



EMERGENCY

City of Cincinnati

DBS

An Ordinance No. 26

- 2020

*AWB*

**APPROVING** a major amendment to the concept plan and development program statement governing Planned Development District No. 76 to amend and restate the existing concept plan and development program statement governing Planned Development District No. 76 and to incorporate certain adjacent property, thereby approving the rezoning of that property from the CC-A, “Commercial Community-Auto,” zoning district to Planned Development District No. 76, in order to facilitate the construction of a new mixed-used development at the northwest corner of W. Liberty Street and Elm Street in the Over-the-Rhine neighborhood.

WHEREAS, OTR Project Partner, LLC (“Owner”), through its affiliates W Liberty & Elm, LLC, W Liberty & Elm RH, LLC, and OTR BIH, LLC, owns or controls (i) certain real property in the Over-The-Rhine neighborhood within the block generally bound by Elm Street, W. Liberty Street, Logan Street, and Green Street, which property is zoned Planned Development District No. 76 (“PD-76”) pursuant to Ordinance No. 251-2016, and (ii) certain real property commonly known as 1621 Logan Street, which property is adjacent to PD-76 and is located within the block generally bound by Logan Street, W. Liberty Street, Central Parkway, and W. Elder Street (“PD-76 Expansion Property”), and which property is currently located in a CC-A, “Commercial Community-Auto,” zoning district; and

WHEREAS, the current concept plan and development program statement for PD-76 provides for a mixed-use development consisting of residential dwelling units above ground level retail, office, and restaurant space and adjacent to a surface parking lot; and

WHEREAS, KEAN Development, Buckingham Companies, and the Owner wish to develop the property zoned PD-76 and the PD-76 Expansion Property, and they have petitioned the City to approve a major amendment to the existing concept plan and development program statement governing PD-76 (i) to enlarge the planned development district by incorporating the PD-76 Expansion Property, and (ii) to amend and restate the existing concept plan and development program statement to provide for, among other things, the construction of a new residential building on the PD-76 Expansion Property, an integrated parking garage, and additional residential dwelling units; and

WHEREAS, at its regular meeting on October 2, 2020, the City Planning Commission considered the request for a major amendment to enlarge PD-76 and to amend its existing concept plan and development program statement; and

WHEREAS, the City Planning Commission approved the major amendment to the PD-76 concept plan upon finding that: (i) the newly proposed 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 request for an amendment 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, the City Planning Commission expressly conditioned its approval on the condition that approval of all applicable certificates of appropriateness identified by the Urban Conservator in her report to the commission be obtained prior to the approval of a final development plan; and

WHEREAS, a committee of Council held a public hearing on the request for a major amendment to enlarge PD-76 and to amend its existing concept plan and development program statement, following due and proper notice pursuant to Cincinnati Municipal Code Section 111-1, and the committee approved the major amendment, finding it in the interest of the general public's health, safety, morals, and general welfare; and

WHEREAS, the proposed major amendment is consistent with *Plan Cincinnati* (2012), including its "Compete" goals to "[t]arget investment to geographic areas where there is already economic activity," (p. 115), to "[c]reate a more livable community," (p. 156) and to "[p]rovide a full spectrum of housing options and improve housing quality and affordability" (p. 164); and

WHEREAS, the proposed major amendment is also consistent with the Housing Goal of the *Over-The-Rhine Comprehensive Plan* (2002) to "[e]ncourage and welcome new investment at all levels of the housing market and ensure the long-term sustainability of enough affordable housing to house current residents," (p. 47) and the Transportation Objective to "[e]ncourage more pedestrian friendly roadway and pathway networks" (p. 109); and

WHEREAS, Council considers the proposed major amendment to enlarge PD-76 and to amend its existing concept plan and development program statement to be in the best interest of the City and the public's health, safety, morals, and general 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 and the Cincinnati Planning Commission's findings that the major amendment to Planned Development District No. 76 ("PD-76") further described herein 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 of Cincinnati's official zoning map in the location of the real property commonly known as 1621 Logan Street and located within the block generally bound by Logan Street, W. Liberty Street, Central Parkway, and W. Elder Street ("PD-76 Expansion Property"), depicted on the map attached hereto as Exhibit A and incorporated by reference, and being more particularly described on the legal description contained in Exhibit B attached hereto and incorporated by reference, is hereby amended from the CC-A, "Commercial Community-Auto," zoning district to PD-76.

Section 3. That the concept plan and development program statement for PD-76 are hereby amended by deleting the existing development program statement and concept plan, which concept plan and development program statement are more particularly described in Exhibits C and D to Ordinance No. 251-2016, and replacing them with the concept plan and development program statement attached hereto as Exhibit C and incorporated herein by reference.

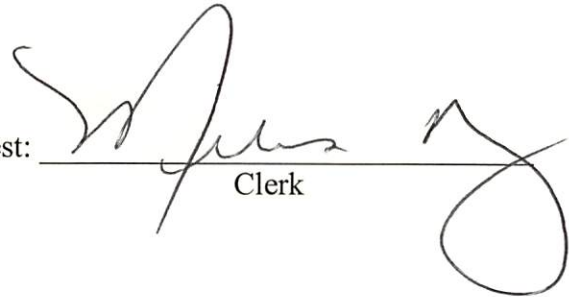
Section 4. That the use and development of the real property designated as PD-76, including the PD-76 Expansion Property, shall be governed by the concept plan and development program statement for PD-76, as amended herein, for so long as PD-76 remains effective.

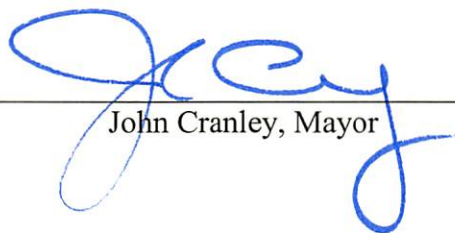
Section 5. That should the approval of PD-76 lapse pursuant to Cincinnati Municipal Code Chapter 1429, "Planned Development Districts," the PD-76 Expansion Property shall revert to the CC-A, "Commercial Community-Auto," zoning district in effect immediately prior to the effective date of this ordinance.

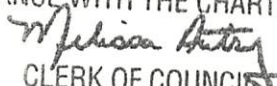
Section 6. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms

of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is the immediate need to allow the development of PD-76 to proceed so that the City may receive and enjoy the corresponding benefits at the earliest possible date.

Passed: February 3, 2020

Attest:   
Clerk

  
John Cranley, Mayor

I HEREBY CERTIFY THAT ORDINANCE NO. 26.2021  
WAS PUBLISHED IN THE CITY BULLETIN  
IN ACCORDANCE WITH THE CHARTER ON 2.16.2021  
  
CLERK OF COUNCIL