Canal that began at the Ohio River. It continued through downtown and northward into the western towns and cities of Ohio before reaching its terminus at Toledo and Lake Erie. From 1825-1928, the canal was a major part of Cincinnati commerce and infrastructure and connected trade from the river to the Great Lakes.

The mural was designed in 2016 by Jim Effler as a tribute to the Miami-Erie Canal. The narrative, which spans two mural walls, begins with a typical scene of everyday life on the canal in the middle 19th-century. Features of note in this section include the old McMicken Hall at the University of Cincinnati, St. George's Church, and Sacred Heart Church. The spires and steeples of downtown landmarks lay in the distance. The southern section runs from left to right and depicts the careful surveying and construction of the system through the Mill Creek Valley.

To permit the relocation and installation of the mural on an existing retaining wall just north of its existing location, the City Planning Commission and City Council are being asked to approve the location and appropriateness of installing artwork on City-owned property. This would allow the City to designate one or more agents or contractors, including ArtWorks, to carry out all or a portion of the proposed work required to install and maintain the artwork. The applicant requests permission to allow for the installation of the artwork on the existing City-owned retaining wall that would otherwise not be permitted without a change to existing legislation, or the implementation of a special program through the Department of Transportation and Engineering (DOTE).

Under the request, ArtWorks would serve as the City’s designee to install the artwork. The installation and maintenance of this public artwork would be performed under the management of DOTE, and any agents or contractors of the City, including ArtWorks, would be required to comply with the rules and regulations concerning the artwork’s location, size, materials, and means of installation and maintenance. After installation, the City would own the artwork and continue to maintain complete control over the public right-of-way as necessary for public safety. Artists who install and maintain the artwork will be required to waive the rights to the installation through a Waiver of Rights Pursuant to the Visual Artists Rights Act (VARA) which will be executed between the artists and the City (Exhibit E).

PUBLIC COMMENT AND NOTIFICATION:

Notice of the February 17, 2023 City Planning Commission meeting was sent to adjacent property owners, the CUF Neighborhood Association, and the Camp Washington Community Council. No correspondence has been received to date.

CONSISTENCY WITH PLANS:

Plan Cincinnati (2012)

The proposal is consistent with *Plan Cincinnati (2012)* within the Live Initiative Area Goal to “Build a robust public life” (page 149). An argument can also be made that the proposal is consistent within the Sustain Initiative Area Goal to “Preserve our natural and built environment” as the mural tells the story of Cincinnati’s commerce and infrastructure history.

University Impact Area Solutions Study (2016)

The proposal is consistent with the Connectivity section of the University Impact Area Solutions Study (2016) which includes recommendations for both the CUF and Mt. Auburn neighborhoods. It is specifically consistent with the Goal to “Design and implement a safe and integrated pedestrian network” (page 76). The artwork may slow vehicular traffic and make for a more welcoming pedestrian environment.

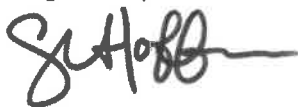
RECOMMENDATION:

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

APPROVE the installation of artwork on a City-owned retaining wall along Central Parkway in CUF with the following conditions:

- 1) That the artwork installation size, location, and design be reviewed and approved by the Department of Transportation and Engineering at the time of permit review;
- 2) The petitioner shall coordinate with the City regarding the donation of the mural including a contract with the City in a similar form as the City of Cincinnati Artwork Donation Agreement (Exhibit D); and
- 3) All artists involved in the creation and installation of the artwork shall provide the City with a Waiver of Rights pursuant to the Visual Artists Rights Act (Exhibit E).

Respectfully submitted:



Stacey Hoffman, Senior City Planner
Department of City Planning and Engagement

Approved:



Katherine Keough-Jurs, FAICP, Director
Department of City Planning and Engagement

Proposed Mural Relocation in CUF

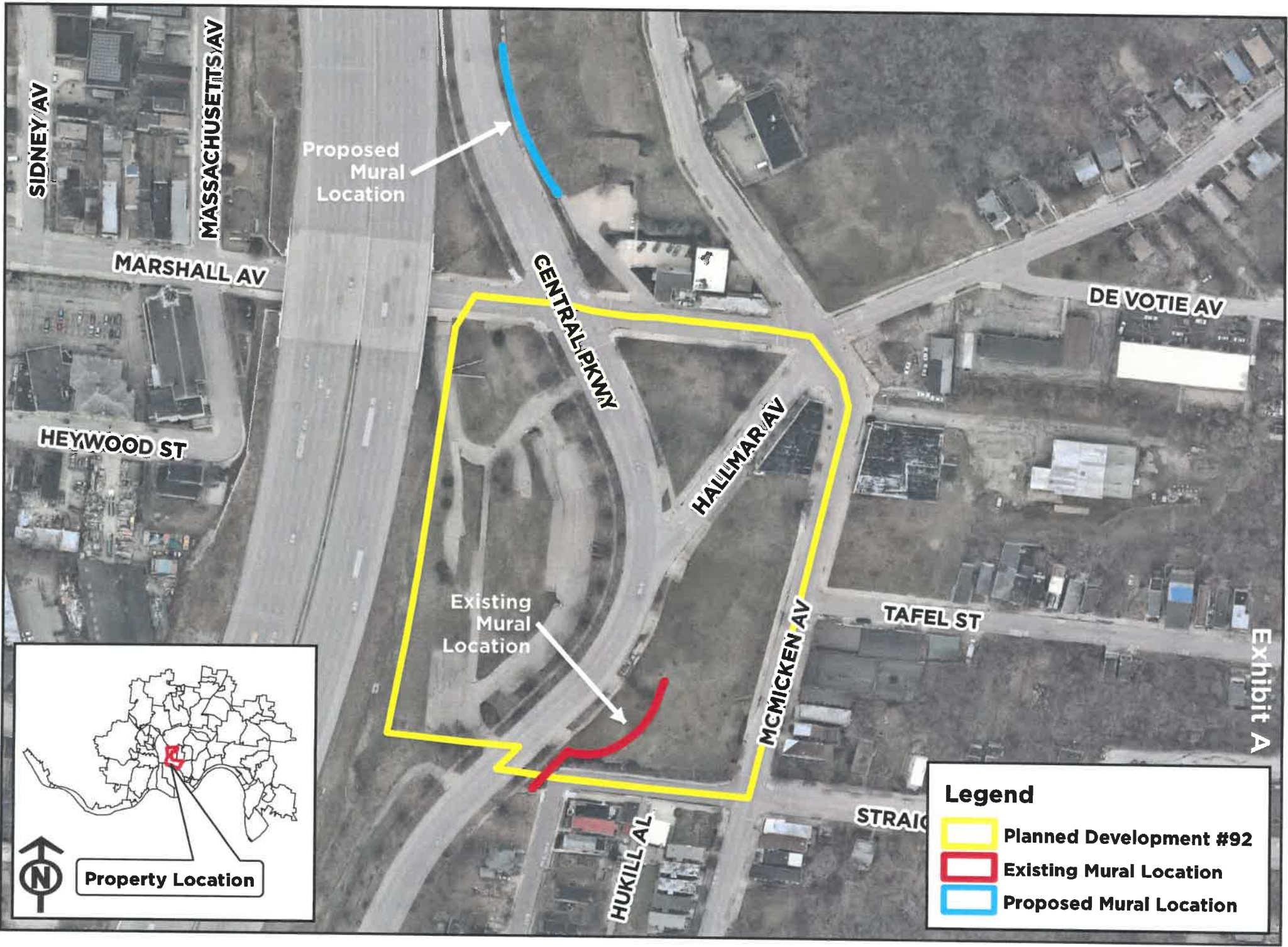


EXHIBIT B

Locks, Dock, and Barrels Mural Designed by Jim Effler



EXHIBIT B

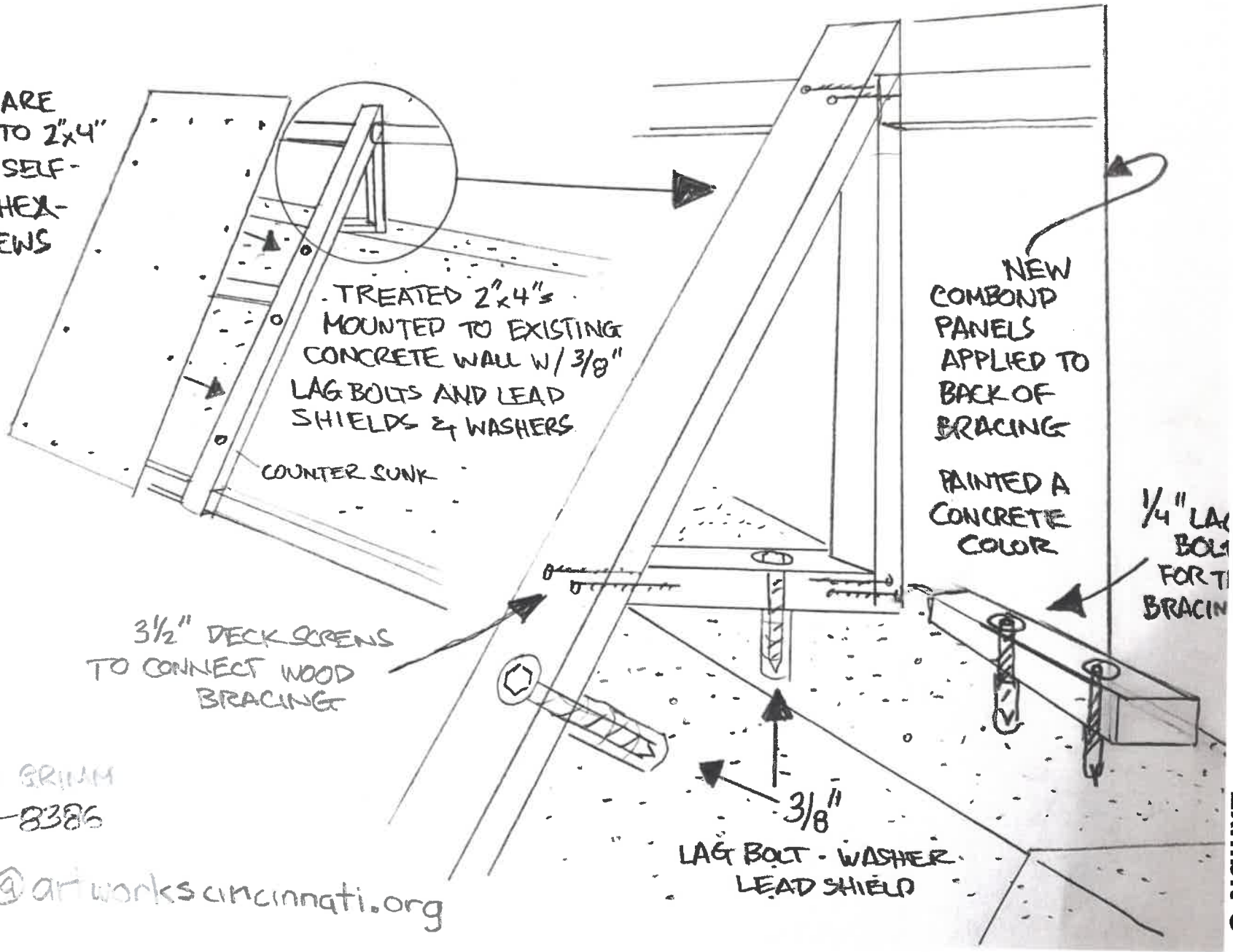


Proposed Mural Location - Central Parkway looking southeast

MURAL IS 4'x8' SHEETS OF COMBOND
PANELS (ALUMINUM FRONT & BACK W/ RUBBER CORE)

