

**Honorable City Planning Commission
Cincinnati, Ohio**

April 17, 2015

SUBJECT: A report and recommendation on the establishment of Interim Development Control (IDC) Overlay District No. 77, University Impact Area in CUF.

BACKGROUND

In a City Council meeting on December 10, 2014, Mayor Cranley requested that the City Manager study the impacts that the University of Cincinnati and a large student population have on the adjacent residential neighborhoods. City Manager Black has directed Staff to establish an Interim Development Control (IDC) Overlay District to study possible Zoning Code, Housing Code, and administrative changes while ensuring the compatibility of development during the time of the study. The University Impact Area Study may substantially change the permitted form and uses within the study area and will require study and review by the City Administration, City Planning Commission and City Council prior to its adoption.

EXISTING CONDITIONS

Due to its proximity to the University of Cincinnati, which is a highly ranked institution with a continuously growing enrollment, the CUF neighborhood has been experiencing issues relating to an increasing population of renters, including:

University Growth and Housing Conditions

As the University of Cincinnati has grown and expanded, many students have pushed out into the adjacent residential neighborhood to find affordable housing. There is growing concern about renters living in what were once single-family homes that have been carved up into multiple dwelling units and bedrooms. There are concerns that many of these structures may break the Housing and Zoning Codes for the number of unrelated persons, size of bedrooms, parking standards, and other regulations though this is often hard to determine and enforce. Many structures also may not comply with Fire and Health Codes, which are also difficult to determine and enforce.

Parking and Traffic

This density of people living in the neighborhood has impacted on-street parking. Currently, the on-street parking is first come, first served throughout the neighborhood. Many houses in the neighborhood do not have off-street parking. A house that has five to six adult renters in it might yield five to six cars on the street. Those who live in large multi-family apartment buildings with attached structured parking might be offered a space in a parking garage for a monthly fee, but choose to park on the street where it is free. In addition, visitors to the University who not wish to pay for parking on campus will look for free on-street parking in the residential areas adjacent to the University. This amount of cars coming and going and circling looking for parking spots also contributes to traffic concerns.

Quality of Life Concerns

The above mentioned conditions also increase problems with noise and litter in the neighborhood, which have a negative impact on the quality of life.

New Development and Existing Character

The CUF Neighborhood Association is concerned about recent and proposed developments that are not in line with the character of their neighborhood, especially in their commercial district where newer developments are much taller and denser than what had previously existed.

CRITERIA FOR AN IDC DISTRICT

City Council may establish an IDC Overlay District if the City Planning Commission gives them an affirmative recommendation on the finding that:

- I. *Proposed Amendments.* Amendments to the Cincinnati Zoning Code have been approved or are under consideration through the following actions:
 - a. The City Planning Commission has approved amendments to the Cincinnati Zoning Code; or
 - b. The City Planning Commission has approved or adopted a comprehensive plan, community plan, urban design, urban renewal plan or other planning document which contains recommendations to amend the Cincinnati Zoning Code; or
 - c. The City Planning Commission, City Council or the City Manager has directed city administration to study planning, land use or zoning issues in the proposed IDC Overlay District boundary.

- II. *Study and Review.* The proposed amendments may substantially affect permitted uses in the area of consideration and will require the study and review by the City Planning Commission, city administration and Council prior to adoption; and

- III. *Public Interest.* The protection of the public interest requires that interim development controls be imposed during the period of study and review by the City Planning Commission.

Section 1431-09 – Three-Month IDC Overlay Districts

Council may establish IDC Overlay Districts to remain in effect for three months without prior notice, advertisement or public hearing. The Director of City Planning and Buildings has the duty to give notice of the establishment of the district and the time and place of a public hearing on the extension of the district for an additional nine-month period within ten business days of the establishment of an IDC Overlay District, by placing an advertisement in a newspaper of general circulation and, if less than 100 parcels of property are within the district, by sending the notice to all owners of record.

REGULATIONS AND GUIDELINES FOR THE IDC

The area proposed for the boundary of IDC Overlay District No. 77, University Impact Area will be the area as shown on the attached map in Exhibit A. This boundary was determined by placing a quarter-mile buffer from the University of Cincinnati's West Campus and the CUF Neighborhood Business District. A quarter-mile is the generally accepted distance that the average American is willing to travel without an automobile by walking or other means. The buffer was altered to exclude the University of Cincinnati and only include areas that fell within the recognized CUF Community Council boundary. When possible, zoning districts were kept intact, resulting in the proposed boundary.

According to §1431-15, the City Planning Commission has the duty to review applications in the established IDC Overlay District No. 77. The Department of City Planning and Buildings staff will be the designated administrative reviewer. All permits that will fall within the IDC Overlay District No. 77 boundary for new construction, demolition of existing structures, exterior alterations or additions to existing structures and changes in use; signs; site improvements; excavation and fill permits; and certificates of compliance 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.

77, University Impact Area and Designation of Administrative Reviewer” (see Exhibit B).

ANALYSIS

Due to the growing success of the University of Cincinnati, the CUF neighborhood is currently experiencing a host of issues that necessitates a deeper look at the Zoning Code, Housing Code, and other administrative actions. The objective of this study is to ensure safe housing for students and a high quality of life for all inhabitants of the neighborhood. The Mayor and City Manager have asked Staff to study solutions to these issues including possible changes to the Zoning Code, Housing Code, and other administrative actions.

