CALL TO ORDER

PLEDGE OF ALLEGIANCE

Election of Chair and Vice Chair

MINUTES
Consider the minutes of December 2, 2016 (page 3) and December 16, 2016.

CONSENT ITEMS – LEGISLATIVE

ITEM 1
A report and recommendation on a lease of a portion of Ibsen Avenue between Marburg Avenue and Ridge Avenue to the Southwest Ohio Regional Transit Authority (SORTA) for the Oakley Transit Hub in Oakley. (Weaver) (page 15)

ITEM 2
A report and recommendation on the sale of the Whex Parking Garage at 212 W. 4th Street and the granting of a permanent easement over the 5th Street ramp in CBD. (Kerby) (page 18)

ITEM 3
A report and recommendation for the vacation of Whatley Street and Boston Street within the MetroWest Commerce Park in Lower Price Hill. (Peppers) (page 21)

ITEM 4
A report and recommendation on the sale of City-owned property located at 112 West 15th Street in Over-the-Rhine to Condominium Holdings, LLC. (Bihl) (page 25)

ITEM 5
A report and recommendation on the sale of the southern portion of Race Street in The Banks Development to Hamilton County as well as the dedication of right-of-way after the acquisition of four abutting property slivers in the Central Business District. (Bihl) (page 28)
ITEM 6  A report and recommendation on the sale of City-owned property at 1630 Pleasant Street to Over-the-Rhine Community Housing in Over-the-Rhine. (Urbanski) (page 32)

ITEM 7  A report and recommendation on the sale of City-owned property located at 939 E. McMillan Street to The Model Group to construct the Scholar House in Walnut Hills. (Urbanski) (page 36)

CONSENT ITEM - QUASI-JUDICIAL

Governed by Section 5 F.[G.] of the City Planning Commission Rules
http://tinyurl.com/CPCprocedures

ITEM 8  A report and recommendation on a proposed new construction and change in use for a food market at 2801 Price Avenue within Interim Development Control Overlay District No. 80, Incline District Investment Area in East Price Hill. (Weaver) (page 40)

OTHER BUSINESS

2017 Zoning Board of Appeals Calendar (page 52)

DIRECTOR’S REPORT

ADJOURN
PROCEEDINGS OF THE CITY PLANNING COMMISSION

December 2, 2016

Regular Meeting

A regular meeting of the City Planning Commission was held this day at 9 A.M. in the J. Martin Griesel Room of Two Centennial Plaza with the following members present: Chair Daniel Driehaus, Vice Chair John Schneider, Mr. Byron Stallworth, City Manager Harry Black, Ronald Koetters, Dr. Rainer vom Hofe, Councilmember Amy Murray, and Art Dahlberg (designee of City Manager).

Also in attendance were Mr. Marion Haynes, legal counsel, and Department of City Planning staff: Mr. Charles Graves, Ms. Rachel Culley, Mr. Jared Ellis, Mr. James Weaver, Ms. Stacey Hoffman, Mr. Steve Briggs, and Ms. Bonnie Holman.

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

The Commission approved the last prior meeting’s minutes (November 18, 2016).
Mr. Black made the motion, which Mr. vom Hofe seconded.
Aye: Mr. Black, Mr. Koetters, Mr. vom Hofe, Ms. Murray, Mr. Stallworth, Mr. Schneider, and Mr. Driehaus.

Mr. Driehaus stated that there were speaker cards for Item 3 and entertained a motion to move the item to the Quasi-Judicial Discussion Agenda.

The Commission approved moving Item 3 to the Quasi-Judicial Discussion Agenda.
Mr. Schneider made the motion, which Mr. Black seconded.
Aye: Mr. Black, Mr. Koetters, Mr. vom Hofe, Ms. Murray, Mr. Stallworth, Mr. Schneider, and Mr. Driehaus.

Consent Agenda - Legislative

Item 1 was a report and recommendation for a proposed easement above Magnolia Street for a second floor balcony on the property at 1421-1423 Elm Street in Over-the-Rhine. Department of City Planning staff recommended approval.

Item 2 was a report and recommendation on the sale of three small City-owned pieces of public rights-of-way located at Central Parkway, East Court Street, and Broadway in the overlap area.
between the Central Business District and Pendleton. Department of City Planning staff recommended approval.

The Commission adopted staff’s recommendations for the Legislative Consent Agenda.

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

Aye: Mr. Black, Mr. Koetters, Mr. vom Hofe, Ms. Murray, Mr. Stallworth, Mr. Schneider, and Mr. Driehaus.

Consent Agenda – Quasi-Judicial

Item 4 was a report and recommendation on a Record Plat for Grandin View Subdivision in Hyde Park. Department of City Planning staff recommended approval.

Item 5 was a report and recommendation on a variance to the Subdivision Regulations to permit the subdivision of land at 1369 Myrtle Avenue in East Walnut Hills. Department of City Planning staff recommended approval.

The Commission adopted staff’s recommendations for the Quasi-Judicial Consent Agenda.

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

Aye: Mr. Black, Mr. Koetters, Mr. vom Hofe, Ms. Murray, Mr. Stallworth, Mr. Schneider, and Mr. Driehaus.

Discussion Agenda- Quasi-Judicial

Mr. Weaver presented Item 3, a report and recommendation on a proposed new construction and change in use for a food market at 2801 Price Avenue within Interim Development Control Overlay District No. 80, Incline District Investment Area in East Price Hill. Department of City Planning staff recommended that the City Planning Commission take the following actions:

1. **ADOPT** the Department of City Planning staff findings that the permit application generally conforms to the application review guidelines for Interim Development Control Overlay District No. 80, Incline District Investment Area, and meets the standards set forth in Cincinnati Zoning Code Sections 1431-17 and 1445-13, as discussed on pages one to nine (1-9) of the staff report; and,

2. **APPROVE** the proposed new construction and change of use for a food market at 2801 Price Avenue within Interim Development Control Overlay District No. 80, Incline District Investment Area in East Price Hill, with the following conditions:
a. The building footprint contains a maximum of 2,500 square feet
b. The building be at least two stories, with a residential or office component above

Ms. Philomena Ashdown, attorney for the applicant, introduced herself and stated that she would question the speakers regarding Item 3.

Mr. Robert Zelasko, Architect and East Price Hill resident, said that he was happy to work on a project in Price Hill. He said that the applicant wanted to expand his Deli and offer more services to the neighborhood. He said that Red’s Deli was a clean shop with loyal employees. He said the proposed building was simple and was not meant to be a signature building. He said that building a second story with office space would not work and that the current application meets all of the current guidelines. He stated that he supported the application, as submitted.

Mr. Driehaus asked if there was an attorney present for the opposing side to question the speakers and there was none.

Mr. Schneider stated that considering the footprint of the building, two residential units could be built on a second floor.

Mr. George Theobald Jr., of East Price Hill, said he owned nearby property and liked Red’s Deli. He said he frequented the store when he was in the neighborhood maintaining his property and doing work for his tenants. He stated that the neighborhood needed the local store. He stated that he supported the application, as submitted.

Mr. David Tonne, of 811 Summit Avenue, stated that he was renovating a two family home in East Price Hill. He said he frequented Red’s Deli and liked the convenience of the neighborhood store. He said that the store was cramped and needed to expand and the new building would be an improvement to the area. He said that the store promoted a walkable neighborhood and supported the application, as submitted.

Ms. Ashdown stated that the property owner of 2801 Price Avenue was Price Avenue Properties, LLC, which was owned by Anil Shaw, owner of Red’s Deli.

Mr. Tom Gamel, President of East Price Hill Improvement Association (EPHIA), stated that they had been studying the area zoning for two years and asked that the Commercial Neighborhood – Pedestrian (CN-P) be changed to Pedestrian Mixed (PX), city-wide in the upcoming Land Development Code. Mr. Schneider asked how long it would take to do the city-wide zone change and Mr. Graves responded approximately six months.
Ms. Ashdown asked Mr. Gamel if he had requested the Interim Development Control Overlay District (IDC) and he stated that he had not. She asked if he was concerned with land speculation and he responded that he was not concerned.

Ms. Cindy Peelman, of 814 Summit Avenue, stated that she supported the new construction. She said a larger food store would be a blessing for the neighborhood. She said she could walk to the proposed location and could not walk to other grocery stores. She said that the new store would have video surveillance which would deter crime. She said that the owners should not be forced to build a second story and that they needed the extra space. Also, the store would be handicap accessible which would greatly benefit the senior citizens and handicapped people.