SILICONE SEALANT AT
TOP WHERE THE PANELS MEET

PANELS ARE
MOUNTED TO 2"x4"
FRAME W/ SELF-
TAPPING HEX-
HEAD SCREWS



TREATED 2"x4"s
MOUNTED TO EXISTING
CONCRETE WALL W/ 3/8"
LAG BOLTS AND LEAD
SHIELDS & WASHERS

COUNTER SUNK

NEW
COMBOND
PANELS
APPLIED TO
BACK OF
BRACING

PAINTED A
CONCRETE
COLOR

1/4" LAG
BOLT
FOR THE
BRACING

3/2" DECK SCREWS
TO CONNECT WOOD
BRACING

3/8"
LAG BOLT - WASHER -
LEAD SHIELD

TC: DEBIT GRHAM
303-8386

design@artworks.cincinnati.org

Exhibit C

ARTWORK DONATION AGREEMENT

The **CITY OF CINCINNATI**, an Ohio municipal corporation, 801 Plum Street, Cincinnati, Ohio 45202 (the "**City**"), and **ART OPPORTUNITIES INC., dba ARTWORKS**, an Ohio nonprofit corporation, the address of which is 2460 Gilbert Avenue, Cincinnati Ohio 45206 ("**Applicant**"), hereby enter this agreement for the installation of an artistic depiction, artwork, graphic design, or other artistic idea (the "**Artwork**") to be owned and displayed by the City as its own expression, which Artwork is depicted in Exhibit A (Depiction of Artwork) attached hereto and will be installed in the area shown on Exhibit B (Location) hereto (the "**Location**").

WHEREAS, the City of Cincinnati operates various artwork programs through which it reviews and approves proposals to create public art on certain City owned structures and/or within the right-of-way of certain City streets; and

WHEREAS, the City takes ownership and displays as its own expression artwork that is successfully selected through its programs; and

WHEREAS, the Applicant has been selected by the City through its artwork program to install the artwork, which the Applicant has agreed to donate to the City upon the terms and conditions contained herein; and

WHEREAS, City Council on [DATE], Ordinance No. [NO], approved and accepted the Artwork as the City's own display and the City shall own the Artwork in conformity with the approved Ordinance; and

NOW THEREFORE, the terms and conditions of this Agreement are as follows:

1. APPROVAL AND INSTALLATION

a. Application. In accordance with The City of Cincinnati, Department of Transportation policies and guidelines, the Applicant has submitted an application and required fees, which include a detailed proposal for how the Artwork will look, what materials will be used, and any other relevant details about the installation of the Artwork and about the Location (the "**Proposal**"). The City has approved the installation of the Artwork, and it has agreed to assume ownership of the Artwork and display it at the Location.

b. Design. The mural is existing and applied to a City owned concrete retaining wall on removable panels. The intent is for the design to remain unchanged, but the panels to be removed and relocated to a different City owned concrete retaining wall at the Location.

c. Access. The Applicant shall be permitted to install the Artwork at the Location. No other installation, painting, or encroachment of any kind shall be permitted in any other location in the City's right-of-way or other City property or structures.

d. Changes; Approval. The Applicant shall make whatever additional changes to the Artwork plans as may be required by the City's Department of Transportation and Engineering ("**DOT**"), and the Applicant shall not commence installation until DOT has approved the final plans.

e. No Transfer. This Agreement is personal to the Applicant and shall not inure to the benefit of the Applicant's successors-in-interest. This Agreement also may not be assigned without the prior written consent of the City. This Agreement shall not be recorded in the public records.

f. Installation. The Applicant agrees to complete the installation of the Artwork as detailed in the Proposal within the timeframe provided by DOT, and it agrees the installation of the Artwork shall otherwise remain under the direction and control of DOT. The Artwork installation and the art contained therein shall not deviate in any way from the Proposal accepted and agreed to by the City or its departments. Furthermore, the Applicant agrees to the following requirements:

a. The existing artwork panels to be removed shall be removed without damage to the murals

to the greatest extent possible.

- b. The Artwork shall be stored securely with Applicant until reinstallation at the Location.
- c. The concrete retaining wall at the Location shall require modification in height which work shall be performed by Applicant as approved by Department of Transportation and Engineering and by obtaining required City permits
- d. Any damage to the existing concrete retaining wall at the Location due to the Artworks installation shall be the responsibility of the Applicant to remedy and repair to the sole satisfaction of the Department of Transportation and Engineering.
- e. All repairs or paint touch ups to the Artwork required due to the relocation or installation shall be the responsibility of the Applicant.

g. Permits. The Applicant agrees to obtain all necessary permits and pay all necessary fees for such permits, including a Street Blocking Permit from the Cincinnati Police Department, as are necessary for the installation of the Artwork.

h. Prompt Notification. The Applicant shall notify DOTE upon completion of the Artwork.

i. Materials. The Applicant shall provide all paint, materials, equipment, services, and know-how used in connection with the installation of the Artwork for the benefit of the City, and the City accepts the provision of the materials, equipment services, and know-how. The Applicant acknowledges and agrees to comply with all design and material criteria as provided by DOTE. The Applicant shall not bring or permit to be brought onto the right-of-way any hazardous materials or other contaminants or substances that are harmful to the public or to the environment. DOTE may set standards for, and the Applicant will ensure compliance with, any other requirement regarding materials applicable to the Artwork.

j. Cleanliness of Site. The Applicant shall not store, use, or dispose of any toxic or hazardous materials without the prior written consent of the City, and shall keep the Location, and surrounding area, free from accumulation of waste materials or rubbish caused by any installation or operation. Upon completion of the Artwork, the Applicant shall remove all waste materials, rubbish, artistic tools, construction equipment, machinery, and surplus materials. If the Applicant fails to clean up as provided herein, the City may do so, and the full costs thereof shall be charged to the Applicant.

2. MAINTENANCE. The Applicant acknowledges and understands the City has no responsibility to maintain the Artwork and artwork after the installation. The Applicant acknowledges damage may occur as a result of utility work, road maintenance, road cleaning, reconstruction of road and right-of-way, and any other such work, and the City shall not be responsible for any repairs or maintenance. The Applicant may apply to repair the Artwork eighteen (18) months after the installation is completed; provided, however, the approval to repair the Artwork shall remain within the sole discretion of the City.

3. EXPENSES. All expenses associated with the installation, maintenance, repair, and removal of the Artwork, and the Applicant's use of the Location, shall be borne by the Applicant. The Applicant agrees to donate the Artwork and artwork and any time, materials, or talents necessary for the installation of the Artwork to the City. The Applicant shall be solely responsible for compensation of any and all individuals, including any contractors or subcontractors, providing services to install or maintain the Artwork. The City shall not be responsible for any costs associated with the Artwork or the Applicant's use of the Location.

4. NO CITY WARRANTIES; APPLICANT WAIVER OF CLAIMS FOR DAMAGE. The Applicant acknowledges and agrees that working within a public right-of-way is inherently dangerous, and it requires that the Applicant take appropriate measures and precautions to protect itself, and its agents, employees, contractors, and subcontractors from harm. The City makes no representations or warranties to the Applicant concerning the condition of the Location or its suitability for the installation of the Artwork. The City shall have no responsibility or liability for loss or damage to the Artwork or any items of personal property that may at any time be on the Location, including, without limitation, damage caused by the general public, trespassers, graffiti, thrown objects, wind, hail, fire, or other casualty, no matter how such damage is caused.

The Applicant hereby waives, as against the City and its employees, agents, and contractors, all claims and liability, and on behalf of the Applicant's insurers, rights of subrogation, with respect to property damaged or destroyed by fire or other casualty or any other cause, no matter how caused.

5. CITY OWNERSHIP, RIGHT TO MODIFY OR REMOVE. The Applicant hereby transfers all ownership interest in the Artwork and the artwork contained in the Artwork to the City, and the City shall own all rights in the Artwork, the Proposal, and any art therein except as specified below. The Applicant acknowledges the Artwork is temporary and the City may, in its sole discretion, paint over, remove, resurface or allow the installation of different artwork, in part or in whole, at any time the City decides.

6. COPYRIGHT, VARA WAIVER.

a. Applicant Warranty. The Applicant warrants and represents neither the Proposal, the Artwork, nor any artwork contained therein violates any copyright or infringes on the copyright of any third party or on any other intellectual property rights of any third party. The Applicant further represents it holds full title to any artwork transferred to the City and it is not licensing or sub-licensing any such artwork and has the right and authority to enter into this Agreement.

b. Copyright. The Applicant transfers to the City all ownership interest in all rights including rights under the federal Visual Artists Rights Act of 1990 ("VARA"), 17 U.S.C. §§ 106A and 113(d) in the Proposal, the Artwork, and the artwork contained therein. The artist or artists who have been or will be involved in designing or installing the Artwork or in creating the Proposal have waived their rights under VARA by completing and signing a waiver of rights under VARA, which is attached hereto as Exhibit C (*Signed VARA Waiver*).

c. Artists Intellectual Property License. The City hereby grants to the Applicant the limited and revocable license to make, display, and distribute, and authorize the making, displaying, and distribution of photographs and other reproductions of the Artwork. The Applicant may use such reproductions for advertising, educational and promotional materials, brochures, books, flyers, postcards, print, broadcast, film, and electronic and multimedia publicity. The Applicant may not license or sublicense its rights for any private or commercial purpose. This license granted hereunder does not include the right to sell photographs or reproductions of the Artwork.

