

**SUBJECT:** A report and recommendation on a proposed Major Amendment to the Concept Plan and Development Program Statement for Planned Development #38 (PD-38), The Villages of Daybreak, in Bond Hill.

**GENERAL INFORMATION:**

Location: 1931 E. Seymour Avenue, Cincinnati OH, 45237

Petitioner: MBL DerbyCity Development, LLC  
1502 Vine Street, 4<sup>th</sup> Floor, Cincinnati OH, 45202

Owner: Allen Temple-Tryed Stone Development Ltd.  
7700 Shawnee Run Road, Cincinnati OH, 45243

Request: A proposed Major Amendment to the Concept Plan and Development Program Statement for Planned Development #38 (PD-38), The Villages of Daybreak, in Bond Hill, to establish a multifamily use and corresponding development parameters at 1931 E. Seymour Avenue.

**ATTACHMENTS:**

Provided in addition to this report are the following exhibits:

- Exhibit A – PD-38 Concept Plan Map
- Exhibit B – Major Amendment Application
- Exhibit C – Application Cover Letter
- Exhibit D – Amended Development Program Statement
- Exhibit E – Updated Concept Plan
- Exhibit F – Updated Renderings
- Exhibit G – May 2024 Letter to Adjacent Property Owners
- Exhibit H – July 2024 Community Engagement Session Flyer
- Exhibit I – August 2024 Community Engagement Session Flyer
- Exhibit J – September 2023 Draft Community Benefits Agreement
- Exhibit K – Expert Opinion from a Certified Professional Planner
- Exhibit L – Letter from Current Property Owner
- Exhibit M – Conservation Easement
- Exhibit N – Purchase and Sale Agreement
- Exhibit O – Legal Description
- Exhibit P – The Villages of Daybreak Letter of Opposition and Signed Petition
- Exhibit Q – Written Comment

**BACKGROUND:**

Planned Development #38 (PD-38), The Villages of Daybreak, was established on November 24, 2004 by Ordinance 368-2004, in which City Council approved the zone change and Concept Plan and Development Program Statement. The project consisted of the redevelopment of 60-acres of land formerly occupied by the Huntington Meadows Apartments into roughly 300 units, consisting primarily of detached single-family homes with some condominiums. It also included new utilities, roadways, sidewalks and landscaping, and was to be completed through six total phases. To date, the vast majority of the project has been constructed.

A Final Development Plan for Phases 1-3 was approved by the City Planning Commission on November 19, 2004. The subject property, located at 1931 E. Seymour Avenue, is considered Phase 3B of the project and was

intended to be the last phase constructed. The property consists of 4.3 acres, and the previously approved Final Development Plan proposed 43 attached condominium units, the same as the existing adjacent condo units within the PD. However, this phase was ultimately never constructed, and 1931 E. Seymour Avenue remains vacant.

The petitioner, MBL DerbyCity Development, is an affiliate of LDG Development based in Louisville, KY. The petitioner is currently under contract to purchase the property from Allen Temple-Tryed Stone Development, the developers of the other phases of The Villages of Daybreak. The petitioner's new proposal requires a Major Amendment to the Concept Plan and Development Program Statement of PD-38.

The proposed Major Amendment and accompanying Final Development Plan were reviewed and held at the June 21, 2024 City Planning Commission meeting. The motion to hold the items called for the project to return to the City Planning Commission pending a meeting between the petitioner, residents of The Villages of Daybreak, and The Villages of Daybreak Homeowner's Association (HOA). Two meetings hosted by the petitioner were held on July 2 and August 6 of 2024, and a meeting hosted by the HOA was held on July 13, 2024. The application materials were also revised following the June 21, 2024 public hearing according to feedback from residents; the revisions are outlined in the Proposed Development and Changes to Concept Plan section below.