Ms. Theresa Thomas, of 2811 Price Hill Avenue, stated that she supported the application, as submitted. She said she has attended all of the meetings regarding the property and she welcomed a one story store. She said she was a community and civic minded person and loved Price Hill. She said she did not understand why this project was being pinpointed and did not think the PX zoning issue needed to be discussed at this time. Mr. Driehaus responded that they were not voting on PX zoning.

Mr. Mark Tolliver, of 2600 Bushnell Avenue, stated that he lived one minute and forty seven seconds from Red’s Deli. He said that Kroger was a nineteen minute walk from his home. He said that he frequents Red’s Deli with his son and that the store needs more space. He stated that he supported the application, as submitted.

Mr. Sam McKinley, of Price Hill Will, said he supported staff recommendation. He said he was very involved with CN-P and the Price Hill Plan and that PX would be an ideal zoning choice. He said he was in favor of limiting the convenience store to 2,500 feet and below. He said the current Red’s Deli plan was not consistent with the Price Hill Plan.

Mr. Weaver said that there has been confusion between different zoning districts. CN-P was a zoning district in the existing Zoning Code and PX was a zoning district proposed in the draft Land Development Code. Many neighborhoods liked the CN-P zoning and PX zoning was created out of that. Mr. Driehaus asked how long it would take to change CN-P zones to PX. Mr. Weaver responded that such a change would be city-wide and take approximately six months.

Mr. Driehaus asked Mr. Haynes to read the staff recommendations. Mr. Haynes read the recommendations and reminded the City Planning Commission that since the item was quasi-judicial, the members could deliberate in a closed-door session.

Ms. Ashdown was allowed to make a statement in support of the application that was submitted. She stated that Price Avenue Properties LLC purchased the property with private funds in June.
2014 with the intent to relocate Red’s Deli and offer an increased variety of food. The building that was originally on the property was damaged by fire and demolished. The IDC was put in place to deter land speculation. This was not land speculation and Mr. Weaver’s staff report clearly states that the application met all requirements. She said her client had spent $150,000 and had complied with current zoning requirements. Price Avenue had a mix of buildings, some in the same style of the proposed building, which would have no adverse effect on the neighborhood. Neighbors had strongly supported the application and forcing a second story would kill the project. Other businesses were not required to have a second story. She urged the City Planning Commission members to support the original application.

City Planning Commission members adjourned to closed session at 10:40 A.M. and returned at 11:10 A.M.

The Commission adopted staff’s recommendations for Item 3 on the Quasi-Judicial Discussion Agenda with the following change:

b. The building be at least two stories, with a residential or office component above or incidental to business on first floor

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

Aye: Mr. Black, Mr. Koetters, Mr. vom Hofe, Ms. Murray, Mr. Stallworth, Mr. Schneider, and Mr. Driehaus.

Ms. Hoffman presented Item 6, a report and recommendation on a Major Amendment to the Concept Plan and Final Development Plan for Planned Development #77 (PD-77) Wellington Place in Mt. Auburn. Department of City Planning staff recommended that the City Planning Commission take the following actions:

1. APPROVE a Major Amendment to the Concept for Planned Development #77 (PD-77) Wellington Place to reclassify the properties located at 46, 34 and 2 Glencoe Place (currently zoned RM-0.7, Residential Multi-Family) as PD (Planned Development) and,

2. ADOPT the Department of City Planning Findings as detailed on page 9 of the staff report and;

3. APPROVE a Final Development Plan for Planned Development #77 (PD-77) Wellington Place.

Ms. Hoffman presented a revised staff report and additional images.

Mr. Driehaus stated that there were three speaker cards all in favor of the project.
Mr. Schneider asked if there were parking meters on the street. Ms. Martha Kelly, of the Department of Transportation and Engineering, stated that there was free on-street parking and with the additional entry, there was less parking removed.

Mr. Dan Schimberg, of Uptown Rental Properties, stated that parking would be provided in a new parking garage, surface parking lots (one at the northeast corner of the site and one directly behind the existing building, to the west, resulting in approximately 50 spaces), and in the existing garages (approximately 18 spaces) beneath the existing building. A four level parking garage with 343 spaces would be located beneath the four new buildings. All parking areas would be accessible from Wellington Place. Parking behind the existing building at 2309 Auburn Avenue would be accessed from Glencoe Place. Glencoe Place would also serve as access for emergency vehicles and maintenance access.

Mr. Schneider asked if there would be any finishing to the garage exiting onto Wellington Avenue. Mr. Schimberg responded that the exposed concrete would not show on Wellington and other streets.

The Commission adopted staff’s recommendations for Item 6 on the Quasi-Judicial Discussion Agenda.

Mr. Koetters made the motion, which Ms. Murray seconded.

Aye: Mr. Black, Mr. Koetters, Mr. vom Hofe, Ms. Murray, Mr. Stallworth, Mr. Schneider, and Mr. Driehaus.

Mr. Black left the meeting at 11:40 A.M. and Mr. Art Dahlberg arrived and took his place. Mr. Driehaus introduced Mr. Dahlberg, Director of the Department of Buildings and Inspections.

Mr. Briggs presented Item 7, a report and recommendation on the Final Development Plan within Planned Development #76 (PD-76) at the northwest corner of West Liberty Street and Elm Street in Over-The-Rhine. Department of City Planning staff recommended that the City Planning Commission take the following actions:

1. **ADOPT** the Department of City Planning Findings as described on page 3 of the staff report and;

2. **APPROVE** a Final Development Plan for 85 new residential units and 28 units to be located in four existing buildings for a total of 113 residences and 14,400 square feet of retail/office/restaurant space within Planned Development #76 (PD-76) in Over-The-Rhine.
Mr. Tim Burke, Attorney at Manley Burke LPA, representing the applicant, confirmed time rules. He stated that the limited question was whether or not the Final Development Plan (FDP) conformed to the Concept Plan. It was approved by the Historic Conservation Board (HCB) and received a Certificate of Appropriateness. Many of the issues that have been raised by the opposition were not issues for the City Planning Commission to decide.

Ms. Anne McBride, of McBride Dale Clarion, professional land consultant, and agent for the applicant, stated that she had 35 years’ experience working with the Cincinnati Zoning Code and advised her clients that the Final Development Plan for the northwest corner of Elm Street and W. Liberty Street was in compliance with the requirements of a PD District §1429-05 and §1429-11(a) “City Planning Commission Action” as described on pages 1, 2, and 3, of the staff report.

Mr. Schneider stated that there were 1.3 parking spaces for each new unit in the original plan and it was now reduced to 1.06 parking spaces. Ms. McBride responded that the project was located on the streetcar line and therefore the reduced parking was justified.

Mr. Graham Kalbli, of New Republic Architecture, architect for the project, stated that there were 85 new residential units proposed and 28 units to be located in four existing buildings for a total of 113 residences. A total of 14,400 square feet of retail/office/restaurant space was proposed. A total of 10,250 square feet of open space was included in Freeport Alley and service areas. Common open space for the development was located in a 728 square foot rooftop deck. The new building would be five stories in height with reduced height by stepping the new building to the north away from the West Liberty Street and Elm Street intersection. He said that Michael Heekin, of Source 3 Development, was in the hospital and therefore unable to attend the City Planning Commission meeting. Mr. Kalbli stated that after many meetings with the Over-the-Rhine Community Council (OTRCC), OTRCC Board, OTRCC Infill Committee, and Department of City Planning Public Staff Conferences, they prepared a Final Development Plan and presented to the Historic Conservation Board (HCB). He said that they brought samples of building materials to the City Planning Commission meeting and that they were available to view and touch. He presented and described each material.

Mr. Schneider asked Mr. Kalbli if the storefronts were consistent with other Over-the-Rhine (OTR) storefronts. He described the storefronts and said that they would enhance the pedestrian experience.

Mr. Burke presented HCB staff report #186 and asked Mr. Kalbli the steps he took to ensure that the FDP was consistent with the Concept Plan. Mr. Kalbli stated that the units, density and building heights were consistent. He stated that Phase One would have an 80 space surface parking lot with access from Green Street.
Phase Two would have 75 spaces added above the surface parking lot to create a three level parking garage. He said that according to the Cincinnati Zoning Code, they received a 50% reduction in parking due to proximity to the nearby parking garage and 50% reduction for proximity to the streetcar, and 15% reduction for multi uses, which allows for 80 parking spaces. He said the only change for the FDP was the parking plan.