7. CITY AND UTILITY ACCESS.

a. City's Right to Enter upon Property. The Applicant acknowledges that the City and its authorized representatives have the unlimited right to enter upon the Location and the Artwork at any time for any purpose, including without limitation to inspect the Location and the Artwork. The Applicant further acknowledges its ability to enter upon the Location shall always be subject to the City's direction and control. The City shall have no duty to inspect.

b. Rights of Utility Companies. The authorization herein granted to the Applicant to install the Artwork and to use the Location are subject and subordinate to the rights of any and all utility companies that may now or hereafter have utility lines and/or other utility installations within the Location. The Applicant shall not alter, relocate, or otherwise interfere with such utility lines and installations and shall not do anything that will impair such utility companies' right to enter upon the Location from time to time for all purposes associated with the operation, maintenance, repair, replacement or removal of such utility lines and installations. Such utility companies have continued access to the Location 24 hours per day, 7 days per week, 52 weeks per year.

8. COMPLIANCE WITH LAWS, REGULATIONS, AND PROGRAMS. The Applicant shall comply with all applicable statutes, ordinances, regulations, and rules of the federal government, the State of Ohio, the County of Hamilton, and the City of Cincinnati.

9. INDEMNIFICATION OF THE CITY. The Applicant shall indemnify, defend, and save the City, its employees, agents, and contractors harmless from and against any and all losses, damages, settlements,

costs, charges professional fees, and other expenses and liabilities of every kind and character (including without limitation attorney fees) arising out of or related to any and all claims, liens, demands, obligations, actions, proceedings, or causes of action of every kind and character in connection with the Applicant's installation, maintenance, or removal of the Artwork, use of the Location, or violation of the provisions set forth in this Agreement, including without limitation any of the foregoing that may arise or be claimed with respect to any death, personal injury, or loss of or damage to property on or about the Location, including any such death, injury, or loss related to the materials used in installation, maintenance, or removal of the Artwork. The Applicant shall assume the defense (with counsel acceptable to the City) and settlement of any and all such suits or other legal proceedings brought against the City and shall pay all judgments entered in such suits or other legal proceedings. The assumption of liability and indemnity obligations of the Applicant under this Agreement shall survive the termination of this Agreement with respect to matters arising prior thereto.

10. NOTICES. All notices given hereunder by either party shall be in writing and shall be personally delivered or mailed by U.S. Mail to the parties at the following addresses:

To City:
City of Cincinnati
Dept. of Transportation & Engineering
City Hall, Room 450
801 Plum Street
Cincinnati, OH 45202

To the Applicant:
ArtWorks
Devin Grimm, Creative Project Manager
2460 Gilbert Avenue
Cincinnati, Ohio 45206

11. LAW TO GOVERN. This Agreement is entered into and is to be performed in the State of Ohio. The City and the Applicant agree that the law of the State of Ohio shall govern the rights, obligations, duties and liabilities of the parties to this Agreement and shall govern the interpretation of this Agreement.

12. FORUM SELECTION. The Applicant acknowledges and agrees that all state courts of record sitting in Hamilton County, Ohio, shall be the exclusive forum for the filing, initiation, and prosecution of any suit or proceeding arising from or out of, or relating to, this Agreement, or attachment thereto, including any duty owed by the Applicant to the City in connection therewith.

13. AMENDMENT. This Agreement may not be modified or amended.

14. ENTIRETY. This Agreement and the exhibits attached hereto contain the entire agreement between the parties as to the matters contained herein. Any oral representations or modifications concerning this Agreement shall be of no force and effect.

[Signature Page Follows]

This Donation Agreement is executed by the parties on the dates set forth below.

CITY OF CINCINNATI

By: _____
Sheryl M. M. Long, City Manager

Date: _____

Recommended by:

John S. Brazina, Director
Department of Transportation and Engineering

Approved as to Form:

Assistant City Solicitor

ACCEPTED AND AGREED TO BY:

Art Opportunities Inc., dba Artworks

By: _____

Printed name: _____

Title: _____

Date: _____

EXHIBIT A – Depiction of Artwork

SEE ATTACHED

EXHIBIT B – Location

SEE ATTACHED

EXHIBIT C – Signed VARA Waiver

SEE ATTACHED

**WAIVER OF RIGHTS PURSUANT TO
THE VISUAL ARTISTS RIGHTS ACT**

Description of Artwork (type, medium, colors, design): _____

Title (if applicable): _____

Date Created: _____

Dimensions (estimated): _____

Location: _____

The above-described artwork may be considered to be a "work of visual art" subject to the provisions of the federal Visual Artists Rights Act of 1990, 17 U.S.C. §106A and 113(d) ("**VARA**"), specifically the rights of certain authors to attribution and integrity codified in §106A(a).

I am an author of the artwork and am authorized to waive the rights conferred under VARA in accordance with the waiver provision 17 U.S.C. §106A(e)(1).

I hereby voluntarily and permanently waive my rights to attribution and integrity with respect to the artwork pursuant to VARA, and any identical or similar rights pursuant to any other applicable federal law, state law, or foreign or international law. I hereby waive my right to prevent any intentional distortion, mutilation, or other modification of the artwork.

I acknowledge that because of this waiver, the City of Cincinnati, and its officers, employees, agents, contractors, licensees, successors, or assigns ("**City**"), have the absolute right to change, modify, move, relocate, transport, remove, replace, repair, or restore the artwork located within the City, in whole or in part, in the City's sole discretion.

I understand the effect of this waiver and hereby acknowledge that I am surrendering the rights described herein with respect to the artwork.

Signature of Artist: _____

Printed Name: _____

Date Signed: _____

**Honorable City Planning Commission
Cincinnati, Ohio**

SUBJECT: A report and recommendation on a proposed zone change from Commercial General - Auto-oriented (CG-A) to Single-family Residential (SF-6) at 2380 Nova Avenue in Westwood.

GENERAL INFORMATION:

Location: 2380 Nova Avenue, Cincinnati OH, 45238

Petitioner: Tatiana Pasichnyk

Petitioner's Address: 1201 Dove Street, Suite 100, Newport Beach CA, 92660

Property Owner: John Kralick, JKV Workforce LLC

Owner's Address: 1201 Dove Street, Suite 100, Newport Beach CA, 92660

ATTACHMENTS:

- Exhibit A – Location Map
- Exhibit B – Site Photo
- Exhibit C – Zone Change Application
- Exhibit D – Zone Change Plat
- Exhibit E – Legal Description

BACKGROUND:

The petitioner, Tatiana Pasichnyk, on behalf of property owner John Kralick of JKV Workforce LLC, is requesting a zone change at 2380 Nova Avenue in Westwood from Commercial General – Auto-oriented (CG-A) to Single-family Residential (SF-6). The subject property is a former single-family residence that is currently occupied by a hair salon, which is why it is zoned commercially. The applicant wishes to revert the existing structure back to a single-family residential use, which is not permitted within the CG-A district. The property is located roughly a quarter mile north of the West Price Hill Neighborhood Business District and in the Westwood neighborhood. It is not located in a Hillside Overlay District or Local Historic District. The total zone change area measured to the street centerline will be approximately 0.17 acres. This item was not required to undergo a Coordinated Site Review because there is no proposed demolition and new construction associated with the change of zoning; just a change in use from commercial back to residential.

ADJACENT LAND USE AND ZONING:

The property is currently zoned Commercial General – Auto-Oriented (CG-A), and the adjacent zoning and land uses are as follows (also see Exhibit A):

Northeast:

Zoning: Single-family Residential (SF-6)

Use: Single-Family Residence

Northwest:

Zoning: Commercial General – Auto-oriented (CG-A)

Use: Nikkinails Nail Salon

Southeast:

Zoning: Commercial General – Auto-oriented (CG-A)

Use: Sunoco Gas Station

Southwest:

Zoning: Commercial General – Auto-oriented (CG-A)

Use: Midas Auto-Repair Shop

PROPOSED DEVELOPMENT:

The applicant wishes to maintain the existing building and revert it to its original use for single-family residential occupancy. The property will be either owner-occupied or operated as a rental with a local property manager.

PUBLIC COMMENT AND NOTIFICATION:

A virtual Public Staff Conference was held on Wednesday, January 25, 2023 to discuss the proposed zone change. Members of staff from the Department of City Planning and Engagement and the applicant were present, but no members of the public attended. Notice of the Staff Conference, as well as the February 17, 2023 City Planning Commission meeting, was sent to all property owners within 400 feet of the property, the Westwood Civic Association, Westwood Community Urban Redevelopment Corp., and Westwood Works. No correspondence has been received at this time. The applicant has indicated they have reached out to the Westwood Civic Association and have received no support nor opposition regarding the request.

CONSISTENCY WITH PLANS:

The Westwood Strategic Plan (2010)

The proposed zone change is consistent with the Housing and Neighborhood Development Goal of *The Westwood Strategic Plan (2010)* to “Enhance the quality of the housing stock (both owner-occupied and rental), and increase the ratio of single-family, owner-occupied housing units in Westwood” (p. 20). The reconversion of this property to a residential use will enhance the housing stock in Westwood.

Plan Cincinnati (2012)

The proposed zone change is also consistent with the Live Initiative Area of *Plan Cincinnati (2012)* and the goal to “Provide a full spectrum of housing options and improve housing quality and affordability” (p. 164), by increasing the supply of available housing within the city.

RECOMMENDATION:

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

APPROVE the proposed zone change from Commercial General - Auto-oriented (CG-A) to Single-family Residential (SF-6) at 2380 Nova Avenue in Westwood.