### **ADJACENT LAND USE AND ZONING:**

The site is currently zoned Planned Development (PD-38). The adjacent zoning and land uses are as follows:

**North:**

Zoning: Planned Development (PD)  
Use: Vacant land (MidPointe Crossing site)

**East:**

Zoning: Residential Multi-family (RMX)  
Use: Multifamily residences (Roselawn Village Apartments)

**South:**

Zoning: Planned Development (PD-38)  
Use: Attached condominiums

**West:**

Zoning: Planned Development (PD-38)  
Use: Single-family residential

### **PROPOSED DEVELOPMENT AND CHANGES TO CONCEPT PLAN:**

The petitioner is proposing to develop the currently vacant site into an affordable multifamily development entitled Seymour Station. The proposed project consists of two multifamily residential buildings, with three stories and 54 units in Building 1 and four stories and 96 units in Building 2. Units will include a mix of one-, two-, and three-bedroom layouts, each with a patio or balcony. The developer is using Low-Income Housing Tax Credits (LIHTC), and units will be affordable to tenants making 50%, 60%, and 70% of the Area Median Income (AMI). In addition to the two residential buildings, the project also includes a clubhouse, playground, and six-foot privacy fence surrounding the property. The proposal includes 190 parking spaces, and the site will be accessed from Seymour Avenue. Emergency vehicles will have additional access through a locked gate where the property meets Sunwalk Drive.

Changes to the original application following the June 21, 2024 City Planning Commission meeting are outlined in the Application Cover Letter (Exhibit C), and include the following: removed the proposed pool, reduced the height of Building 1 from four stories to three, reduced the total unit count from 168 to 150, added an additional 20 parking spaces, included additional landscaping and preserved the existing oak tree on site, replaced the proposed bollards at Sunwalk Drive with a locked gate, and moved the clubhouse location further away from the adjacent single-family homes. Additional materials were also provided, including a letter of professional opinion that the project is compatible and necessary in the City (Exhibit K), and a letter from the current property owner expressing that the current site plan is no longer economically viable (Exhibit L).

The development proposes a change in density and use from the single-family residential proposal established in the previously approved Concept Plan and Development Program Statement. The change is considered a Major Amendment to establish a multi-family use and the corresponding development parameters.

**BASIC REQUIREMENTS OF A PLANNED DEVELOPMENT DISTRICT:**

According to §1429-05 of the Cincinnati Zoning Code, *Basic Requirements*, PD Districts and development within PD Districts must comply with the following:

- a. **Minimum Area** – *The minimum area of a PD must be two contiguous acres.*

The existing Planned Development consists of 60 contiguous acres.

- b. **Ownership** – *Evidence that the petitioner has sufficient control over the tract of land to affect the proposed plan, including a list of all ownership and beneficial interests in the tract of land and the proposed development are required.*

The petitioner has provided the purchase and sale agreement for the property at 1931 E. Seymour Avenue (Exhibit N) with the current owner, Allen Temple-Tryed Stone Development.

- c. **Multiple Buildings on a Lot** – *More than one building is permitted on a lot.*

The proposed Major Amendment includes two residential buildings, a clubhouse building, and a playground on the site.

- d. **Historic Landmarks and Districts** – *Whenever a Planned Development application is filed for a property wholly or partially located within a historic landmark, historic district, or involving a historic structure, the Historic Conversation Board shall advise the City Planning Commission relating to approval of the Final Development Plan.*

No portion of the site is located within a historic district, nor contains any historic landmark.

- e. **Hillside Overlay Districts** – *Whenever a Planned Development application is filed for a property wholly or partially located within a Hillside Overlay District, the City Planning Commission shall approve the Final Development Plan.*

No portion of the site is located within the Hillside Overlay District.

- f. **Urban Design Overlay District** – *Whenever a Planned Development application is filed for a property wholly or partially located within an Urban Design Overlay District, the City Planning Commission shall approve the Final Development Plan.*

No portion of the site is located within an Urban Design Overlay District.