Mr. Craig Gossman, Architect and Urban Design Planner of Source 3 Development, stated that he had experience planning for communities and historic areas in Cincinnati as well as nationally. He said the FDP was consistent with the Concept Plan in the density, number of units, and massing. The project was compatible with the neighborhood in the uses location, lots, and open spaces. He said when looking for new infill they reflected on history as well as new architecture. They looked at Sanborn maps. They listened to the community and reduced setback to the street line, gave up greenspace, and removed a floor which gave up 17 residential units. They also dropped massing down. They had a discussion with the City of Cincinnati Law Department to craft language for the covenants. Mr. Haynes confirmed the intent to do a covenant.

Mr. Schneider asked where the cars would park when phase two of the parking garage was being built. Mr. Gossman responded that for a short amount of time the residents would have to park elsewhere.

Mr. Koetters and Mr. vom Hofe left the meeting at 12:30 P.M.

A break was called at 12:30 P.M.

The meeting resumed at 12:45 P.M.

Mr. Burke stated that according to the City Planning Commission Rules and Procedures, all in favor of the Item should speak first. Mr. Haynes confirmed the rules regarding order of speakers. Mr. Driehaus asked for a motion to suspend the rules.

The Commission voted to suspend the rules regarding order of speakers for Item 7 on the Quasi-Judicial Discussion Agenda. Mr. Schneider made the motion, which Mr. Driehaus seconded. Aye: Mr. Dahlberg, Ms. Murray, Mr. Stallworth, and Mr. Driehaus. Nay: Mr. Schneider.

Ms. Margy Waller, of the OTRCC and OTR Foundation, and Mr. Danny Klingler, of OTR Adopt, OTR Foundation and OTR resident, presented a PowerPoint outlining their objections to the Elm and Liberty project. In part, they stated that the developer failed to engage the community and that their FDP was inconsistent with the OTR Comprehensive Plan and Plan Cincinnati. Mr.
Klingler stated that the parking plan for the FDP was different than the Concept Plan and was a substantial change. The surface lot covers almost half of the site and there was no guarantee the second garage phase would ever be built. He said the development was out of scale for OTR.

Mr. Burke responded that the developers removed one story from the development to reduce the scale.

He also stated that there was a great deal of support for the project from the business owners at Findlay Market.

Mr. Mark Manley, OTR resident, OTRCC Board member, OTR joint committee and infill committee member, stated that the community never approved the Liberty and Elm project.

Mr. Bradley Cooper, OTR property owner, stated that the neighborhood concerns were raised at the City Planning Commission meeting when the Concept Plan was presented. The proposed development failed in quality, design, creativity and open space. He said the alleyways should be preserved to promote walkability and livability. A creative developer would find a way to protect assets. Mr. Schneider said he shared his concerns regarding the alleyways. The purpose of a Planned Development (PD) is to encourage creative development.

Mr. Josh Springs, Executive Director of Greater Cincinnati Homeless Coalition, stated that he opposed the development because there needed to be housing available for a mix of income levels. He said that the Plan Cincinnati Live Initiative Area advocates for mixed income housing. Mr. Schneider stated that the City Planning Commission did not have the authority to act on affordable housing.

Mr. Fred Berger, OTR Business Owner and OTR Chamber member, stated he was involved with the Brewery District Plan. He gave a brief history of Liberty Street and said that it was not a gateway street. He said the huge development did not match the neighborhood.

Ms. Jennifer Lemasters Wirtz, OTR Infill Committee member and OTR Foundation member, stated that the volunteer committees consist of professionals who gave their recommendations to the developer. The project does not integrate in scale and balance. She urged the City Planning Commission members to withhold their support on this project.

Mr. Peter Hames, of 431 Klotter Avenue and OTRCC past President, stated that he opposed the project and felt it was undesirable. He said the developer could create a design to match OTR. He stated that they were told that their concerns would be addressed in the Final Development Plan, and they were not. He said that affordable housing was not included in the project.

Ms. Bonnie Neumeier, longtime OTR resident and OTR Housing Board member, said Department of City Planning staff spent a great deal of time working on plans. Intentional projects could
include affordable housing. Racial diversity was being pushed out. Many neighborhood businesses, such as laundromats and hardware stores, have been lost. People wanted an opportunity to stay in their own neighborhoods and do not deserve to be left out.

Ms. Amy Silver, OTR resident and OTRCC Board member, stated that the OTRCC passed the Concept Plan in May 2016, in order to work with Source 3 Development. She said Source 3 was not committed to working with them.

Rainer vom Hofe left the meeting at 2:25 P.M.

Jennifer Summers, Director of Peaslee Neighborhood Center, said that the experts on the fabric of the community are the people who live and work in the neighborhood. Affordable housing needed to happen and stakeholders need to come together.

Ms. Myra Greenberg of 1324 Broadway Avenue, said she believed the project needed further refinement.

Ms. Emily Waldinger, Architecture student, said the project, which is physically oppressive, showed no respect for the neighborhood. The City Planning Commission was the protector of neighborhood.

Ms. Austin Hogans, Architecture student, said the project did not celebrate the neighborhood and was a hurried and sub-par design. The positives in the project did not outweigh the negatives.

Mr. Burke commented that they should not overlook the four historic buildings that were being saved.

Mr. Jules Rosen, of Spring in Our Steps, stated that Freeport Alley should be preserved and not privatized.

Mr. John Walter, of 524 Conroy Street, stated that he and many people in OTR were supportive of this project. The residential units would provide shoppers for the businesses in OTR. The basis for having a streetcar was to have high density buildings along the route. There was a great lack of quality housing in OTR. Supply and demand is what raises rental prices.

Kristin Myers, Attorney with Beck Wiles Shepard, OTR resident and Secretary of the OTR Foundation, said it was challenging to meld modern with historic architecture. She stated that Liberty and Elm was a large site and it was important to get it right. No one would want the site to remain vacant; however the project would need to enhance the quality of the neighborhood. She urged the City Planning Commission members to delay their decision.
Mr. Steve Tino, Manager of 224 West Liberty Group and current property owner, stated that he witnessed the many meetings that Source 3 Development attended. He said they came up with a financially sound project and not everyone would be happy. Findlay Market vendors needed this project. The parking would be self-sufficient and the project would help the entire area. He encouraged the City Planning Commission members to approve the project.

Ms. Erin Heekin, wife of Michael Heekin of Source 3 Development, said Mr. Heekin worked very hard with the community. She said that this project would benefit many people in the OTR neighborhood.

Mr. Kam Mishett, restaurant owner and friend of Michael Heekin, stated that this project was a first class development and that it would be done right.

Mr. Greg Albright, Architect and Pendleton business owner said that the streetcar was an economic catalyst. He said that the OTR historic district was a treasure and it was absurd to say that five stories was too tall for the project.

Mr. Pete DiSalvo, President of DiSalvo Development Advisors, LLC, stated that he studied the streetcar in Cincinnati and that high density development improved ridership and spending dollars to businesses along the route. He said there were limited possibilities to develop high density.

Mr. Randal Cooper, of 14 West 14th Street, said he purchased property a couple of years ago and enjoyed living in OTR. He said the project was saving four historic vacant buildings and was not displacing any residents. He said he felt the building fit the neighborhood and provided a gateway to Findlay Market.

Mr. Hank Davis, of 621 Main Street, said he was passionate about Downtown and OTR. He said with the streetcar a car was not needed and that in order to have a local grocery store and other businesses high density projects were needed.

Mr. Burke said that a building project needed to be functional as well as financeable. The developer wanted to build a three level parking garage. They could go forward with the surface lot because of the streetcar and nearby parking. The developer tried to work with the neighborhood. He urged the City Planning Commission members to approve the project.

Mr. Dahlberg asked if there would be a trigger to cause the parking garage to be built. Mr. Burke responded that there was not a trigger other than financing.

Mr. Driehaus stated that all speakers had the opportunity to be heard.
Mr. Schneider stated that he still had concerns about the parking reduction.

Ms. Murray stated that there were a great deal of letters and emails from citizens and business owners. She said that four historic buildings were being saved and people were not being displaced. Findlay Market would have 150 new potential customers for their businesses and the streetcar helped with the parking situation. It was in the developer’s best interest to have adequate parking and they made some concessions. The project would bring new jobs and people to the neighborhood.