Respectfully submitted:



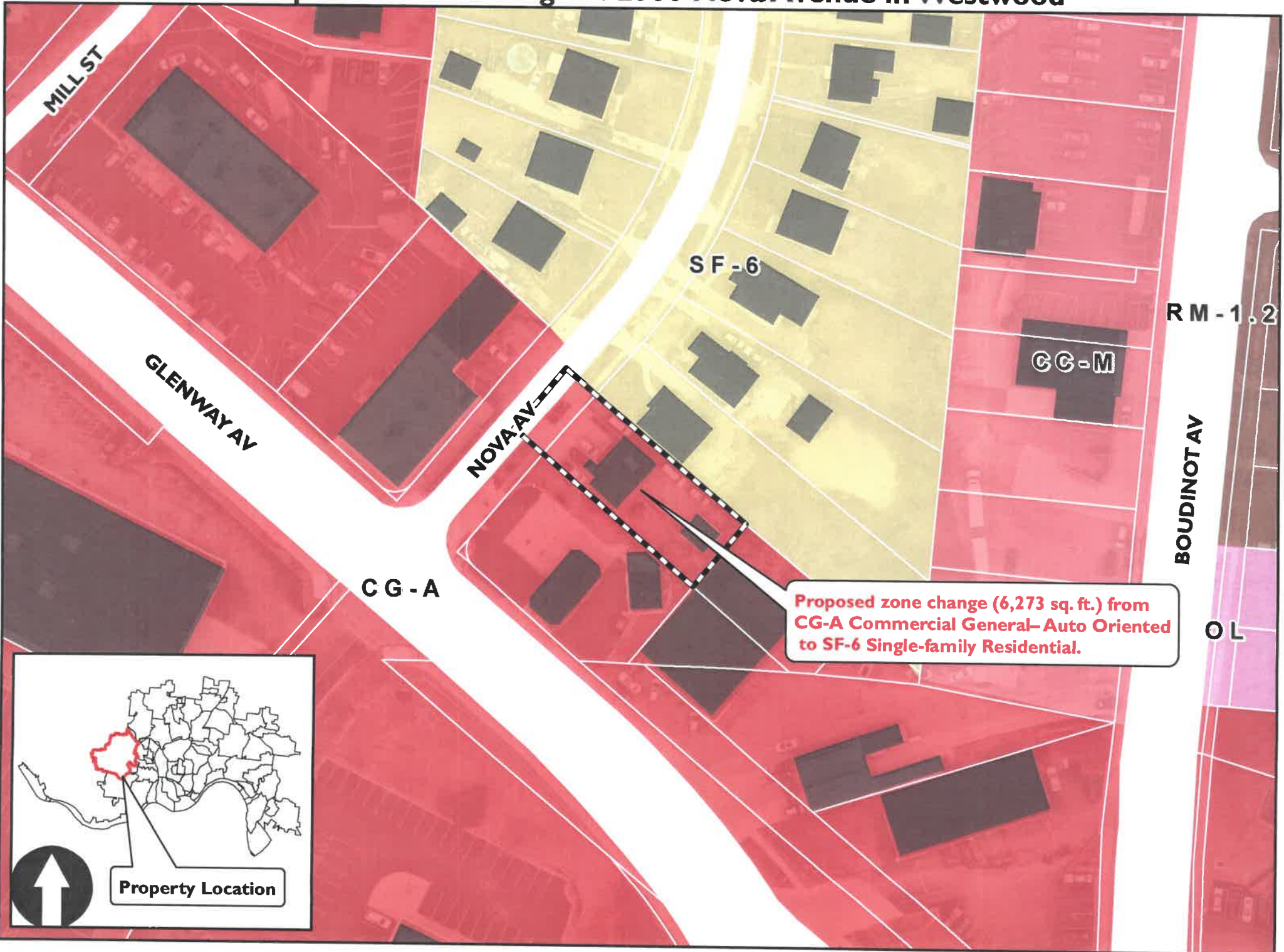
Gabrielle Couch, City Planner
Department of City Planning & Engagement

Approved:



Katherine Keough-Jurs, FAICP, Director
Department of City Planning & Engagement

Proposed Zone Change at 2380 Nova Avenue in Westwood





PETITION FOR CHANGE OF ZONING OF PROPERTY
LOCATED IN THE CITY OF CINCINNATI, OHIO

To: The Honorable Council of the City of Cincinnati

Date: 12/22/2022

I hereby request your Honorable Body to amend the Zoning Map of the City of Cincinnati by changing the area described in the attached legal documentation and depicted on the attached plat from the CG-A Zone District to the SF-6 Zone District.

Location of Property (Street Address): 2380 Nova Ave
Cincinnati OH 45238

Area Contained in Property (Excluding Streets): _____

Present Use of Property: CG-A, used as a commercial property
(hair salon)

Proposed Use of Property & Reason for Change: the property stays as-is,
it will be owner-occupied or rented out as a single-family
unit

Property Owner's Signature: 

Name Typed: John Kralik

Address: 1201 Dove St, Suite 100 Phone: (626) 354-9994
Newport Beach, CA 92660

Agent Signature: 

Name Typed: Tatiana Pasichnyk

Address: 1201 Dove St Suite 100 Phone: (213) 422-1007
Newport Beach, CA 92660

Please Check if the Following Items are Attached

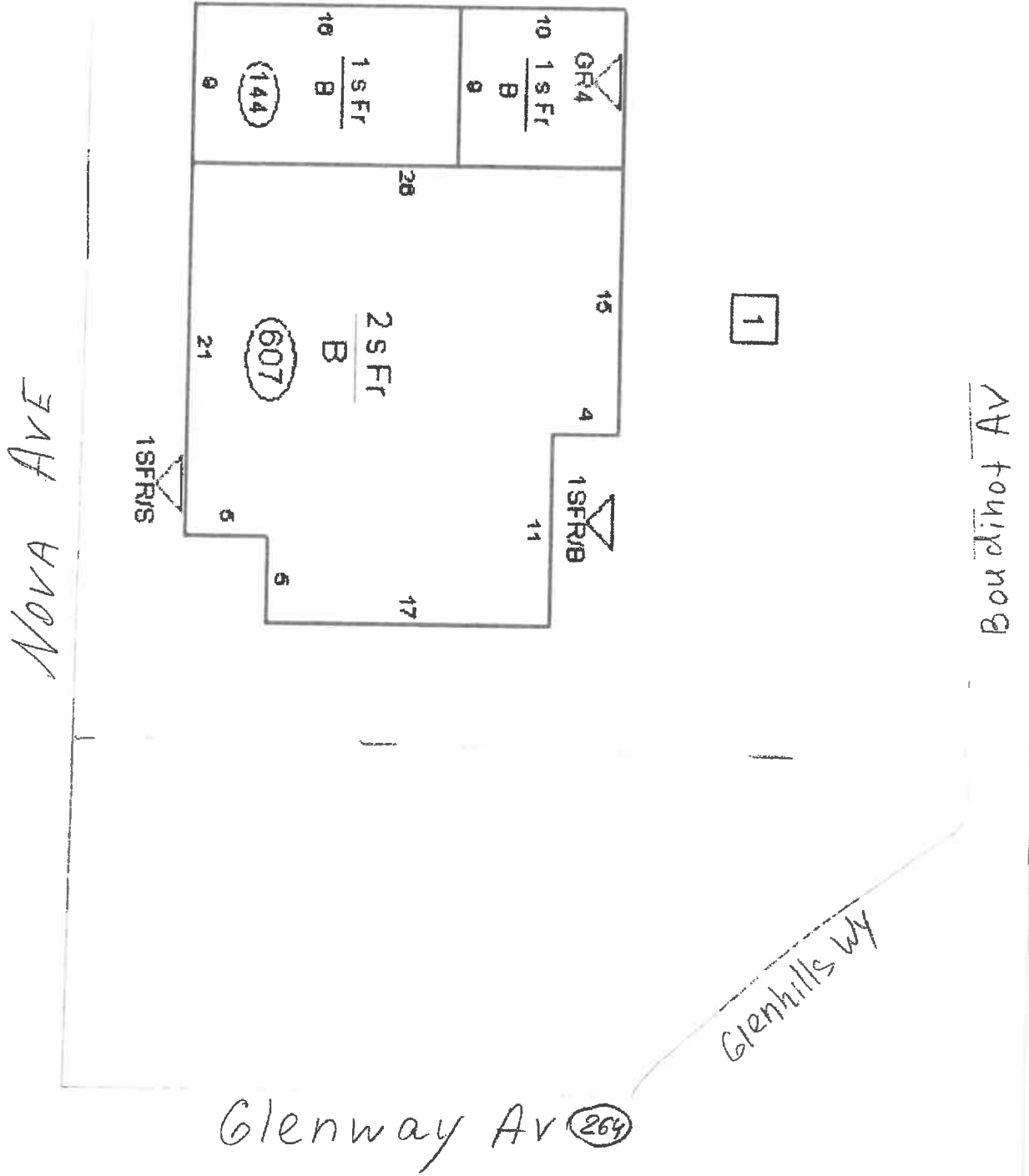
Application Fee

Copies of Plat

Copies of Metes and Bounds

Copy of Plat

Exhibit D



2380 Nova Avenue Zone Change
February 8, 2023

LEGAL DESCRIPTION

Situated in the City of Cincinnati, Hamilton County, Ohio and being more particularly described as follows:

Beginning at the intersection between the centerlines of Glenway Avenue and Nova Avenue; thence, northwardly with the centerline of Nova Avenue approximately 114-feet to the point of intersection with the northwesterly extension of the south parcel line of Parcel 140, HCAP Book 248, Page 3, **THE POINT OF THE BEGINNING**; thence southwardly along the south parcel line of said parcel to the point of intersection with the southern corner of said parcel; thence, northeastwardly along the east parcel line of said parcel to the point of intersection with the northeast corner of said parcel; thence, northwestwardly along the north parcel line and said north parcel line extended to the point of intersection with the centerline of Nova Avenue; thence, southwardly with the centerline of Nova Avenue to **THE POINT OF THE BEGINNING**.

Honorable City Planning Commission
Cincinnati, Ohio

SUBJECT: A report and recommendation on a proposed zone change from T5N.LS-O (Neighborhood Large Setback-Open) to T5N.SS-O (Neighborhood Small Setback-Open) located at 644-664 Crown Street in Walnut Hills.

GENERAL INFORMATION:

Location: 644-664 Crown Street, Cincinnati, OH 45206

Petitioner: Onyx + East
1828 N Central Avenue
Indianapolis, IN 46202

Property Owner: Investing for Good LLC – Samir Kulkarni
731 E. McMillan Street Ste. B
Cincinnati, OH 45206

EXHIBITS:

Provided in addition to this report are the following exhibits:

- Exhibit A Location Map
- Exhibit B Zone Change Application
- Exhibit C Zone Change Plat
- Exhibit D Legal Description
- Exhibit E Proposed Development
- Exhibit F Coordinated Site Review Letter
- Exhibit G Community Engagement Summary
- Exhibit H Letter of Support

BACKGROUND:

The petitioner, Onyx + East, requests a zone change located at 644 to 664 Crown Street in Walnut Hills from T5N.LS-O – Neighborhood Large Setback-Open to T5N.SS-O – Neighborhood Small Setback-Open to permit the future construction of single-family attached rowhouses on their own separate lots. Currently, the subject property consists of nine parcels that will be consolidated into a single parcel consisting of 1.45 acres to be reclassified.

The existing zoning (T5N.LS-O) does not permit any sort of rowhouses, but it does permit other residential options such as stacked flats, mid-rises and carriage houses. T5N.SS-O permits rowhouses as an allowed building type following the 1703-3.90 Standards of the Cincinnati Zoning Code – Title XVII – Land Development Code.