**CONCEPT PLAN AND DEVELOPMENT PROGRAM STATEMENT:**

According to §1429-09 of the Cincinnati Zoning Code, *Concept Plan and Development Program Statement*, a petition to rezone a property to PD must include a Concept Plan and Development Program Statement. The purpose is to describe the proposed use or uses to be conducted in the PD District. The Concept Plan and Development Program Statement must include text or diagrams that specify:

- a. **Plan Elements** – *A survey of the tract to be developed, providing a metes and bounds description of the property and the survey of property lines and total acreage. Additionally, the plan should include the location in general terms, of land areas to be developed, including: type and description of proposed land uses, buildings and structures; street rights-of-way and driveways; parcel boundaries and proposed lots, including set back lines; building heights; pedestrian circulation systems and open space or other facilities; and proposed topography, drainage, landscaping and buffer plantings.*

The petitioner has submitted a proposed Major Amendment to the Concept Plan and Development Program Statement that includes sufficient information regarding proposed uses, building locations, street access, pedestrian circulation systems, and open space and landscaping.

- b. **Ownership** – Evidence that the petitioner has sufficient control over the tract of land to affect the proposed plan, including a list of all ownership and beneficial interests in the tract of land and the proposed development.

The petitioner has provided the purchase and sale agreement for the property at 1931 E. Seymour Avenue (Exhibit N) with the current owner, Allen Temple-Tryed Stone Development.

- c. **Schedule** – Time schedule of projected development, if the total site is to be developed in phases or if construction is to extend beyond a two-year time period.

The project will be constructed in a single phase.

- d. **Preliminary Reviews** – A preliminary review of geo-technical, sewage, water, drainage and refuse collection.

The project has gone through both Development and Technical Design Reviews available through the City’s Coordinated Site Review Process (see “Coordinated Site Review”).

- e. **Density and Open Space** – Calculations of density and open space area.

The project has a proposed density of 35 units per acre and 30% of the site is set aside as open space (approximately 56,323 square feet).

### **MAJOR AMENDMENT:**

The Cincinnati Zoning Code § 1429-12 allows for amendments to the Concept Plan and Development Program Statement. Major Amendments must be approved by the City Planning Commission and City Council. A Major Amendment to the Concept Plan and Development Program Statement has been requested as the petitioner wishes to change the permitted uses. The Major Amendment includes:

- A change in the uses from single-family residential to multi-family residential
- An increase in density by more than ten percent

### **FINAL DEVELOPMENT PLAN:**

According to §1429-13 *Final Development Plan*, a Final Development Plan must be submitted for any portion of an approved Concept Plan that the petitioner wishes to develop following approval of the Concept Plan and Development Program Statement and the Planned Development (PD) designation by City Council. The Final Development Plan must substantially conform to the approved Concept Plan and Development Program Statement. A Final Development Plan for 1931 E. Seymour Avenue was submitted concurrently with the proposed Major Amendment to the Concept Plan and Development Program Statement. The petitioner has filed for a Final Development Plan, which is filed under a separate request and will be considered as Item 3 on the August 16, 2024 agenda.

### **COORDINATED SITE REVIEW:**

The project was reviewed at the Development Design Review level through the City’s Coordinated Site Review (CSR) process in February of 2024, and the Technical Design Review level in May of 2024; no concerns were identified. The Department of Transportation and Engineering has reviewed the submitted Traffic Impact study for this project and approved its finding that no changes to the existing right-of-way are necessary.

### **PUBLIC COMMENT AND NOTIFICATION:**

A combined notice for the June 5, 2024, Public Staff Conference and the June 21, 2024, City Planning Commission meeting was sent to all property owners within 400 feet of the site, The Villages of Daybreak Homeowner’s Association (HOA), the Bond Hill Community Council, the Roselawn Community Council, and the Bond Hill Roselawn Collaborative.

The June 5, 2024 virtual Public Staff Conference was held for both the proposed Major Amendment and Final Development Plan. There were a total of 11 members of the public in attendance, as well as members of City staff and the development team. Attendees were curious about the level of engagement with the Bond Hill Community Council and The Villages of Daybreak HOA, to which Planning staff and the petitioner explained how the two organizations had been involved in the process to date. There were some concerns about recent instances of surveyors trespassing on the residential properties without notice, which the petitioner addressed. There were a number of questions related to project specifics, including the building design and orientation, the proposed privacy fence along the perimeter of the property, vehicle access, the affordability component, and if the project will be affiliated with The Villages of Daybreak HOA, all of which the petitioner addressed. Attendees seemed generally supportive of the project and the vacant land finally being developed.

