



City of Cincinnati

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An Ordinance No. 322

- 2022

AMENDING the official zoning map of the City of Cincinnati to rezone the real property located at 3033 Jared Ellis Drive in the Oakley neighborhood from the CG-A, “Commercial General-Auto,” zoning district to Planned Development District No. 94, “Arcadia.”

WHEREAS, Local Oakley, LLC (“Owner”) owns the real property located at 3033 Jared Ellis Drive in the Oakley neighborhood (“Property”), which property is comprised of approximately 7.5 acres; and

WHEREAS, the Property previously contained an industrial use and currently consists of vacant land; and

WHEREAS, the Owner has petitioned to rezone the Property from the CG-A, “Commercial General-Auto,” zoning district to Planned Development District No. 94, “Arcadia,” (“PD-94”) to facilitate the construction of a development that contains 124 townhomes at a density of 16 units per acre (“Project”); and

WHEREAS, the Owner has submitted a concept plan and development program statement for the Project, which concept plan and development program statement describe the land use and development regulations that will govern the Project and which documents otherwise meet the requirements of Cincinnati Municipal Code Section 1429-09; and

WHEREAS, the Owner has sufficient control over the Property to affect its proposed plan and construct the Project; and

WHEREAS, the proposed Project is compatible with surrounding land uses, will reactivate a lot that is currently vacant and underutilized by creating more residential housing options, and will support commercial businesses in the Oakley neighborhood; and

WHEREAS, on September 16, 2022, the City Planning Commission approved the rezoning of the Property from the CG-A, “Commercial General-Auto,” zoning district to PD-94 upon finding that: (i) the Owner’s concept plan and development program statement are consistent with applicable plans and policies and are compatible with surrounding development; (ii) the concept plan and development program enhance the potential for superior urban design in comparison with the development under the base district regulations that would apply if the plan were not approved; (iii) deviations from the base district regulations applicable to the property at the time of the Owner’s application are justified by compensating benefits of the concept plan and development program statement; and (iv) the concept plan and development program statement include adequate provisions for utility services, refuse collection, open space, landscaping and buffering, pedestrian circulation, traffic circulation, building design, and building location; and

WHEREAS, a committee of the Council held a public hearing on the proposed rezoning of the Property following due and proper notice pursuant to Cincinnati Municipal Code Section 111-1, and the committee approved the rezoning, finding it in the interest of the general public's health, safety, morals, and welfare; and

WHEREAS, the proposed rezoning is consistent with the "Live" Initiative Area of *Plan Cincinnati* (2012), which includes the goal to "provide a full spectrum of housing options and improve housing quality and affordability" (page 164) and the goal to "create a more livable community" (page 156); and

WHEREAS, the proposed rezoning is further consistent with the "Managing our Future Growth" Focus Area of the *Oakley Master Plan* (2002), including its goal to "assure that future growth is guided by zoning and planning that will preserve Oakley as a thriving, unique, and pedestrian-scaled urban neighborhood" (page 80) and the strategy to "evaluate the appropriateness of the existing zoning map for vacant and underutilized properties" (page 80); and

WHEREAS, the Council considers the establishment of PD-94 to be in the best interests of the City and the general public's health, safety, morals, and welfare; now, therefore,

BE IT ORDAINED by the Council of the City of Cincinnati, State of Ohio:

Section 1. That the Council hereby adopts as its own independent findings the Department of City Planning's and the Cincinnati Planning Commission's findings that the planned development proposed by Local Oakley, LLC for the real property located at 3033 Jared Ellis Drive in the Oakley neighborhood ("Property") conforms to the requirements of Cincinnati Municipal Code Sections 1429-05, 1429-09, and 1429-11.

Section 2. That the shape and area of the City's official zoning map in the location of the Property, which real property is identified on the map attached hereto as Exhibit "A" and made a part hereof, and which real property is more particularly described on Exhibit "B", attached hereto and made a part hereof, is hereby amended from the CG-A, "Commercial General-Auto," zoning district to Planned Development District No. 94, "Arcadia," ("PD-94").

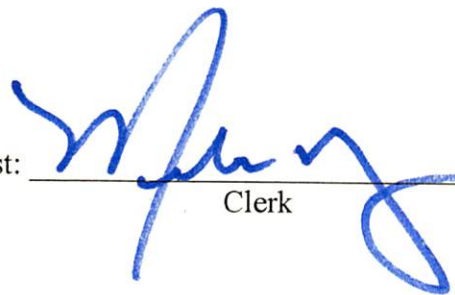
Section 3. That the development program statement, attached hereto as Exhibit "C" and made a part hereof, and the concept plan, attached hereto as Exhibit "D" and made a part hereof, are hereby approved. The approved development program statement and concept plan, which

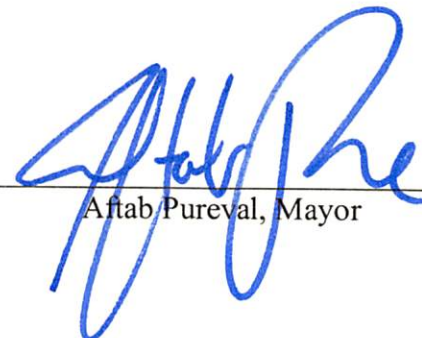
include the incorporation of the provisions of Cincinnati Municipal Code Chapter 1429, "Planned Development Districts," in addition to other more specific provisions, shall govern the use and development of the Property during the effective period of the PD-94.

Section 4. That, should PD-94 lapse pursuant to provisions of Cincinnati Municipal Code Chapter 1429, "Planned Development Districts," the Property shall revert to the CG-A, "Commercial General-Auto," zoning district in effect immediately prior to the effective date of PD-94.

Section 5. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: October 12, 2022

Attest: 
Clerk


Aftab Pureval, Mayor

I HEREBY CERTIFY THAT ORDINANCE NO. 312-2022
WAS PUBLISHED IN THE CITY BULLETIN
IN ACCORDANCE WITH THE CHARTER ON 10.25.2022
Melissa Betsy
CLERK OF COUNCIL