These properties consist of a larger development entitled “May Square” which is planned to involve a major subdivision development of 39 single-family attached rowhouses. This development plans to incorporate the properties south of Crown Street. The properties that are requesting to be rezoned would have 22 of the single-family homes constructed on them with the remaining being constructed on the southern side of Crown Street located along Dix Street and on the western side of May Street. The southern portion of the proposed development (the properties not being rezoned) is already zoned

T5N.SS-O – Neighborhood Small Setback – Open.

In 2019, the properties south of Crown Street, along Dix Street and May Street, received a zone change from T4N.SF – Neighborhood Small Footprint to the existing zoning T5N.SS-O – Neighborhood Small Setback-Open. This proposal was through a different petitioner, Paramount Redevelopment Group, which had requested the zone change to permit a multi-use development with retail on the ground floor and multi-family workforce housing on the upper floors. This project is no longer in development.

In 2020, the subject property (644-664 Crown Street, under the property owner Samir Kulkarni) also received a zone change from T4N.SF – Neighborhood Small Footprint to the existing zoning T5N.LS-O – Neighborhood Large Setback-Open to permit a four-story, multi-family residential building with 78 units and a public parking lot. This project is also no longer in development.

With this existing proposal to change the zoning, the entire development site (consisting of all properties previously mentioned north and south of Crown Street “May Square”) would all be zoned the same zoning of T5N.SS-O – Neighborhood Small Setback-Open. The open sub-zone provides the same building form but allows for a more diverse mix of uses. The applicant is intending to provide only single-family residential uses.

ADJACENT LAND USE AND ZONING:

The subject properties are currently zoned T5N.LS-O – Neighborhood Large Setback-Open as shown on the attached map (Exhibit A). The zoning and land uses surrounding the subject properties are as follows:

North:

Zoning: T4N.SF – Neighborhood Small Footprint
Existing Use: Single/Multi-family houses

East:

Zoning: T4N.SF – Neighborhood Small Footprint
Existing Use: Single/Multi-family houses and some vacant lots

South:

Zoning: T5N.SS-O – Neighborhood Small Setback-Open
Existing Use: Vacant lots that will be a part of the whole complete development, church/parking, businesses along E. McMillan Street

West:

Zoning: T4N.SF – Neighborhood Small Footprint
Existing Use: Interstate 71

PROPOSED DEVELOPMENT:

The proposed zone change will allow the planned future construction of 39 attached single-family rowhouses. These rowhouses will be 3-floors with garages in the rear, connected with private driveways. These rowhouses will have the front of the structures face May Street, Crown Street (both north and south), Dix Street (both east and west) and south of William Howard Taft. There will also be new sidewalks implemented within the development. The brick church building located at the southwestern

corner of Crown Street and May Street is outside the project scope but is planned to be saved and redeveloped.

If the zone change is approved, all new construction will have to conform to the development regulations set forth in the Cincinnati Zoning Code in the T5N.SS-O – Neighborhood Small Setback-Open zone.

COORDINATED SITE REVIEW:

The applicant submitted their proposed project for Coordinated Site Review in November of 2022. The applicant stated their desire for a zone change during this process, from T5N.LS-O – Neighborhood Large Setback-Open to T5N.SS-O – Neighborhood Small Setback-Open. This is where it was identified that rowhouses are not permitted in T5N.LS-O but are allowed in the T5N.SS-O zoning district.

Many departments had comments regarding future permits and the applicant will need to provide more detailed dimensions and items on their site plan for further zoning review and when they submit for the Major Subdivision process. The Cincinnati Fire Department identified the need to have two readily accessible fire hydrants near the project scope and the Department of Transportation and Engineering (DOT) highly recommended a Traffic Impact Study among other criteria for street adjustments and further requirements. The applicant team is aware of these recommendations and are working on addressing all of them accordingly.

PUBLIC COMMENT:

The applicant team submitted a summary of the extensive community engagement completed in advance of filing for the proposed zone change (Exhibit G). The applicant team has met with the Walnut Hills Area Council numerous times and the Council has submitted a letter of support (Exhibit H).

The Department of City Planning and Engagement held a virtual public staff conference on this proposed zone change on January 12, 2023. Notices were sent to property owners within a 400-foot radius of the subject properties, including the Walnut Hills Area Council and Walnut Hills Redevelopment Foundation. There was a total of nine (9) individuals present at the staff conference, which included three (3) members of the public in addition to City staff and multiple members from the applicant team. The members of the public supported the proposed zone change and some expressed excitement for the future development.

All property owners within a 400-foot radius of the subject properties, the Walnut Hills Area Council, and the Walnut Hills Redevelopment Foundation were also notified of the City Planning Commission meeting. No additional correspondence was received as of February 9, 2023.

CONSISTENCY WITH PLANS:

Plan Cincinnati (2012)

The proposed zone change is consistent with the Live Initiative Area of *Plan Cincinnati*, specifically the Goal to, “Create a more livable community” through the Strategy to “Support and stabilize our neighborhoods” (p. 160). This proposal is additionally consistent with the Goal to “Provide a full spectrum of housing options, and improve housing quality and affordability” (p. 164) and the Strategy to “Offer housing options of varied sizes and types for residents at all stages of life” (p. 169). This proposed development will increase the housing stock within the Walnut Hills neighborhood by adding 39 single-family rowhouses.

This proposed zone change is also consistent with the Guiding Policy Principles to “Increase our population” and to “Be aggressive and strategic in future growth and development” (p. 77). Economic development and job growth is the key to maintain a stable city and growing the Cincinnati tax base to allow for public services and future improvements.

Lastly, this request is additionally identified as part of the Guiding Geographic Principles section of *Plan Cincinnati* based on the principles to, “Focus revitalization on existing centers of activity” (p. 87), as the plan identifies this portion of Walnut Hills as a Traditional Neighborhood with a ‘Evolve Neighborhood Center Degree of Change’ (p. 91).

Walnut Hills Reinvestment Plan (2017)

This proposed request is consistent with Walnut Hill’s neighborhood plan, *Walnut Hills Reinvestment Plan (2017)*, being identified as a ‘Interstate Transition’ which focuses on scale transitions along Interstate 71 stating, “development should transition to that of the 3-story neighborhood” (p. 43). It is also mentioned in the Invest in People, Places, and Homes section a goal to “Update the zoning map to support the neighborhood and the reinvestment plan” (p. 42).

ANALYSIS:

The current zoning district, T5N.LS-O – Neighborhood Large Setback-Open, does not permit rowhouses anywhere within the district. This zone is intended to provide a variety of urban housing choices, in medium-to-large footprint, medium-to-high density building types, which reinforce the neighborhood’s walkable nature, support neighborhood-serving retail and service uses adjacent to this zone and support public transportation alternatives.

The T5N.SS-O - Neighborhood Small Setback-Open permits rowhouses, among other residential buildings. This district intends for the same ideas of the Large Setback zone, but permits a small-to-medium footprint, building at or close to the right-of-way, with small-to-zero setback requirements and a diverse mix of frontages. These differences in zoning allow the applicant team to propose buildings closer to the street on smaller lots. The applicant will need to provide further detail in the Development Plan and will need a Subdivision Improvement Plan once it gets to the Major Subdivision submittal.

This zone change will permit the planned future construction of 39 residential rowhouses and will provide additional housing options to Walnut Hills. It is consistent with the existing surrounding zoning districts and built environment. This proposal will additionally reactivate vacant property.

CONCLUSIONS:

The staff of the Department of City Planning and Engagement supports the proposed change in zoning for the following reasons:

1. The proposed zone is consistent with the existing surrounding built environment with regards to allowable uses, building scale, massing, and adjacent zoning districts.
2. It is consistent with *Walnut Hills Reinvestment Plan (2017)*.
3. It is consistent with *Plan Cincinnati (2012)* within the Live Initiative Area, specifically the goal to, “Provide a full spectrum of housing options, and improve housing quality and affordability.”

RECOMMENDATION:

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

APPROVE the proposed zone change from T5N.LS-O (Neighborhood Large Setback-Open) to T5N.SS-O (Neighborhood Small Setback-Open) located at 644-664 Crown Street in Walnut Hills.

Respectfully submitted:



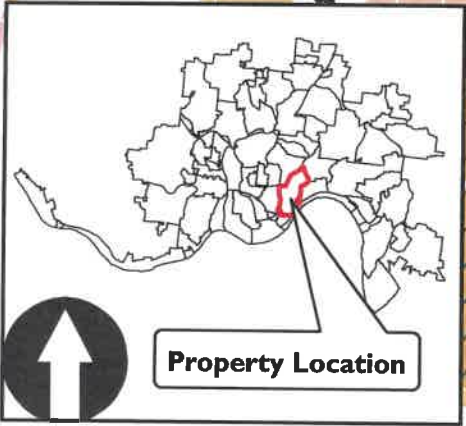
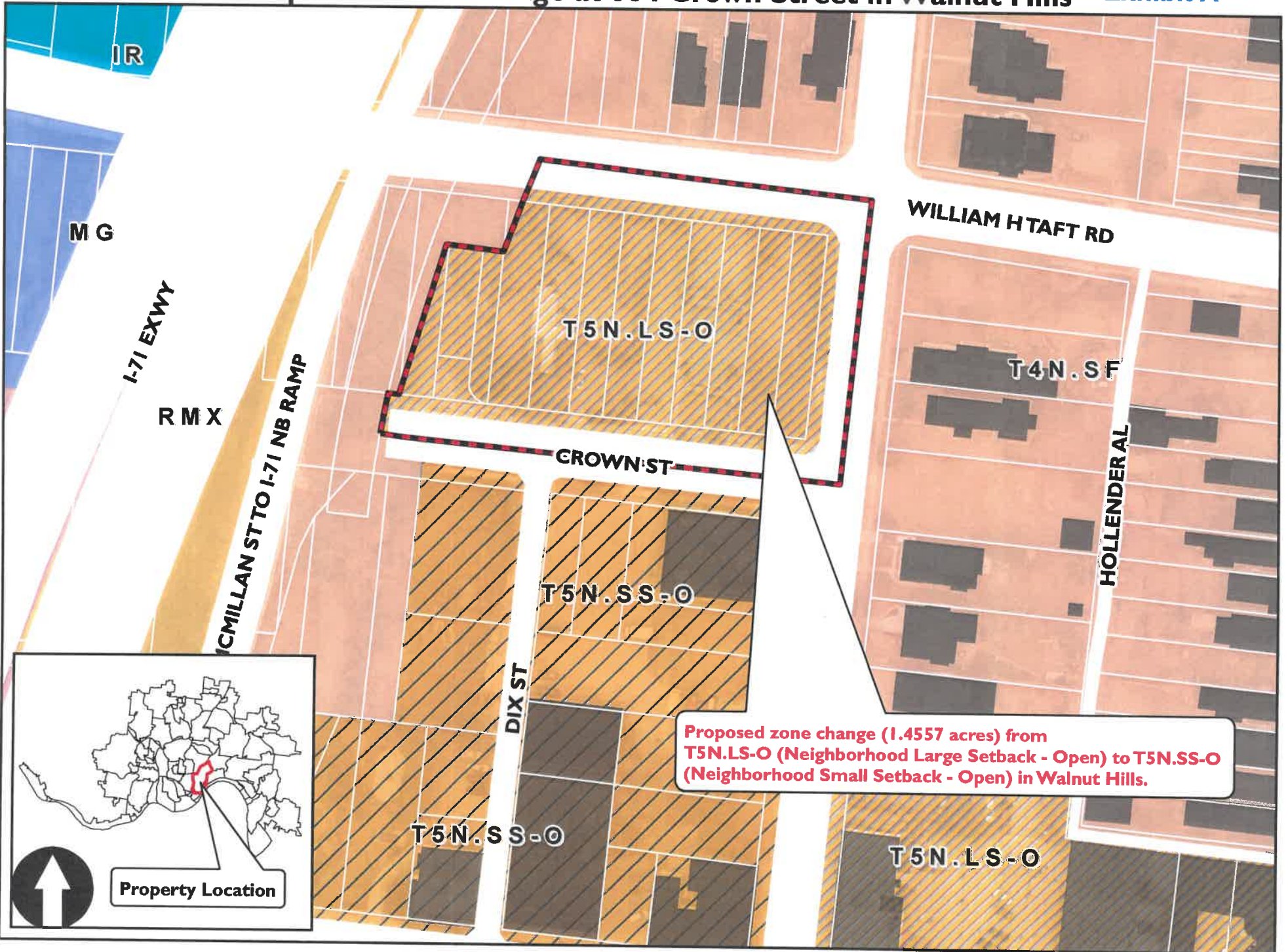
Jesse Urbancsik, Senior City Planner
Department of City Planning and Engagement