The Commission adopted staff’s recommendations for Item 7 on the Quasi-Judicial Discussion Agenda.
Ms. Murray made the motion, which Mr. Driehaus seconded.
Aye: Mr. Dahlberg, Ms. Murray, Mr. Stallworth, and Mr. Driehaus.
Nay: Mr. Schneider.

There was no Director’s report given due to the length of the meeting.

The meeting adjourned at 3:40 P.M.
Honorable City Planning Commission
Cincinnati, Ohio

SUBJECT:
A report and recommendation on a lease of a portion of Ibsen Avenue between Marburg Avenue and Ridge Avenue to the Southwest Ohio Regional Transit Authority (SORTA) for the Oakley Transit Hub in Oakley.

GENERAL INFORMATION:

Location: Ibsen Avenue between Marburg Avenue and Ridge Avenue

Petitioner: Southwest Ohio Regional Transit Authority
602 Main St., Suite 1100. Cincinnati, OH 45202

Property Owner: City of Cincinnati (Ibsen Avenue right-of-way)

BACKGROUND & ANALYSIS:
The City owns the right-of-way for Ibsen Avenue in Oakley. The City is proposing to lease a portion of the right-of-way to the Southwest Ohio Regional Transit Authority (SORTA). SORTA has worked with the City’s Department of Transportation and Engineering (DOTE) on a proposal to construct and maintain a bus transit hub in this location. DOTE has determined that the proposed use of the Lease Property is consistent with the primary use of the right of way for public transportation purposes.

The lease term would be for 20 years with options to renew. The fair market value of the property is $5,400 per year, but the City is proposing to lease the land to SORTA at no cost or for $1 per year, pending negotiations. SORTA would be responsible for constructing the bus terminal and maintaining the site while providing a valuable service to the Oakley neighborhood and the City as a whole. Construction is slated to begin on March 1, 2017 and be complete by November 30, 2017.

CONSISTENCY WITH PLAN CINCINNATI:
The lease is consistent with the Connect Initiative Area of Plan Cincinnati, specifically the goal to “Develop an efficient multi-modal transportation system that supports neighborhood vitality (page 129)” Both strategies under this goal are related to increasing non-automotive travel options and creating sustainable transportation systems.

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

APPROVE the lease of a portion of Ibsen Avenue between Marburg Avenue and Ridge Avenue to the Southwest Ohio Regional Transit Authority (SORTA) for the Oakley Transit Hub in Oakley.

Respectfully submitted,

James Weaver, AICP, Sr. City Planner
Dept. of City Planning

Approved:

Charles C. Graves, III, Director,
Dept. of City Planning
Honorable City Planning Commission  
Cincinnati, Ohio 

SUBJECT: A report and recommendation on the sale of the Whex Parking Garage at 212 W. 4th Street and the granting of a permanent easement over the 5th Street ramp in CBD.

GENERAL INFORMATION:  
Location: 212 W. 4th Street between Plum Street and Elm Street  
Purchaser: Cincinnati Center City Development Corporation (3CDC)  
Purchaser’s Address: 1201 Walnut Street, Floor 4, Cincinnati, OH 45202

BACKGROUND & ANALYSIS:  
The City-owned property at 212 W. 4th Street is a .713 acre parcel located between Plum Street and Elm Street in the Central Business District and is zoned Downtown Development (DD). The City would like to sell the property to 3CDC. As part of the sale of the Whex Parking Garage, the City will also grant a permanent easement to 3CDC for the 5th Street ramp parcel which provides access to the garage. The City would retain the fee and air rights for the ramp parcel.

As part of this sale, 3CDC would become the landlord for the Whex Parking Garage that is currently operated and leased by the Carrell Family. The Carrell Family entered into a 40 year lease in 1983 and would continue to lease and operate the garage until 2023. Once the lease expires, the tenant would have the opportunity to extend their lease 3 times, with each extension totaling 10 years.

3CDC has proposed to use the site for economic development purposes. The terms of the sale require that 3CDC use the land to facilitate downtown economic development projects within 2 years of the tenants’ lease termination. The sale price of the site will be $2,250,000. The Fair Market Value was determined to be $2,500,000. The City accepted a discounted price in order to reserve the air rights over the 5th Street ramp parcel.

Adjacent property owners as well as the Downtown Residents Council were notified of this item, and no comments have been received to date. The sale of this property will result in the continued operation of the Whex Parking Garage and will also allow for future economic development opportunities.

CONSISTENCY WITH PLAN CINCINNATI:  
This proposed sale is found to be consistent with the Compete Initiative Area of Plan Cincinnati (2012), with the goal of “cultivating our position as the most vibrant and economically healthiest part of our region” (p. 114) to specifically “focus development on the existing centers of activity” (p. 116). The sale of the property at 212 W. 4th Street will allow for future economic development opportunities to take place in the Central Business District.

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

APPROVE the sale of the Whex Parking Garage at 212 W. 4th Street and the granting of a permanent easement over the 5th Street ramp in CBD.
Respectfully submitted,

Ann Marie Kerby, AICP, Senior City Planner
Department of City Planning

APPROVED:

Charles C. Graves, III, Director
Department of City Planning
Location Map: 212 W. 4th Street
Honorable City Planning Commission  
Cincinnati, Ohio

SUBJECT: A report and recommendation for the vacation of Whatley Street and Boston Street within the MetroWest Commerce Park in Lower Price Hill.

BACKGROUND AND ANALYSIS:
On December 16, 2016, the City Planning Commission approved the sale of City-owned property located at MetroWest Commerce Park in Lower Price Hill to Nehemiah Manufacturing Company, LLC (formerly known as Queen City Barrel). Whatley Street and Boston Street are both located within the MetroWest Commerce Park site and need to be vacated by the City in order to create a consolidated parcel for the purpose of constructing a new manufacturing and warehouse facility. The overall site is abutted by West 8th Street on the south, Evans Street on the east, Gest Street on the north, and the B&O Railroad on the west.

The new manufacturing and warehouse facility is proposed to be 172,000 square feet at a cost of approximately $9 million. The company plans to retain 76 jobs and create 50 more within 3 years of completion of construction. Nehemiah Manufacturing Company, LLC manufactures and packages several products including but not limited to saline wipes, cleansing wipes, odor eliminator products, and all-purpose cleaning products.

The vacation of the streets is appropriate following the sale of the City-owned property.

CONSISTENCY WITH PLAN CINCINNATI:
This vacation of Whatley Street and Boston Street is consistent with the Lower Price Hill Industrial Area Urban Renewal Plan (2003) and the Goals to “Return underutilized land to productive uses” (page 11), and “Foster the development of employment-based businesses as a means to increase the availability of jobs and increase the tax base” (page 11). The vacation of the streets is also consistent with Plan Cincinnati (2012) specifically within the Compete Initiative Area and the Goal to “Foster a climate conducive to growth, investment, stability, and opportunity” (page 103).

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

APPROVE the vacation of Whatley Street and Boston Street within the MetroWest Commerce Park in Lower Price Hill.

Respectfully submitted,

Alex Peppers, AICP, Senior City Planner  
Department of City Planning

Approved:

Charles C. Graves, III, Director  
Department of City Planning
Vacation of Whatley Street and Boston Street in Lower Price Hill
CPC ITEM # 4
January 20, 2017

Honorable City Planning Commission
Cincinnati, Ohio

SUBJECT:
A report and recommendation on the sale of City-owned property located at 112 West 15th Street in Over-the-Rhine to Condominium Holdings, LLC.

GENERAL INFORMATION:
Location: 112 West 15th Street, Cincinnati, OH 45202
Purchaser: Condominium Holdings, LLC
Purchaser’s Address: 1203 Walnut Street, Cincinnati, OH 45202

BACKGROUND AND ANALYSIS:
The City-owned L-shaped lot located near the northwest corner of West 15th Street and Pleasant Street in Over-the-Rhine is currently vacant. The property is part of a larger 3CDC mixed-use development that was originally under a sale agreement in 2008 but was removed from the agreement at that time.

The fair market value (FMV) of the property has an appraised value of $80,000. The sale price of this property has been set at $40,000. The sale price is less than FMV in order to facilitate the larger, mixed-use development as well as to offset the impact to project delays related to the Federal Government’s Department of Housing and Urban Development (HUD) transfer issue in 2008. The City has determined that the property is not needed for any municipal purpose and that the sale of the property will not be detrimental to the public interest. The Department of Transportation and Engineering (DOTE) also condones the sale of this property on the condition that DOTE reviews the site plan prior to the execution of the Sale Agreement. The anticipated construction date and phases have not been defined yet.