As described in the above section, *Criteria for an IDC District*, City Council may establish an IDC Overlay District if the City Planning Commission gives them an affirmative recommendation on the finding that:

- I. *Proposed Amendments.* Amendments to the Cincinnati Zoning Code have been approved or are under consideration through the following actions:
 - a. The City Planning Commission has approved amendments to the Cincinnati Zoning Code; or
 - b. The City Planning Commission has approved or adopted a comprehensive plan, community plan, urban design, urban renewal plan or other planning document which contains recommendations to amend the Cincinnati Zoning Code; or
 - c. The City Planning Commission, City Council or the City Manager has directed city administration to study planning, land use or zoning issues in the proposed IDC Overlay District boundary.

Staff Findings: Per I.c above, the Mayor and City Manager have directed Planning Staff to undertake a study to determine possible Zoning Code, Housing Code, and other administrative actions for the University Impact Area.

- II. *Study and Review.* The proposed amendments may substantially affect permitted uses in the area of consideration and will require the study and review by the City Planning Commission, city administration and Council prior to adoption; and

Staff Findings: If the results of the proposed study are that any of the subject properties should be zoned to a different district and/or that text amendments should be made to the Zoning and Housing Codes, those amendments could substantially affect permitted uses and will require the study and review by the City Planning Commission, city administration and Council prior to adoption.

- III. *Public Interest.* The protection of the public interest requires that interim development controls be imposed during the period of study and review by the City Planning Commission.

Staff Findings: The additional review of permits by the City Planning Commission during the period of the study will protect the public interest by ensuring that any future development is compatible with the existing uses and character of this neighborhood.

While the proposed University Impact Area Study is underway, the IDC Overlay District will help to ensure compatibility of development with the existing neighborhood. The proposed IDC Overlay District could be established for an initial three (3) months, with a future option to extend an additional nine months if City Council so desires. In order to establish the IDC Overlay District, City Council must receive an affirmative recommendation from the City Planning Commission.

If the three-month IDC is established, a notice of the establishment of the district and the time and place of a public hearing on the extension of the district for an additional nine-month period will need to be sent within ten business days of the establishment. All owners of record within the IDC boundaries will receive that notice for the public hearing before the City Planning Commission.

CONSISTENCY WITH PLANS

The Clifton Heights/UC Joint Urban Renewal Plan (2001) could help to guide possible solutions for the CUF business district. The study is consistent with a goal of the plan to knit together the University of Cincinnati and the residential community into something even more significant – “an identifiable uptown business neighborhood of memorable spirit and urbanity (pg. 3).”

IDC No. 77, University Impact Area, is consistent with Plan Cincinnati, particularly with Goal 3 in the Live Initiative Area to “Provide a full spectrum of housing options and improve housing quality and affordability (pg. 164)” and the Strategy under Goal 2 in the Live Initiative Area to “Support and stabilize our neighborhoods (pg. 160).”

RECOMMENDATION

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

ADOPT the Department of City Planning and Buildings staff findings that the proposed IDC is in compliance with Cincinnati Zoning Code Section 1431-05, *Establishment of IDC Overlay Districts*, as discussed on page three (3) of this report; and,

RECOMMEND that City Council establish Interim Development Control District No. 77, University Impact Area in CUF, for a period of three (3) months.

Respectfully Submitted,



Justin Lamorella, City Planner
Dept. of City Planning & Buildings

Approved:



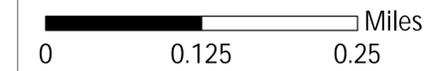
Charles C. Graves, III, Director
Dept. of City Planning & Buildings

EXHIBIT A

Interim Development Control Overlay District (IDC) No. 77 University Impact Area

- Legend
-  IDC #77 Boundary
 -  Quarter Mile Buffer
 -  CUF Community Council Boundary
 -  CUF NBD and UC West Campus
 -  Buildings
 -  Streets

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Prepared by: Department of City Planning and Buildings
Charles C. Graves, III, Director
April 2015



EXHIBIT B

Regulations and Application Review Guidelines for Interim Development Control Overlay District No. 77, University Impact Area in CUF and Designation of Administrative Reviewer

Section I. Applications Subject to Review:

- (1) Building permits for new construction, demolition of existing structures, exterior alterations or additions to existing structures and changes in use.
- (2) Building permits for signs.
- (3) Building permits for site improvements.
- (4) Excavation and fill permits.
- (5) Certificates of compliance

Section II. Designated Administrative Reviewer:

Council designates the Department of City Planning and Buildings as the staff reviewing authority for Interim Development Control Overlay District No. 77, University Impact Area.

Section III. Application Review Guidelines:

In addition to any other necessary reviews and approvals as required by the Cincinnati Zoning Code and any other applicable laws, any application subject to review in Section I above shall be reviewed by the City Planning Commission to determine whether the application conforms to all applicable laws, ordinances, and regulations and is in the public interest.

In determining whether the application is in the public interest, the City Planning Commission shall consider those factors listed below that are relevant to the application. The application's failure to conform to any single factor is not necessarily a sufficient basis for denial.

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

- e) *Buffering*. Appropriate buffering is provided to protect adjacent uses or properties from light, noise and visual impacts.
- f) *Landscaping*. Landscaping meets the requirements of the Cincinnati Zoning Code.
- g) *Hours of Operation*. Operating hours are compatible with adjacent land uses.
- 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.
- 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.
- 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.
- k) *Blight*. The elimination or avoidance of blight.
- l) *Economic Benefits*. The promotion of the Cincinnati economy.
- m) *Job Creation*. The creation of jobs both permanently and during construction.
- n) *Tax Valuation*. Any increase in the real property tax duplicate.
- o) *Private Benefits*. The economic and other private benefits to the owner or applicant.
- p) *Public Benefits*. The public peace, health, safety or general welfare.