Approved:



Katherine Keough-Jurs, FAICP, Director
Department of City Planning and Engagement

Proposed Zone Change at 664 Crown Street in Walnut Hills Exhibit A



PETITION FOR CHANGE OF ZONING OF PROPERTY
LOCATED IN THE CITY OF CINCINNATI, OHIO

To: The Honorable Council of the City of Cincinnati

Date: 12/16/2022

I hereby request your Honorable Body to amend the Zoning Map of the City of Cincinnati by changing the area described in the attached legal documentation and depicted on the attached plat from the T5N.LS Zone District to the T5N.SS Zone District.

Location of Property (Street Address): 664 Crown Street, Cincinnati, Ohio 45206

Area Contained in Property (Excluding Streets): .912 acres

Present Use of Property: Vacant property

Proposed Use of Property & Reason for Change: New townhomes/rowhomes.

Zone change allows for rowhome product to be constructed on site.

Property Owner's Signature: 

Name Typed: Samir Kulkarni - Investing for Good LLC

Address: 731 E. McMillan Ste B 45206 Phone: 5132536239

Agent Signature: 

Name Typed: Bryan Scheck, Bayer Becker

Address: 1404 Race Street, Suite 204 Phone: 513-336-6600
Cincinnati, Ohio 45202

Please Check if the Following Items are Attached

Application Fee X

Copies of Plat X

Copies of Metes and Bounds X

LEGAL DESCRIPTION

1.4557 ACRE

Situated in Section 8, Town 3, Fractional Range 2, Miami Purchase, City of Cincinnati, being all of lots 1-9 and part of lots 10-12 of Arnd Kattenhorn's Subdivision as recorded in P.B. 3, Pg. 313 and all of the tracts of land conveyed by deed to 648 Crown Street LLC in O.R. 13251 Pg. 372, O.R. 13189 Pg. 384, 656 Crown Street, LLC in O.R. 13247 Pg. 679, 658 Crown Street LLC in O.R. 13189 Pg. 304 and 664 Crown Street, LLC in O.R. 13378 Pg. 259 the boundary of which being more particularly described as follows:

BEGINNING at the centerline intersection of William H. Taft and May Street;

Thence along the centerline of May Street, South 05°52'16" West a distance of 210.51 feet to the centerline of Crown Street;

Thence along the centerline of Crown Street North 83°56'07" West a distance of 336.90 feet to the east right of way line of Interstate 75:

Thence along said right of way the following five (5) courses:

1. North 05°57'26" East a distance of 30.00 feet;
2. South 83°56'07" East a distance of 6.54 feet;
3. North 17°25'36" East a distance of 114.76 feet;
4. South 83°56'10" East a distance of 42.00 feet;
5. North 20°37'19" East a distance of 70.26 feet to the centerline of William H. Taft;

Thence along said centerline, South 83°56'07" East a distance of 247.44 feet to the POINT OF BEGINNING;

Said parcel contains 1.4557 acres, more or less.

The bearings of this description are based on State Plane Coordinates, Ohio South Zone, NAD 83.

This legal description was based on a field survey under the direction of Daniel K. York, Ohio Professional Surveyor Number S-8729 in December of 2018.



November 4, 2022

Mr. Josh Hughes
 Onyx+East
 2505 May Street
 Cincinnati, Ohio 45206

Re: 664 Crown Street | May Square (D) – (CPRE220064) Final Recommendations

Dear Mr. Hughes,

This letter is to inform you that our CSR Advisory-TEAM and CSPRO Committee has reviewed your proposed project **664 Crown Street** in the Community of Walnut Hills. It is my understanding that you are proposing to construct a 40-townhome development project with one or two car garages for each unit, located on two private drives off of Crown Street. The information provided is the recommendations of the City of Cincinnati and must be followed as you move forward with your project. As a reminder, we will have a **WebEx conference call meeting** with you on **November 8, 2022 @ 2:30 pm** to discuss this information. Please see the feedback listed below. Thank you for developing within the City of Cincinnati.

City Planning and Engagement – Planning Division

Immediate Requirements to move the project forward:

- 1. Staff highly recommends that this property is rezoned into a Planned Development (PD).****
- 2. The PD consists of:**
 - **Application and plans need to be submitted (including fee)**
 - **Staff Conference (3-4 week process)**
 - **City Planning Commission (4-6 weeks)**
 - **Equitable Growth & Housing Committee/City Council (4-14 weeks)**
 - **Final Development Plan (unless submitted concurrently) (2-6 weeks)**
- 3. The project as it is would be a major subdivision. The proposed subdivision of land is considered a Major Subdivision per Section 200-01-S6 of the Subdivision Regulations:**
 - a. The opening, widening, extension or improvement of a street;**
 - b. The installation, extension, or modification of a public utility service line, excluding tap connections to existing utility service lines;**
 - c. A request involving a parcel of land that the owner or applicant intends to further subdivide and the planned subdivision together will result in four or more lots;**
 - **200-01-S6(d) A request that seeks a variance or other relief from the City's subdivision regulations or the Cincinnati Zoning Code**
- 4. More information about the major subdivision process and regulations may be found here:**
<https://www.cincinnati-oh.gov/planning/subdivisions-and-lot-splits/>

Requirements to obtain permits:

1. Approval by the City Planning Commission must be obtained for the Development Plan and Subdivision Improvement Plan.
2. Once infrastructure improvements have been made and approved by the appropriate City Department(s), the Final Plat must be submitted for consideration by the City Planning Commission.
3. The dedication of Public right-of-way requires City Planning Commission approval and acceptance by City Council (per Law's notes).
4. Final Plat must be recorded prior to the application of permits for each lot.

Recommendations:

1. It is highly recommended to reach out and share these plans to the adjacent property owners and the Walnut Hills Area Council.
2. Walnut Hills Reinvestment Plan (2017) <https://www.cincinnati-oh.gov/sites/planning/assets/File/Walnut%20Hills%20Reinvestment%20Plan%20Final.pdf>
3. Walnut Hills Urban Renewal Plan - McMillian Street NDB (1997) https://www.cincinnati-oh.gov/sites/planning/assets/File/Walnut%20Hills%20URP%20McMillan%20St_%20NBD%201997.pdf

Contact:

- **Jesse Urbancsik** | City Planning | 513-352-4843 | jesse.urbancsik@cincinnati-oh.gov

City Planning and Engagement – Zoning Division

Immediate Requirements to move the project forward:

1. Planned Development/Zone Change. The proposed development north of Crown Street is located in a T5N.LS-O Form-Based Code zoning transect. Per Sec. 1703-2.90(C), rowhouses are not an allowed building type in the T5N.LS-O transect. Therefore, you must obtain a Planned Development or a Zone Change to develop rowhouses north of Crown Street.
2. Lot Size. Per Sec. 1703-2.100(C), rowhouses are an allowed building type in the T5N.SS-O transect south of Crown Street. However, the minimum lot depth for rowhouses in any FBC transect is 80 feet. Please provide more detailed dimensions on the Site Plan for further Zoning review. It appears that the proposed development would require numerous Dimensional Variances.
3. Elevations. Provide dimensions on elevation drawings. There are no renderings of the Soho and Hosford models.
4. Street Width. You have depicted Dix Street with a width of 21 feet, but it is currently 20 feet in width. Indicate if you are planning to widen the street to have frontage for some of the lots.
5. Parking. For the models with only a one car garage, indicate total square footage of the dwelling. As to the proposed parking lot, per Sec. 1703-2.100(I), parking facilities require a Use Permit (Conditional Use approval). Per Sec. 1703-2.100(F), parking spaces require a minimum 40 feet front yard setback, so a Dimensional Variance will be required. Provide

dimensions for parking spaces, driveway width. Provide details as to screening and landscaping.

6. Easements. Easements would be needed for private drives crossing over parcels and maintenance of these drives should be addressed in HOA documents.

Requirements to obtain permits:

1. Final recorded Subdivision Plat, Site Plans and dimensioned Elevation Drawings.

Recommendations:

1. Discuss the development further with Zoning and Planning Staff.

Contact:

- **Tre Sheldon** | ZPE | 513-352-2422 | henry.sheldon@cincinnati-oh.gov

Metropolitan Sewer District (MSD)

Immediate Requirements to move the project forward:

- None

Requirements to obtain permits:

1. A PTI from the OEPA will be required for sewer extension. Please contact Jeff Chen at jeff.chen@cincinnati-oh.gov or 513-244-1357 for assistance.
2. Detention will be reviewed by Jeff Chen at jeff.chen@cincinnati-oh.gov or 513-244-1357 per Section 303 of the MSD Rules and Regulations. For additional site storm water requirements within the City of Cincinnati, contact the Stormwater Management Utility (SMU) at 513.591.5050.
3. An approved site utility plan will be required for each residence to receive approved permit.