CONSISTENCY WITH PLAN CINCINNATI:
The sale of this property is consistent with the Live Initiative Area of Plan Cincinnati, incorporating its goal to “meet the demand for more mixed-use, compact walkable development and in turn increase the vibrancy of our neighborhoods” (page 157).

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

APPROVE the sale of the City-owned property located at 112 West 15 Street in Over-the-Rhine to developer Condominium Holdings, LLC.

Respectfully submitted,

Lauren Bihl, Planning Intern
Department of City Planning

Approved:

Charles C. Graves, III, Director,
Department of City Planning
Sale of City-owned Properties at 112 West 15th Street

Legend

- Subject Property

City-owned property

Property Location
Honorable City Planning Commission  
Cincinnati, Ohio  

SUBJECT:  
A report and recommendation on the sale of the southern portion of Race Street in The Banks development to Hamilton County as well as the dedication of right-of-way after the acquisition of four abutting property slivers in the Central Business District.

GENERAL INFORMATION:  
Location: Southern terminus of Race Street, Cincinnati, OH 45202  
Purchaser: Hamilton County  
Purchaser’s Address: 138 East Court Street, Cincinnati, OH 45202

BACKGROUND AND ANALYSIS:  
The City would like to convey the southern portion of Race Street in The Banks development to Hamilton County to create a cul-de-sac at the southern terminus of Race Street. After the City receives four neighboring property slivers from Hamilton County, the City will dedicate the right-of-way (approximately 4.5’ on each side for a total widening of 9’) in order to widen Race Street south of Freedom Way until the planned cul-de-sac (which grows wider than the 9’).

CONSISTENCY WITH PLAN CINCINNATI:  
The proposed sale, and thereafter, dedication of right-of-way fulfills one of the goals of the Compete Initiative Area of Plan Cincinnati which strives to “cultivate our position as the most vibrant and economically healthiest part of our region” (page 114). This goal refers to reinvesting in areas such as The Banks that are already economically and culturally vibrant.

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

APPROVE the sale of the southern portion of Race Street in the Banks development to Hamilton County, as well as the dedication of right-of-way after the acquisition of four abutting parcel slivers in the Central Business District.

Respectfully submitted,

Lauren Bihl, Planning Intern  
Department of City Planning

Approved:

Charles C. Graves, III, Director,  
Department of City Planning
Honorable City Planning Commission  
Cincinnati, Ohio

SUBJECT:
A report and recommendation on a sale of City-owned property at 1630 Pleasant Street to Over-the-Rhine Community Housing in Over-the-Rhine.

GENERAL INFORMATION:
Location: 1630 Pleasant Street
Purchaser: Over-the-Rhine Community Housing
Purchaser’s Address: 114 West 14th Street, Cincinnati, Ohio 45202

BACKGROUND AND ANALYSIS:
The City owns the property at 1630 Pleasant Street in Over-the-Rhine. It is currently a vacant building with 6 efficiency apartments. Over-the-Rhine Community Housing would like to purchase the property and convert it into a total of three units, one per floor, with each unit containing three bedrooms. This property is located near Findlay Market and will help the City reach its goal of 30% of its property around the market being developed as affordable housing. This building is to be one of 16 buildings in the area the developer plans to rehabilitate into affordable housing.

The City will sell the property to Over-the-Rhine Community Housing for $1.00. As stated in the Property Sale and Development Agreement between the City and Over-the-Rhine Community Housing, "The City’s Real Estate Services Division has determined, by professional appraisal, that the fair market value of the Property, given the poor structural condition of the Building and estimated stabilization and renovation costs, is $1.00." The anticipated beginning construction date is June 1, 2017.

CONSISTENCY WITH PLAN CINCINNATI:
The lease is consistent with the Live Initiative Area of Plan Cincinnati, specifically the goal to "Provide a full spectrum of housing options, and improve housing quality and affordability" (page 164). By providing quality three bedroom apartments for larger families, this adheres to the goal.

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

APPROVE the sale of City-owned property at 1630 Pleasant Street to Over-the-Rhine Community Housing in Over-the-Rhine.

Respectfully submitted,  

[Signature]
Hannah Urbanski, Planning Intern  
Department of City Planning

Approved:

[Signature]
Charles C. Graves, III, Director  
Department of City Planning
Proposed Sale of 1630 Pleasant Street to Over-the-Rhine Community Housing

Legend

- Subject Property

Proposed location of sale

Property Location

---

Subject Property

Proposed location of sale

Property Location
Honorable City Planning Commission  
Cincinnati, Ohio  

SUBJECT:  
A report and recommendation on the sale of City-owned property located at 939 E. McMillan Street to The Model Group to construct the Scholar House in Walnut Hills.

GENERAL INFORMATION:  
Location: 939 E. McMillan Street  
Purchaser: The Model Group, Inc.  
Purchaser’s Address: 2170 Gilbert Avenue, Cincinnati, Ohio 45206

BACKGROUND AND ANALYSIS:  
The City currently owns the vacant building at 939 E. McMillan Street. It previously has been used as a Dollar Store through 2014, and then leased by the Walnut Hills Redevelopment Foundation through April 2016 as a pop-up retail space. Since this time in April, it has been completely vacant. The Model Group, who would be purchasing 939 E. McMillan Street, also own 951 Curtis Street and are in the process of acquiring 957 E. McMillan Street to complete the project.

The Model Group has proposed to demolish the existing structure and build the Scholar House. This housing project will include affordable housing units and 3 to 4 street level retail spaces. The main purpose is to provide affordable units to single parents who are enrolled in a full time accredited degree program. This will also include an on-site daycare, space for educational programs, and parking.

The developer needs to receive a Low Income Housing Tax Credit (LIHTC) allocation or adequate gap financing through the City’s 2017 Notice of Funding Availability (NOFA) program, or the property will revert back to the City. The property has been appraised at $66,600 with a stipulation that The Model Group can negotiate the price at the time of sale if adverse environmental conditions and/or financial need can be demonstrated. Anticipated construction phasing will go as follows:
- March 1, 2018: close on LIHTC project, close on property with City  
- March 2, 2018: start of construction  
- May 1, 2019: completion/certificate of occupancy, lease-up begins  
- August 1, 2019: building occupied, Scholar House participants ready to start fall 2019 semester

CONSISTENCY WITH PLAN CINCINNATI:  
The sale is consistent with the Live Initiative Area of Plan Cincinnati, specifically the goal to “Provide a full spectrum of housing options, and improve housing quality and affordability” (page 164). The Scholar House would not only provide quality affordable housing, but provide a valuable learning environment to teach single parents how to thrive when they move out on their own.

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

APPROVE the sale of City-owned property at 939 E. McMillan Street to The Model Group to construct the Scholar House project in Walnut Hills.
Respectfully submitted,

Hannah Urbanski, Planning Intern
Department of City Planning

Approved:

Charles C. Graves, III, Director
Department of City Planning
BUILDING SQUARE FOOTAGE:
DAYCARE: 9,455 SF
RETAIL: 3,649 SF
FIRST FLOOR TOTAL: 14,071 SF

OPTION 2 - FIRST FLOOR
SCALE: 1/16" = 1'-0"
Honorable City Planning Commission  
Cincinnati, Ohio

SUBJECT: A report and recommendation on a proposed new construction and change in use for a food market at 2801 Price Avenue within Interim Development Control Overlay District No. 80, Incline District Investment Area in East Price Hill.

BACKGROUND:  
On June 15, 2016, Cincinnati City Council established IDC No. 80, Incline District Investment Area by emergency ordinance for a period of three months and directed City Planning staff to undertake a zoning study for this area to address the concerns that land speculators “have begun to acquire small parcels and potentially threaten land uses that threaten redevelopment efforts.” This study is examining possible changes to the Zoning Code and/or Zoning Map in coordination with other City Departments to address issues that have been brought up, including parking and traffic circulation and permitted land uses. A nine-month extension was approved by City Planning Commission on July 15, 2016 and by City Council on August 3, 2016. The IDC will expire on June 15, 2017.

According to §1431-15 of the Cincinnati Zoning Code, the City Planning Commission has the duty to review applications in the established IDC No. 80 Incline District Investment Area. The Department of City Planning staff is the designated administrative reviewer. All permits that fall within the IDC No. 80 boundary for new construction, demolition of existing structures, exterior alterations or additions to existing structures, changes in use, site improvements, construction or reconstruction of streets or curb cuts, and excavation and fill are made subject to review by the City Planning Commission in accordance with the “Regulations and Application Review Guidelines for Interim Development Control District No. 80, Incline District Investment Area […] and Designation of Administrative Reviewer.”