A letter of opposition and accompanying petition with 142 signatures was submitted as additional correspondence to the City Planning Commission on June 20, 2024 (Exhibit P). The concerns outlined in the letter included the proposed density of the project, the increased density of rental units in the area, the traffic impact on the neighborhood, noise and light pollution, safety concerns, impact on surrounding property values, and an insufficient level of community engagement. Thirteen members of the public spoke at the June 21, 2024 City Planning Commission hearing in opposition to the project, and both items related to it were held pending further engagement with the community.

A meeting hosted by LDG Development was held on July 2, 2024 with over 50 members of the public and one member of City staff in attendance (flyer is included as Exhibit H). LDG presented information about the company, other projects completed, and an economic analysis of the site. The main concerns expressed by attendees were that the development was incompatible with its surroundings due to the proposed density and increase in rental units abutting a single-family area; the project was not what they were told would be done on the site when they purchased their homes; a desire for ownership products on the site; a potential negative impact on property values; and inadequate engagement with the community by the petitioner. A number of residents were opposed to the affordability component of the project, but not all. Other concerns voiced during the meeting included exacerbated traffic issues on Seymour Avenue, increased noise, and insufficient parking.

The Villages of Daybreak HOA hosted its annual meeting on July 13, 2024, at which the proposed project was discussed. Residents of The Villages of Daybreak and representatives from the applicant team were in attendance, however no members of City staff were present.

Another meeting hosted by LDG Development was held on August 6, 2024 with approximately 50 members of the public and one member of City staff in attendance (flyer is included as Exhibit I). LDG staffed information stations related to various community concerns and answered questions. Resident's questions were primarily about how many of the prospective tenants would be using Section 8 vouchers, the use and hours of the clubhouse, and the safety measures for the property. Residents reiterated concerns about noise, crime and safety, parking, traffic on Seymour, density, and trash management.

Notice of the August 16, 2024 City Planning Commission meeting was sent to all property owners within 400 feet of the site, The Villages of Daybreak HOA, the Bond Hill Community Council, the Roselawn Community Council, and the Bond Hill Roselawn Collaborative. Additionally, email notification was sent to all who attended the June 5, 2024 Public Staff Conference and signed in at the June 21, 2024 City Planning Commission meeting.

The petitioner has outlined all community engagement efforts related to the project thus far in the Application Cover Letter (Exhibit C). The Bond Hill Community Council issued a letter of support for the project in October of 2023, but rescinded the letter in July of 2024. Two pieces of written comment have been received by City staff, both of which are included as Exhibit Q.

**CONSISTENCY WITH PLANS:**

### *Plan Cincinnati (2012)*

The proposed Major Amendment is consistent with the Live Initiative Area of *Plan Cincinnati (2012)*, including the goal to “Provide a full spectrum of housing options,” (p. 164) and the strategy to “Offer housing options of varied sizes and types for residents at all stages of life” (p. 169). The project will bring 168 units of affordable housing to Bond Hill, with a variety of unit sizes and bedrooms to accommodate differing household needs.

### *Bond Hill + Roselawn Plan (2016)*

The proposed Major Amendment is inconsistent with the Future Land Use plan in the *Bond Hill + Roselawn Plan (2016)*, which calls for low density residential use of the site (p. 19). However, during the time since this plan was approved, the property has sat vacant. This indicates that some level of change to the currently approved low-density residential use of the site is necessary to facilitate any new development there.

The project is consistent with the Housing Theme of the *Bond Hill + Roselawn Plan (2016)*, including the goal to “Increase homeownership and diversity of housing options, including expanding access to a variety of market-rate and affordable housing choices in Bond Hill” (p. 15), and the Action Steps to “Increase the quality and diversity of existing rental property” and “Identify private investors to improve existing properties and build new ones” (p. 32). While the proposed development is not increasing homeownership, it addresses the rest of the goal in the Housing Theme by providing affordable rental units to the area with a diversity of sizes and bedroom options. The proposed development will improve the quality of the rental stock in Bond Hill by aligning with the second Action Step to create new, quality rental housing units in the neighborhood on a currently vacant site.