Recommendations

- None

Contact:

- **Jim Wood** | MSD | 513-352-4311 | jim.wood@cincinnati-oh.gov

Stormwater Management Utility (SMU)

Immediate Requirements to move the project forward:

- None

Requirements to obtain permits:

1. Detention
 - o Detention is required, refer to MSD calculations for design.
 - o Submit following documents - detention calculations, drainage map, detailed drawing of Detention Control structure with elevations, detentions shop drawings (manufacturer drawing), major storm calculations / flood routing
2. Storm Requirements
 - o Calculations for storm water conveyance system.
3. Utility Plan
 - o Label all pipes materials
 - o In the public R/W, pipes to be DIP or RCP
 - o Show Top & Invert elevations for all Appurtenances
 - o Show slopes for all pipes
4. Easement requirements: if a pipe crosses a private property line, developer must submit separately a "recorded private drainage easement"

5. Curb cuts: driveway aprons at min. 5' away from SMU inlets
6. Cannot tie into curb inlets
7. Grading Plan
 - o Grading must show existing and proposed contours
 - o Impervious surfaces are NOT permitted to drain towards adjacent properties.
 - o Contours changes are NOT allowed to push more runoff towards adjacent properties (as compared to pre-development conditions).
 - o Impervious surfaces allowed to drain towards public R/W with limit of 800sf per project. Exemptions granted on case-by-case basis (if SMU inlets can collect runoff).
8. Erosion & Sediment Control Plan is required.
 - o Refer to link: <https://cincinnati-oh.gov/stormwater/construction-and-design/standards/sediment-and-erosion-control/>
9. SMU Standards Plans Notes is required.
 - o Refer to link: <https://www.cincinnati-oh.gov/stormwater/construction-and-design/standards/smu-standard-plan-notes-april-2022/>
10. As-Built survey is required. SMU will require an As-Built survey at the end of construction. The survey should include the following information:
 - o State Plane Coordinates (N,E) for all MH's and Catch Basins
 - o Inverts and Top elevations for all MHs and Catch Basins
 - o Slopes, sizes, and materials for all storm lines.

Recommendation:

- None

Contact:

- **Kevin Gold** | SMU | 513-222-3643 | kevin.gold@gcww.cincinnati-oh.gov

Water Works

Immediate Requirements to move the project forward:

1. Owner/developer will need to submit for a Greater Cincinnati Water Works Preliminary Application for water main extension in Dix Street. Cincinnati Water Works (GCWW) Contact Phil Young at 513-591-6567 or Phillip.Young@gcww.cincinnati-oh.gov .
 - a. The proposed water main alignment, including fire hydrant location and tap locations, is not approved at this conceptual review and will be approved during the GCWW Preliminary Application and Design Plan approval process. Developer will be required to provide an easement for the fire hydrant.
2. It is advised that GCWW has a construction project that has started to replace the 6" water mains in Crown Street and May Street with an 8" main, replace 8" water main in William Howard Taft Road and replace the transmission main in Crown Street.

Requirements to obtain permits:

1. Before any building permits are approved, the owner/developer will be required to meet all conditions of the approved preliminary application. This generally includes the completion of approved plans, all submittals including environmental report, easement plat, contractor bond and letter of intent.
2. Greater Cincinnati Water Works (GCWW) will need a stamped and recorded consolidated/split plat before any building permits will be approved.
3. The subject development property is receiving water service from the 6" public water main in Crown Street and the 6" public water main in May Street.

| Address | Branch # | Size | Meter # | Size |
|---------------|----------|------|---------|---------------------------------------|
| 643 Crown St. | H-238490 | 3/4" | 238490 | 5/8" |
| 650 Crown St. | H-21352 | 5/8" | 056516 | 5/8" Lead on public and private side* |
| 656 Crown St. | H-21524 | 5/8" | 045675 | 5/8" Lead on public and private side* |
| 658 Crown St. | H-233954 | 1.5" | 233954 | 1.5" |
| 664 Crown St. | H-25307 | 5/8" | 056646 | 3/4" Lead on public and private side* |
| 2517 Dix St. | H-224895 | 3/4" | 224895 | 5/8" |
| 2521 May St. | H-66640 | 5/8" | 020434 | 5/8" Lead on public and private side* |
| 648 Crown St. | H-21353 | 3/4" | - FOD | |
| 652 Crown St. | H-29082 | 3/4" | - FOD | |
| 654 Crown St. | H-92404 | 5/8" | - FOD | |
| 2513 May St. | H-26866 | 5/8" | - FOD | |
| 2517 May St. | H-280702 | 5/8" | - FOD | |
| 2507 May St. | H-31851 | 3/4" | - FOD | |
| 2509 May St. | H-31852 | 5/8" | - FOD | |
| 2519 May St. | H-39829 | 5/8" | - FOD | |

*Please note that there are known health risks with lead service lines. Greater Cincinnati Water Works records indicate the existing water service lines (H-21352, H-21524, H-25307 and H-66640) at this site are Lead Service lines. In accordance with CMC Chapter 401 Division M, should be replaced with copper service line if it is to remain.

4. Any new/existing water service branch(es) that will cross parcel lines will need a water service branch easement.
5. If the existing water service branch for this project is not to be used for this development, it must be properly disconnected at the owner's / developer's expense. Owner would be required to fill out the online Discontinuance Form (FOD) at <https://www.cincinnati-oh.gov/water/engineering-construction/forms-specifications/fod/> authorizing removal of any existing water service branch before any new water service can be sold.
6. Abandoned branches will require a drawing showing which branches are to be physically removed from the main. Each branch will need to show the branch number. Submit to Phil Young at Phillip.Young@gcww.cincinnati-oh.gov

Recommendations:

1. Water Availability Letter is forthcoming.
2. Missing water service branch for unit 16.
3. The Owner(s)/Developer(s) will need to hire a Greater Cincinnati Water Works certified licensed and bonded plumber and fire protection company to perform the private water service branch design work and installation.
4. The Owner(s)/Developer(s) must have a licensed plumber that is bonded and certified with GCWW and fire protection company to fill out the Online Branch application <https://www.cincinnati-oh.gov/water/engineering-construction/forms-specifications/> for water service.
5. Contact me for general questions and Phil Young, for Water main extension questions at 513-591-6567, or by email at Phillip.Young@gcww.cincinnati-oh.gov

Contact:

- Rick Roell | WaterWorks | 513-591-7858 | richard.roell@gcww.cincinnati-oh.gov

Fire Department

Immediate Requirements to move the project forward:

1. Provide a site plan confirming that there are at least 2 readily accessible fire hydrants within 400 feet from all parts of each structure.
2. The minimum fire flow requirements are 1800 gallons/per/minute (GPM) @ 20 pressure/per/square inch (psi) (138Kpa)

Requirements to obtain Permits:

1. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet.
2. Dead-end fire apparatus access roads in excess of 150' in length shall be provided with an approved area for turning around fire apparatus.
3. Access Streets, Roadways or Driveways. (b) The surface shall be of sufficient strength and type to adequately support any fire division apparatus under any weather conditions.
4. The weight of our apparatus is as follow:

| Apparatus | Width | Length | Height | Weight | Front axle | Rear axle | Turn radius inside/outside |
|-----------|-------|--------|--------|--------|------------|-----------|----------------------------|
| Ladder | 10' | 41'10" | 11' 9" | 70,000 | 21,600 | 48,000 | 35.45/39.25 |
| Engine | 10' | 31'6" | 9'5" | 44,000 | 20,000 | 24,000 | 34'6"/41'6" |
| Ambulance | 9' 4" | 22'2" | 9' 2" | 18,500 | | | 34'/41' |

Recommendations:

- None

Contact:

- Gregory Phelia Jr. | Fire Dept. | 513-357-7598 | gregory.pheliar@cincinnati-oh.gov

Office of Environment and Sustainability (OES)

Immediate Requirements to move forward with project:

- None

Requirements to obtain permits:

1. Commercial waste, including construction and demolition debris, generated during this development project must utilize a City franchised commercial waste collection service per Cincinnati Municipal Code Chapter 730. Additional information can be found at <https://www.cincinnati-oh.gov/oes/commercial-waste-hauler-program/>.
2. If offsite sourced fill is to be placed onsite, then it must receive OES environmental approval when it exceeds 500 cubic yards as per City Municipal Code Chapters 1101 and 1031.
3. This project may need to include a new City permanent public utility easement. The City's acquisition of the easement must receive environmental approval from OES.

Recommendations:

1. The following recommendations are based on adopted City of Cincinnati environmental and sustainability policies:
 - a. The development goal should be to earn at a minimum the LEED Certified rating level.

- b. Rooftop solar should be considered in the design as a renewable energy source.
- c. Site parking should be wired for electric vehicle charging.
- d. Site areas designated for trash carts should also have at least equal space designated for recycling carts.
- e. The use of trees in the landscape design should be included to enhance urban forestry.
- f. The use of pervious surfaces should be maximized to the extent practical in the design.

Contact:

- **Amanda Testerman** | OES | 513-352-5310 | amanda.testerman@cincinnati-oh.gov

Parks Department (Urban Forestry)

Immediate Requirements to move the project forward:

- None

Requirements to obtain permits:

1. If working within 15 foot of street tree, contact Urban Forestry (Jacob Edwards) to obtain public street tree permit.
2. If any tree needs to get removed due to construction then compensation must occur prior to removal.

Recommendations:

1. If they would like to add any street trees or replacements, contact Urban Forestry (Jacob Edwards) to discuss layout of cut-outs and plantings.

Contact:

- **Jacob Edwards** | Urban Forestry | 513-861-9070 | jacob.edwards@cincinnati-oh.gov

Department of Transportation & Engineering (DOTE)

Immediate Requirements to move the project forward:

- None

Requirements to obtain permits:

1. While DOTE is not requiring a Traffic Impact Study, such study may become required contingent upon community review and request.
2. Submit a Trip Generation and Trip Distribution Study to DOTE for review and approval.
3. May Street:
 - a. Remove existing abandoned curb cuts and driveway aprons.
 - b. Design and construct new 10'-0" wide minimum sidewalk from face of curb to back of walk, including a DOTE standard concrete curbing Type-P5, tree lawn, and a 5'-0" wide concrete walk.
 - c. Provide a DOTE standard cross slope of 2% through all sidewalks.
 - d. Design and construct a new DOTE standard commercial driveway apron at the May Street entrance to the shared surface parking lot. The 2-way traffic entrance / exit to the parking lot shall be 20'-0" wide, (minimum), 24'-0" wide, (preferred).
4. Crown Street:
 - a. Remove existing abandoned curb cuts and driveway aprons.
 - b. Curb bump-ins for on-street parking are not permitted.