The subject property, 2801 Price Avenue, is zoned Commercial Neighborhood – Pedestrian (CN-P) as part of a recommendation of the Incline Business District Master Plan, which was approved by Cincinnati City Council on February 29, 2012 by Ordinance 51-2012. One of the major recommendations to come out of this plan was to rezone much of Price Avenue from SF-2 (single-family residential) and RMX (1-3 family residential) to CN-P (page 24), including the subject property. On November 21, 2012, Ordinance 440-2012 was approved by City Council, which changed the zoning along Price Avenue to CN-P. This has been the zoning along both sides of Price Avenue since that time.

The purpose of the CN-P zoning is to “identify, create, maintain and enhance mixed-use neighborhood commercial centers that reflect smaller-scale, pedestrian-oriented development with continuous street frontage and a mix of commercial and residential uses. Typical uses include retail, services, housing, office, open space, eating and drinking establishments and smaller-scale public and recreation and entertainment uses. Future development must be of a pedestrian-oriented commercial or mixed-use nature, serving the immediate neighborhood.”

As part of the IDC, staff has been directed to undertake a zoning study in this area. A staff conference to discuss zoning issues was held on July 19, 2016. At this meeting, the only zoning issue that was brought up was parking. No other land use issues were brought up, so it was difficult for staff to draft potential solutions to problems when the exact problems were not known. After the initial meeting, staff received a phone call from a developer and property owner in the area, stating concern about the potential of a convenience store at 2801 Price Avenue.

Once it was communicated to City Planning staff what the zoning issues were, another staff conference was held on November 9, 2016 to discuss potential options to give neighborhoods more control over development of new convenience stores. In the week leading up to the meeting, staff received several letters from surrounding
property owners raising concerns about a potential convenience store developing on the southwest corner of Price Avenue and Summit Avenue. Many of these letters cited an existing convenience store as a major concern and asked the City to change the zoning on the south side of Price Avenue from Hawthorne Avenue to Mt. Hope Avenue back to residential from commercial. The East Price Hill Improvement Association, the Community Council for East Price Hill, did not send a letter requesting this, as they were unaware of this request leading up to this meeting.

At this meeting, the biggest issues that were brought up about the existing CN-P zoning were:

1. There is no control over commercial uses that can go in the area, such as convenience stores, check cashing businesses, pawn shops, etc.

2. The commercial market in this area is somewhat saturated and could potentially be made smaller to focus on filling existing commercial spaces before building anything new.

From that discussion, staff suggested several potential options as solutions to these concerns:

1. Change the zoning south of Price Avenue from Hawthorne Avenue to Mt. Hope Avenue to residential, potentially back to what it was prior to 2012, which would only affect those properties. This option was requested by several property owners in the area prior to this meeting, many who live or own property outside of the affected area, but not by the East Price Hill Improvement Association. Changing the zoning to residential would make the existing convenience store a non-conforming use, but it could remain open indefinitely.

2. Create an Urban Design Overlay District (UDOD) for this area, which would only affect the area where this overlay is applied. The neighborhood leaders can choose a number of items where a permit request would trigger a UDOD review with the Zoning Hearing Examiner, which is similar to a Conditional Use hearing.

3. Create new definitions for convenience stores, check cashing service (alternative financial service), etc. uses, add them to the Use Table and make those uses Conditional in CN-P as a text amendment to the Zoning Code. Making text amendments to the Zoning Code would affect the entire City, not just East Price Hill and the Incline District.

4. Make text amendments to the existing CN-P to make it more like the proposed Pedestrian Mixed (PX), which is a proposed zoning district in the City’s DRAFT Land Development Code (LDC). Making text amendments to the Zoning Code would affect the entire City, not just East Price Hill.

The PX zoning district and new definitions were created as part of the City’s DRAFT Land Development Code (LDC). For the first draft of the LDC, City Planning Staff sent out over 70,000 postcards informing every property owner in the City of four large public meetings, and a member of City Planning staff attended a Community Council meeting in every neighborhood. Several additional meetings were held with some communities based on their level of engagement. The feedback received at these meetings led to creating the second and most recent public draft, which also has a significant public comment period.

Initially, the PX zoning district was carried over to the LDC with the same rules and regulations as the CN-P zoning district as the City’s lowest intensity, most pedestrian-oriented commercial zone. During the public review process for the second draft, there was concern from several neighborhoods that a “food market” can be anything from a big-box grocery store to a convenience store. There was also concern from several
neighborhoods that a “food market” can currently be up to 15,000 square feet in the CN-P zoning district, which many residents felt would be out of character for a pedestrian-oriented zoning district where most commercial stalls are only 2,000 to 3,000 square feet.

In the LDC, “convenience stores” were given their own definition and placed on the Use Table, breaking it out as “convenience stores with fuel sales” and “convenience stores without fuel sales”. Under the latest draft of the LDC, “convenience stores without fuel sales” in PX would be permitted with limitations, that the use must be attached to a multi-tenant building and cannot be in a standalone building, and the floor area cannot exceed 10% of the gross floor area of the entire building or 2,500 square feet, whichever is greater. “Convenience stores with fuel sales” would not be permitted at all in this district.

In the initial discussions from the zoning study, there appears to be the most support for a combination of amending the existing CN-P zoning regulations to be more like the PX zoning district and separating out definitions and uses for “convenience stores”. There was also discussion about taking a similar approach to regulate other uses like “alternative financial services” for check cashing and similar businesses that are currently found under the definition of “bank and financial institutions,” but that debate is still ongoing.

Based on initial public feedback staff has received up to this point, there appears to be support for making text amendments to the CN-P to make it more like PX based on a number of letters received. The proposed text amendments to make CN-P more like PX would affect every CN-P zoning district in the City, not just the CN-P zoning district in East Price Hill.

The proposed improvements to 2801 Price Avenue would be for the relocation of Red’s Deli, an existing ~1700 square foot convenience store currently located across Summit Avenue at 2719 Price Avenue. The applicant originally applied for a permit for the building on June 15, 2016 before the IDC officially took effect. However, the permit was not deemed complete by the City’s Department of Buildings & Inspections. The applicant refiled a complete permit on November 9, 2016 for a one-story, 3,010 foot convenience store. The application was heard by the City Planning Commission on December 2, 2016. Staff recommended approval of the application with the following conditions:

a) The building footprint contains a maximum of 2,500 square feet
b) The building be at least two stories, with a residential or office component above

At this meeting, the City Planning Commission noted that the urban form of the surrounding area is predominantly two and three story buildings, and approved a modified staff recommendation that added the language “or any uses incidental to the first floor business” to the second condition, to allow for other uses, such as storage to be on the second floor.

The applicant is appealing this decision to Cincinnati City Council, as outlined in §1431-21 - Appeals of the Cincinnati Zoning Code because they have stated that it would be cost prohibitive to construct a traditional two story building due to the additional necessary structural support for a true second story and the need for off-street parking. They also stated that 3,010 square feet was the minimum amount of space needed in order to provide additional services within the store.

The applicant also submitted revised elevations on January 5, 2017 to add a faux second story clad in brick veneer according to submitted building elevations. The applicant does not want to create the additional second story of useable space due to the high additional cost and the potential for additional requirements, such as providing off-street parking, but is open to creating the appearance of a second story to blend in with the surrounding urban form and building materials.
New construction and changes in use are required to be reviewed by this IDC. Under the Zoning Code, a convenience store falls under the definition of a "food market", which is permitted in the CN-P zoning district as long as it is less than 15,000 square feet.

**ANALYSIS:**
According to Section 1431-17 of the Cincinnati Zoning Code, "[t]he administrative reviewer appointed pursuant to subparagraph 1431-7(c) has the duty to prepare an advisory report that evaluates whether the proposed work is in compliance with the application review guidelines adopted. The administrative reviewer has the duty to file the report with the City Planning Commission within 30 business days of the date of application." These factors or guidelines include:

(a) **Proposed Work Permitted by Current and Proposed Zoning.** The proposed work is permitted or conditionally permitted in the base district, conforms to all standards and performance criteria of the Cincinnati Zoning Code and does not conflict with any proposed amendment to the Cincinnati Zoning Code then under consideration by the City Planning Commission or Council.