### **CITY PLANNING COMMISSION ACTION:**

According to Section §1429-11(a) of the Cincinnati Zoning Code, City Planning Commission may recommend approval or conditional approval, with restrictions on the establishment of a PD District on finding that all of the following circumstances apply:

1. *The PD concept plan and development program statement are consistent with applicable plans and policies and is compatible with surrounding development;*

The proposal is partially consistent with the Housing Theme of the *Bond Hill + Roselawn Plan (2016)*, and consistent with the Live Initiative Area of *Plan Cincinnati (2012)* (see “Consistency with Plans”). It is also compatible with surrounding development as it is adjacent to lower-density multifamily condominiums to the south, which act as a transition into the low-density single-family housing; the multifamily Roselawn Village Apartments complex to the north; and the proposed high-density, mixed-use Midpoint Crossing site to the west.

2. *The PD concept plan and development program statement 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;*

The proposal is an amendment to an already approved and established Planned Development district. The subject property has sat vacant for decades, indicating that under the current regulations established in the Concept Plan and Development Program Statement, development is infeasible. The proposed amendment allows for an achievable development on the parcel, thus enhancing the district.

3. *Deviations from the base district regulations applicable to the property at the time of the PD application are justified by compensating benefits of the PD concept plan and development program statement;*

The proposal is an amendment to an already approved and established Planned Development. As described above, the fact that the subject property has been vacant and unused for two decades indicates that deviations to the current regulations established in the Concept Plan and

Development Program Statement are necessary to facilitate any new development on the site.

4. *The PD Concept Plan and Development Program Statement includes adequate provisions for utility services, refuse collection, open space, landscaping and buffering, pedestrian circulation, traffic circulation, building design and building location.*

All aspects are covered in the submitted Concept Plan and Development Program Statement and the concurrently submitted Final Development Plan.

**ANALYSIS:**

The proposed Major Amendment to the Concept Plan and Development Program Statement would establish a new multifamily use at 1931 E. Seymour Avenue located within Planned Development District #38, The Villages of Daybreak, and its associated development parameters. The proposed development would contain two high-density multifamily residential buildings with amenities, compared to the originally proposed attached single-family residences.

The current regulations for the property located at 1931 E. Seymour Avenue as established by the Concept Plan and Development Program Statement, as well as the Final Development Plan for Planned Development #38, have proven unsuccessful in fostering new development on the site since their establishment. This is illustrated by the fact that the property has remained vacant and underutilized for over two decades, despite the completion of all other phases of The Villages of Daybreak development. Thus, some level of change to the Planned Development district for this property is required.

The Seymour Station project proposes a productive development that will provide 150 designated affordable housing units with amenities to Bond Hill, and will complete the last remaining large parcel in The Villages of Daybreak. The petitioner has engaged with the community (including the Bond Hill Community Council, The Villages of Daybreak HOA, and nearby residents) on several occasions, and has revised the project to accommodate a number of their concerns.

**FINDINGS:**

It is the opinion of staff of the Department of City Planning and Engagement that the proposed Major Amendment to the Concept Plan and Development Program Statement is in compliance with §1429-12 *Amendments to a Planned Development Concept Plan*. The proposal is consistent with the purpose of the Planned Development District Regulations, and the petitioner has successfully met all basic requirements of the Planned Development District. The Major Amendment will not negatively impact the existing character of the surrounding area.

**RECOMMENDATION:**

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

1. **ADOPT** the Department of City Planning and Engagement Findings as detailed in this report; and
2. **APPROVE** the proposed Major Amendment to the Concept Plan and Development Program Statement for Planned Development #38 (PD-38), The Villages of Daybreak, as outlined in this report.

Respectfully submitted:

Approved:



Gabrielle Couch, City Planner  
Department of City Planning & Engagement

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