- c. Curb bump-outs designed and constructed in compliance with DOTE standards may be installed at both the intersection of Crown and May and Crown and Dix, including the following:
 - Provide 20'-0" curb radius at corner.
 - Provide 20'-0" minimum width from face of curb to face of curb.
 - Construct full width concrete walk within the radius.
 - Design and construct new curb ramps with detectable warnings in compliance with DOTE standards.
 - Ensure proper stormwater drainage flow around each new bump-out through the provision of acceptable gutter grading in compliance with DOTE and MSD standards or through the provision of new stormwater drainage facilities in compliance with DOTE and MSD standards.
 - d. Design and construct new 10'-0" minimum sidewalk along both sides of Crown Street from face of curb to back of walk, including a DOTE standard concrete curbing Type-P5, tree lawns, 5'-0" wide concrete walks, and DOTE standard driveway aprons.
 - e. Provide a DOTE standard cross slope of 2% through all sidewalks.
 - f. Design and construct a turnaround at the western terminus of Crown in compliance with DOTE standards located within the existing public right-of-way and on the adjacent State of Ohio property.
 - g. Provide a 5'-0" wide concrete walk completely around the perimeter of the turnaround.
5. Dix Street:
- a. To provide for pedestrian safety, provide a sidewalk along both sides of Dix Street from the southern terminus of the new housing development to the intersection with Crown Street, in compliance with one of the 2-following options:
 - A 10'-0" minimum sidewalk from face of curb to back of walk is preferred, including a DOTE standard concrete curb Type-P5, tree lawn, and a 5'-0" wide concrete walk.
 - An 8'-0" wide sidewalk from face of curb to back of walk is acceptable, including a DOTE standard concrete curb Type-P5, and a full width concrete walk.
 - b. Planning options for the new Dix Street sidewalks include the following:
 - Modify private property parcels abutting Dix Street as needed to donate and dedicate land for use as public right-of-way with a width as required to accommodate the construction of the new sidewalk.
 - Record a public access easement along each private property parcel abutting Dix Street with a width as required to accommodate the construction of the new sidewalk.
 - c. Provide a DOTE standard cross slope of 2% through all sidewalks.
 - d. The garage entrances to the units along the west side of Dix Street must be located either 20'-0" back from the back of walk or located immediately at the back of walk to prevent vehicles from parking over the sidewalk and/or into the street.
6. Shared Private Streets:
- a. Private Streets are required to be 21'-0" wide, (minimum), from face of curb to face of curb.

- b. Private Streets shall be designed and constructed in compliance with DOTE public street standards.
 - c. Design and construct new DOTE standard driveway aprons instead of a street opening cuts at the entrance to each private street. The driveway apron flares shall not pass the property line shared by the adjacent property owner.
 - d. Please note the following:
 - The property owner and project design professionals are responsible for compliance with all federal ADA pedestrian building access requirements.
 - These design exceptions may preclude the City from accepting or approving any future application for converting the new private street property to public right-of-way and the new private street to a public street.
7. Shared Private Driveways:
 - a. Shared private driveways located on private property shall be designed and constructed in compliance with building code requirements.
 - b. Shared private driveways accommodating 2-way traffic are recommended to be 20'-0" wide, (minimum), from edge to edge
 - c. Design and construct new DOTE standard driveway aprons instead of a street opening cuts at the entrance to each private driveway. The driveway apron flares shall not pass the property line shared by the adjacent property owner.
 8. Shared private sidewalks located on private property shall be designed and constructed in compliance with building code requirements.
 9. Private, individual unit driveway flares shall not encroach beyond property lines.
 10. Consult with Urban Forest Mgmt. staff regarding the location and type of street trees. Note that tree locations may be impacted by compliance with right-of-way sight line requirements.
 11. Any new retaining walls, including footings shall be located on private property.
 12. All work in the public right-of-way will require a separate DOTE permit. Prepare dimensioned plans, including all surface items, and all aboveground and underground utility facilities in compliance with DOTE standards as required for permit approval.
 13. Before submitting permit applications, contact DTEaddress@cincinnati-oh.gov to have addresses assigned for each home. Once the homes are constructed, each address number must be posted and visible from the street.

Recommendations:

1. DOTE recommends that standard 10' wide, (preferred), or 8' wide, (acceptable), DOTE sidewalks be designed and constructed along each side of each new private street in compliance with DOTE standards. However, DOTE is not requiring this as the new private streets are located on private property and are not located within the public right-of-way.
2. DOTE recommends that separate driveways be designed and constructed as continuous driveway aprons are not recommended and not allowed along public streets or in the public right-of-way. However, DOTE is not requiring this as the new private streets are located on private property and are not located within the public right-of-way.

Contact:

- **Morgan Kolks** | DOTE | 513-335-7322 | morgan.kolks@cincinnati-oh.gov

Buildings & Inspections – Buildings

Immediate Requirements to move the project forward:

- None

Requirements to obtain permits:

1. Emergency egress is required from bedrooms.
2. Exterior walls at a zero-property line must be rated for 1-hour with exposure from both sides.
3. No portion of a building may extend beyond a property line.

Recommendations:

- None

Contact:

- **Robert Martin** | B&I Plans Exam | 513-352-2456 | robert.martin@cincinnati-oh.gov

Law Department

Immediate Requirements to move the project forward:

- None

Requirements to obtain permits:

1. If permitted by DOTE, private infrastructure in the public right-of-way will require an easement.
2. An easement requires the following:
 - A coordinated report
 - appraisalCity Planning Commission approval
City Council approval.

Recommendations:

- None

Contact:

- **Charles Martinez** | Law | 513-352-3359 | charles.martinez@cincinnati-oh.gov

Department of Community & Economic Development (DCED)

Immediate Requirements to move the project forward:

- None

Requirements to obtain permits:

- None

Recommendations:

1. Applicant can apply for a Commercial CRA Tax Abatement prior to the start of construction: <https://choosecincy.com/wp-content/uploads/2022/08/Commercial-CRA-Application-6.22.docx.pdf>. Should you have any questions, please contact Derek McCain at derek.mccain@cincinnati-oh.gov or 513-352-1968.

Contact:

- **Roy Hackworth** | DCED | 513-352-4648 | roy.hackworth@cincinnati-oh.gov

Health Department

Immediate Requirements to move the project forward:

- None

Requirements to obtain permits:

1. No need for Health to review project as proposed.

Recommendations:

- None

Contact:

- **Trisha Blake** | Health Dept. | 513-352-2447 | trisha.blake@cincinnati-oh.gov

Police Department

Immediate Requirements to move the project forward:

- None currently.

Requirements to obtain permits:

- No comments.

Recommendations:

- None

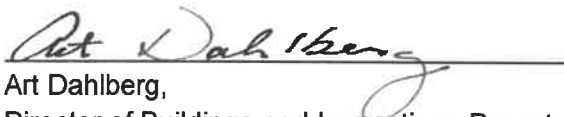
Contact:

- **Katalin Howard** | Police Dept. | 513-352-3298 | katalin.howard@cincinnati-oh.gov
- **Brandon Kyle** | Police Dept. | 513-564-1870 | brandon.kyle@cincinnati-oh.gov

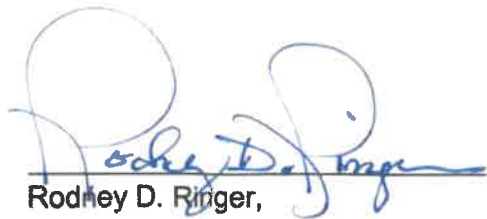
FINAL ACTION: The CSR Advisory-TEAM and CSPRO Committee believes that the proposed project plans are moving in the appropriate direction and recommends that the project move forward to City Planning Commission subject to the following condition.

- **The subject development must follow the requirements listed above to ensure that the development meets the requirements of all agencies as they apply for all permits.**

Sincerely,



Art Dahlberg,
Director of Buildings and Inspections Department
& CSPRO Committee Chair



Rodney D. Ringer,
Development Manager

AD:RDR:hs



MAY SQUARE
Community Engagement Calendar
As of 12/17/22

| Walnut Hills Area Council | |
|----------------------------------|--|
| 7/28/22 | Introductory meeting with Walnut Hills Area Council Working Group |
| 8/11/22 | Formal project introduction to Walnut Hills Area Council – Full Body |
| 9/1/22 | Walnut Hills Planning & Economic Development Committee |
| 10/13/22 | Walnut Hills Area Council – vote to support rezoning |

¹ At their October 13, 2022, meeting, the Walnut Hills Area Council voted in favor of Onyx+East’s proposed rezoning to T5N.SS

² Onyx+East will request a letter of support from the Walnut Hills Area Council for required variances prior to filing for Major Subdivision.



area
council

2640 Kemper Lane
Cincinnati, Ohio 45206

www.wearewalnuthills.org

Jesse Urbancsik, Senior City Planner
City of Cincinnati
805 Central Ave, Suite 720
Cincinnati, OH 45202

RE:
Onyx + East
644 – 664 Crown Street
Application for Zone Change

Delightful Day:

On behalf of the Walnut Hills Area Council please accept this letter in support of Onyx + East's proposed rezoning of 644 – 664 Crown Street, part of the May Square project, from T5 Neighborhood Large Setback (T5N.LS) to T5 Neighborhood Small Setback (T5N.SS).

Joshua Hughes and Jake Dietrich introduced the proposed rezoning: at a Walnut Hills Working Group meeting, then presented the proposed rezoning at a WHAC general meeting, and the Planning & Economic Development meeting that led to a Walnut Hills Area Council vote on October 13, 2022, during our full body meeting via Zoom call. The motion was worded as follows: *"A motion to support Onyx + East's efforts to rezone the property north of Crown Street to the T5N.SS zoning district"*

The vote resulted in:

- 7 in favor
- 0 against
- 1 abstain

Therefore, the motion for the letter in support of rezoning passed.

The Walnut Hills community looks forward to working closely with Onyx + East and the City of Cincinnati to support this development.

If we can be of any further assistance, please do not hesitate to reach out.

Share your joy,

A handwritten signature in black ink, appearing to read "K. Gardette".

Kathryne Gardette
President, Walnut Hills Area Council