The property is zoned Commercial Neighborhood – Pedestrian (CN-P), which allows retail food markets, as long as they are less than 15,000 square feet. The proposed building meets all requirements of the existing Zoning Code as the Zoning Administrator determined that this use would not require any parking spaces based on exemptions and parking reductions.

Staff is currently working with the neighborhood on a zoning study to address the convenience store land use in a CN-P zoning district. The study is still ongoing, but there appears to be support from the community to create zoning text amendments to the CN-P zoning district to break out convenience stores from the definition of "food market" and either make convenience stores a Conditional Use or to limit them to being only 2,500 square feet as part of a larger mixed-use building that would contain at least a second story with residential or office above.

(b) **Proposed Work Compatibility.** The proposed work is compatible with the predominant or prevailing land use, building and structure patterns in the surrounding neighborhood and community.

In 2012, this area was rezoned to CN-P to facilitate commercial and retail development. The proposed building meets the current required building form and is clad with a brick veneer, similar to other one story commercial buildings along the western portion of Price Avenue. Most buildings along the eastern portion of Price Avenue where the subject property is located are 2-3 story residential buildings. The study area contains a mix of commercial and residential uses, but is generally more residential at this time.

The existing convenience store is proposing to move to 2801 Price Avenue to a larger, newer building, so the surrounding area would not necessarily be negatively affected if this use moves across Summit Avenue while providing a wider range of goods and services to the neighborhood.

(c) **No Detrimental Effect to the Public.** The proposed work is not detrimental to the public peace, health, safety or general welfare.

Convenience stores provide a neighborhood service in areas where there is not a grocery store nearby. The proposed retail food market could be detrimental to the public peace, health, safety or general welfare if not properly managed. During the zoning study process, staff has received a number of complaints of double parking, loitering, litter, and crime from neighbors of the existing convenience store, although the crime data provided for the existing convenience store is low.

(d) **No Adverse Effect on Adjoining Properties.** The proposed work has no adverse effect on the access to the property for fire and police protection and adequate public facilities and services, access to light and
air from adjoining properties, traffic conditions, transportation requirements and facilities or development and use of adjacent land, structures and buildings.

The elevations of the building show a building constructed of similar materials to most buildings in this area. The proposed retail food market could have a negative effect on surrounding properties if not properly managed. During the zoning study process, staff has gotten complaints of double parking, loitering, and crime related to the existing convenience store, although the crime data provided for the existing convenience store is low. There appears to be adequate on-street parking to handle customer flow as there are several vacant parcels along Price Avenue.

According to IDC No. 80, “[a]ll applications subject to review in Section 1 above shall be reviewed by the City Planning Commission in accordance of the general standards set forth in Section 1445-13 of the Cincinnati Zoning Code.” Section 1445-13, General Standards; Public Interest, is intended to maximize both the public interest and private benefits. These factors or guidelines include:

(a) **Zoning.** The proposed work conforms to the underlying zone district regulations and is in harmony with the general purposes and intent of the Cincinnati Zoning Code.

The property is zoned Commercial Neighborhood – Pedestrian (CN-P). A food market is a permitted use in this zoning district as long as it is less than 15,000 square feet. The site plan meets all existing zoning requirements of the Zoning Code, including parking requirements.

(b) **Guidelines.** The proposed work conforms to any guidelines adopted or approved by Council for the district in which the proposed work is located.

There are no specific guidelines adopted or approved by Council in this location, other than the CN-P zoning district.

(c) **Plans.** The proposed work conforms to a comprehensive plan, any applicable urban design or other plan officially adopted by Council, and any applicable community plan approved by the City Planning Commission.

The Incline District Master Plan (2012) does not specifically mention retail food markets, but states that Price Avenue should “conserve its residential character” between Chateau Avenue and Mt. Hope Avenue (page 40). However, it also recommends that “to create an environment for mixed use development opportunities that is inclusive with commercial businesses and housing, it is recommended that the existing RMX residential zone be changed to a CN-P commercial zone from Hawthorne Avenue proceeding east on Price Avenue to Mt. Hope Avenue and then from Price Avenue proceeding south to W. Eighth Street” (page 24).

The Price Hill Plan (2015) does not specifically mention retail food markets, but identifies this area as “mixed use” (page 16).

Plan Cincinnati (2012) does not specifically address retail food markets, but identifies Price Avenue/Incline District as a potential future mixed-use development or neighborhood center (page 95).

(d) **Traffic.** Streets or other means of access to the proposed development are suitable and adequate to carry anticipated traffic and will not overload the adjacent streets and the internal circulation system is properly designed.

Traffic may increase slightly in the area due to more customers coming to this area. The Zoning Administrator has determined that this use would not require any parking, so there may be additional vehicles parked on Price Avenue and Summit Avenue during normal operating hours since the proposed store would be larger than the existing one.
(e) **Buffering.** Appropriate buffering is provided to protect adjacent uses or properties from light, noise and visual impacts.

The Type A buffer is required between CN-P and RM zoning districts, which requires a 10 foot buffer with a 6 foot privacy fence. The site plan provided by the applicant meets these requirements.

(f) **Landscaping.** Landscaping meets the requirements of Chapter 1423, Landscaping and Buffer Yards.

The Type A buffer does not require any landscaping.

(g) **Hours of Operation.** Operating hours are compatible with adjacent land uses.

The existing convenience store is open from 10AM to 9PM Monday-Thursday, 10AM to 10PM on Friday and Saturday, and 12PM to 5PM on Sunday. If approved, it is presumed that the new convenience store would have the same hours.

(h) **Neighborhood Compatibility.** The proposed work is compatible with the predominant or prevailing land use, building and structure patterns of the neighborhood surrounding the proposed development and will not have a material net cumulative adverse impact on the neighborhood.

This area contains a large mix of uses, from vacant lots to single and multi-family residential development to commercial and mixed-use developments. The proposed building conforms to the predominant building form and materials, although the eastern portion of Price Avenue generally contains 2-3 story buildings. The proposed new convenience store would replace the existing convenience store across Summit Avenue, so there would be one more commercial stall on the area once the existing store moves across the street.

(i) **Proposed Zoning Amendments.** The proposed work is consistent with any proposed amendment to the zoning code then under consideration by the City Planning Commission or Council.

The goal of this IDC is to allow time for City staff and the East Price Hill community to study zoning and other solutions in the area. To date, the main concerns that have come out of the zoning study has been how to properly regulate convenience stores, check cashing businesses, etc. The proposed relocation of the convenience store in this area is potentially the reason this IDC is in place, so the neighborhood concerns are related to the subject property.

One of the potential options discussed in the zoning study that appears to have the most support at this time is to create a text amendment to the Zoning Code to add a definition for convenience stores and add convenience stores to the Permitted Use Table, requiring them to be limited to be no more than 2,500 square feet and be part of a mixed-use building, which are the current regulations in the latest draft of the LDC. This would require residential or office use on a second (or third) story of the building instead of a standalone building. The applicant has provided the look and feel of a two story building with the proposed faux second story and is asking for a 3,010 square foot store.

(j) **Adverse Effects.** Any adverse effect on the access to the property by fire, police, or other public services; access to light and air from adjoining properties; traffic conditions; or the development, usefulness or value of neighboring land and buildings.

There may be adverse effects to adjoining property owners if the conditions described at the existing convenience store are carried over to this new, larger convenience store. However, based on discussions with the Litigation Division of the City's Law Department, there have never been more than nine service calls to the property in a calendar year since 2011. In the last two years, there has only been one service call.
(k) **Blight.** The elimination or avoidance of blight.  
*The proposed building would replace a vacant lot and put the property back into a productive use. Although a vacant lot is not necessarily a blighted property, there are several vacant properties along Price Avenue throughout the Incline District.*

(l) **Economic Benefits.** The promotion of the Cincinnati economy.  
*The proposed structure containing the retail food market would increase the value of the property as it would replace a vacant parcel. Sales tax from items sold would generate revenue for the City of Cincinnati. The store may sell products that are made in Cincinnati.*

(m) **Job Creation.** The creation of jobs both permanently and during construction.  
*The proposed retail food market could create temporary construction jobs, along with a few permanent jobs once the food market is open.*

(n) **Tax Valuation.** Any increase in the real property tax duplicate.  
*The proposed structure containing the retail food market would increase the value of the property as it would replace a vacant parcel. Sales tax from items sold would generate revenue for the City of Cincinnati.*

(o) **Private Benefits.** The economic and other private benefits to the owner or applicant.  
*The proposed larger convenience store would benefit the owner, providing more retail space than the existing location.*

(p) **Public Benefits.** The public peace, health, safety or general welfare.  
*The proposed larger retail food market could provide a service to the surrounding community that does not have access to a traditional grocery store. The larger store could potentially contain more items that benefit consumers in the surrounding neighborhood than the existing store. However, there is a significant amount of concern from the surrounding property owners that this use would harm the public peace, safety and general welfare.*

The proposed convenience store meets all requirements of the current CN-P zoning district. The building elevations show a brick veneer and the building form appears to be consistent with several other commercial buildings located along Price Avenue, including Bloc Coffee Company, Somm Wine Bar, and Veracruz Mexican Grill. In the eastern portion of Price Avenue where the subject property is located, most of the buildings are at least two stories tall, so although the proposed building would not be mixed use, it would complement the general building form of the area.

Most of the property owners who initially sent letters in support of changing the zoning back to residential in this area do not own property within the affected area currently zoned CN-P. In order to initiate a zone change, all affected property owners must sign the zone change petition or the request needs to come from the neighborhood Community Council.

In order to consider the complaints of crime related to the existing convenience store, staff contacted the Litigation Division of the City’s Law Department for crime data related to Red’s Deli, which is current as of 10/1/16. Since 2011, there have been six arrests made (assuming that same name/date means someone was arrested for multiple offenses), including one in 2015 and none in 2016. There were nine calls for service in 2011, seven in 2012, eight in 2013, eight in 2014, one in 2015, and one in 2016. Based on the letters received and information from the second staff conference, many of the complaints from property owners in the area seem to be related to trash and loitering.
Most of the discussion from the ongoing zoning study was to regulate convenience stores in some manner, so it appears that the general direction of the zoning study appears to be headed towards creating a separate definition for convenience stores and adding them to the Use Table and to incorporate portions of the DRAFT proposed PX zoning district into the existing CN-P zoning district (specifically requiring convenience stores to be held to a maximum of 2,500 square feet and be part of a larger mixed use building). Part of the original thinking with the 2,500 square foot requirement was that an applicant could apply for a variance for a larger store, which would be a public hearing where surrounding property owners and the neighborhood Community Council are notified and have a chance to weigh in.

After the initial decision by the City Planning Commission and as part of the ongoing study for the area, staff reached out to United Dairy Farmers (UDF) about the typical size of their stores. Since there are 14 UDF convenience stores within the City of Cincinnati according to Hamilton County Auditor data, UDF was used as the benchmark. Staff used the building footprint layer from the City’s GIS system to calculate that the current 14 UDF stores average of 3,897 square feet. A representative from UDF stated that the typical UDF prototype store of their newer stores had been 4,400 square feet, but has now been expanded to 5,678 square feet in order to offer a wider variety of products and services. He also stated that approximately 600 square feet of their stores goes to the ice cream parlor area and another 300 square feet devoted to selling UDF brand ice cream. If you subtract 900 square feet from the current average of 3,897 square feet, the average UDF convenience store is the essentially same size as the proposed convenience store at 2801 Price Avenue.

The applicant has stated that the purpose of the proposed new convenience store is to replace the existing convenience store use at 2719 Price Avenue. The building footprint of the existing store is ~1,700 square feet, so the proposed convenience store would be almost double the size. This could help provide a wider range of items to serve the surrounding neighborhood. The proposed building materials of brick and stone fit the character of the existing neighborhood, although the general consensus of the neighborhood is that they want to see new buildings contain a mix of uses.

If the application for a new convenience store is denied, the existing convenience store will be able to operate indefinitely, regardless of its zoning designation. The property at 2801 Price Avenue could potentially remain vacant for some time, which doesn’t benefit the property owner, East Price Hill, or the City.

**CONSISTENCY WITH PLANS:**
The Incline District Master Plan (2012) does not specifically mention retail food markets, but states that Price Avenue should “conserve its residential character” between Chateau Avenue and Mt. Hope Avenue (page 40). It also recommends that “to create an environment for mixed use development opportunities that is inclusive with commercial businesses and housing, it is recommended that the existing RMX residential zone be changed to a CN-P commercial zone from Hawthorne Avenue proceeding east on Price Avenue to Mt. Hope Avenue and then from Price Avenue proceeding south to W. Eighth Street” (page 24), which includes the subject property. The CN-P zoning district currently allows all forms of residential development.

The Price Hill Plan (2015) does not specifically mention retail food markets, but identifies this area as “mixed use” (page 16).

Plan Cincinnati (2012) does not specifically address retail food markets, but identifies Price Avenue/Incline District as a potential future mixed-use development or neighborhood center (page 95).
PUBLIC COMMENT:
Staff mailed notice to all adjoining property owners as well as the East Price Hill Improvement Association and Price Hill Will on January 11, 2017 as soon as the City Planning Commission agenda was approved by the City Manager. Prior to the second staff conference for the zoning study held on November 9, 2016, staff received several letters supporting rezoning the property along the south side of Price Avenue between Hawthorne Avenue to Mt. Hope Avenue back to residential. Most of the property owners in support of this change do not own property within the affected area, and staff did not hear from the East Price Hill Improvement Association in regards to this proposal as they were unaware of it.

Although the mailed notice will not get to property owners by the time this report is published, due to the conversations from the second staff conference related to the zoning study, staff has a robust email list of interested property owners from the area, including several members of the East Price Hill Improvement Association Board and Price Hill Will, who also received the notice via email on January 11, 2017. The East Price Hill Improvement Association supports text amendments to make the existing CN-P zoning more like the proposed PX, along with several property owners in the area supporting this proposal. Staff has received a handful of letters against taking any action related to zoning from several property owners as well, including from the owner of 2801 Price Avenue.

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

1. **ADOPT** the Department of City Planning staff findings that the permit application generally conforms to the application review guidelines for Interim Development Control Overlay District No. 80, Incline District Investment Area, and meets the standards set forth in Cincinnati Zoning Code Sections 1431-17 and 1445-13, as discussed on pages one to nine (1-9) of this report; and,

2. **APPROVE** the proposed new construction and change of use for a food market at 2801 Price Avenue within Interim Development Control Overlay District No. 80, Incline District Investment Area in East Price Hill.

Respectfully Submitted,

[Signature]

James Weaver, AICP, Senior City Planner
Department of City Planning

Approved:

[Signature]

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

RED RUG VERTEX 413B

CHOCOLATE SEMI SMOOTH 423T

ORIGINAL SUBMITTAL

1/3/2017
NOTICE OF MEETINGS SCHEDULE FOR
ZONING BOARD OF APPEALS
FOR 2017

Notice is hereby given that the regular monthly meetings of the Zoning Board of Appeals of the City of Cincinnati are tentatively scheduled on the third Thursday each month as follows:

<table>
<thead>
<tr>
<th>Month</th>
<th>CPC Representative</th>
</tr>
</thead>
<tbody>
<tr>
<td>January 19, 2017</td>
<td>CPC Representative: Vom Hofe</td>
</tr>
<tr>
<td>February 16, 2017</td>
<td>CPC Representative: Vom Hofe</td>
</tr>
<tr>
<td>March 16, 2017</td>
<td>CPC Representative:</td>
</tr>
<tr>
<td>April 20, 2017</td>
<td>CPC Representative:</td>
</tr>
<tr>
<td>May 18, 2017</td>
<td>CPC Representative:</td>
</tr>
<tr>
<td>June 15, 2017</td>
<td>CPC Representative:</td>
</tr>
<tr>
<td>July 20, 2017</td>
<td>CPC Representative:</td>
</tr>
<tr>
<td>August 17, 2017</td>
<td>CPC Representative:</td>
</tr>
<tr>
<td>September 21, 2017</td>
<td>CPC Representative:</td>
</tr>
<tr>
<td>October 19, 2017</td>
<td>CPC Representative:</td>
</tr>
<tr>
<td>November 16, 2017</td>
<td>CPC Representative: Koesters</td>
</tr>
<tr>
<td>December 21, 2017</td>
<td>CPC Representative: Koesters</td>
</tr>
</tbody>
</table>

Zoning Board of Appeals meetings are held at 9:00 a.m. in the Fifth Floor Conference Room, located at Two Centennial Plaza, 805 Central Avenue, Cincinnati, OH 45202.