

April 16, 2021

Honorable City Planning Commission  
Cincinnati, Ohio

**SUBJECT:** A report and recommendation on a proposed zone change from T4 Neighborhood Small Footprint (T4N.SF) and T4 Neighborhood Small Footprint – Open (T4N.SF-O) to T5 Main Street – Open (T5MS-O) at 4804-4810 Whetsel Avenue in Madisonville.

**GENERAL INFORMATION:**

Location: 4804-4810 Whetsel Avenue, Cincinnati, OH 45227  
Petitioner: Julie Gugino, Finney Law Firm (representing Brian J. Kim)  
Petitioner's Address: 4270 Ivy Pointe Blvd, #225, Cincinnati, OH 45245

**ATTACHMENTS:**

Provided in addition to this report are the following attachments:

- Exhibit A – Location Map
- Exhibit B – Zone Change Application, Legal Description, and Plat
- Exhibit C – Preliminary Site Plan
- Exhibit D – Coordinated Site Review Letter
- Exhibit E – Letters from Madisonville Community Council and Madisonville Community Urban Redevelopment Corporation
- Exhibit F – Letter from Iglesia Apostolica Hispana Church (the parking lot owner)

**BACKGROUND:**

On December 17, 2008, City Council directed City Planning staff to develop and implement a form-based code (FBC) chapter to be included in the Zoning Code. A working group was established in 2008 to begin building awareness about what a FBC can accomplish for Cincinnati. The FBC Working Group consisted of volunteer neighborhood organization leadership, stakeholder organizations, and City staff. This group was also made up of representatives from four “pilot” neighborhoods who were the first to implement the FBC in their communities: College Hill, Madisonville, Walnut Hills, and Westwood.

Madisonville has been an integral part of the Cincinnati FBC process since the beginning. Over 12 years ago, when the FBC concept was first discussed in Cincinnati, Madisonville stakeholders were one of the first groups to step forward and volunteer to be one of the first neighborhoods to have FBC zoning districts implemented. Since then, City Planning staff had worked with Madisonville on a long study and journey through the FBC process. At a Neighborhood Charrette, Madisonville went through an intense visioning process where several illustrative graphics were rendered, and a draft regulating plan and zoning map were produced. Over a hundred people from the Madisonville community attended over the four-day period to learn and be a part of the process.

Following City Council's official approval of the Cincinnati Form-Based Code Chapter into the Zoning Code, City Planning staff continued working with Madisonville, fine-tuning of the draft regulating plans and maps. They also addressed moving forward with the zone change process to implement the FBC. Madisonville was the first neighborhood to make it through the entire process, with the other three “pilot” neighborhoods closely following.

Several meetings and presentations to the Madisonville community occurred between the Neighborhood Charrette and the Madisonville Community Council meeting where a vote was taken to support the zone

changes. City Planning staff worked with representatives of the Madisonville Community Council, Madisonville Community Urban Redevelopment Corporation (MCURC), and stakeholders from Madisonville involved in the FBC Working Group. The zone changes to FBC zoning districts were approved by the City Planning Commission on September 20, 2013 and by City Council on October 9, 2013 as Ordinance 307-2013.

On July 22, 2015, the applicant, B.J. Kim purchased the property located at 4804 Whetsel Avenue, which was a vacant four-family home that the applicant states had been a longstanding problem property in Madisonville. He is now requesting a zone change from the existing T4 Neighborhood Small Footprint (T4N.SF) and T4 Neighborhood Small Footprint – Open (T4N.SF-O) zoning districts to the T5 Main Street – Open (T5MS-O) zoning district to permit the use of a restaurant on the first floor with Mr. Kim living on the floors above.

A restaurant is considered an eating and drinking establishment, which is not a permitted use in the T4N.SF zoning district. This zoning district is meant to be a variety of urban housing choices, in small-to-medium footprint, medium-to-high density building types, which reinforce the walkable nature of the neighborhood, support neighborhood-serving retail and service uses adjacent to this zone. The area requested to be rezoned is approximately 0.5996 acres. The property is situated on the east side of Whetsel Avenue a block south of Madison Road.

The Iglesia Apostolica Hispana Church building is zoned T5MS-O, but their parking lot is zoned T4N.SF-O, putting one property in-between 4804 Whetsel Avenue and the desired zoning district. After much debate between the applicant and the church, the church membership agreed to consent to rezoning their parking lot to T5MS-O with the condition that their parking lot could not be used to serve the restaurant (Exhibit F). The applicant agreed to this condition, as the parking lot is private property owned by the church.

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

The proposed zone change is for one consolidated parcel which is 0.5996 acres (Exhibit A). The property currently has a first-floor commercial shell with residential above. The existing zoning and land use surrounding the subject properties are as follows:

- North: T5 Main Street - Open (T5MS-O) – Iglesia Apostolica Hispana Church. The church building is zoned T5MS-O while the parking lot is zoned T4N.SF-O.
- East: T4 Neighborhood Small Footprint (T4N.SF) – Vacant land and single-family homes, according to the Hamilton County Auditor.
- South: T4 Neighborhood Small Footprint – Open (T4N.SF-O) – Single and two-family homes, according to the Hamilton County Auditor.
- West: T4 Neighborhood Small Footprint – Open (T4N.SF-O) – Small detached one-story retail built in 1945, according to the Hamilton County Auditor.

#### **PROPOSED DEVELOPMENT:**

The proposed zone change to T5MS-O would facilitate the use of a restaurant on the first floor of the building along with an outdoor seating area. A restaurant is considered an eating and drinking establishment, which is not permitted under the existing T4N.SF-O zoning. The existing church parking lot would remain the same, bringing the entire church property into a consistent zoning district.

### **ANALYSIS:**

The requested zone is T5 Main Street – Open (T5MS-O). The T5MS-O desired form is attached, small-to-medium footprint, simple wall plane along street, building at the right-of-way, small to no side setbacks, up to four stories in height, and a diverse mix of frontages. The general use is primarily ground floor commercial and residential uses on the floors above. The intent is to provide a focal point for neighborhoods that accommodates neighborhood service retail, service, and residential uses in a compact, walkable urban form. The open sub-zones allow the flexibility in uses to meet market demands (i.e. a more diverse mix of uses on the ground floor, including residential, thus enabling the retail and service area to mature over time).

The Iglesia Apostolica Hispana Church understandably had concerns about their parking lot being rezoned. They believed that the main entrance to the restaurant would be off their parking lot, and that the restaurant was proposing to use their parking lot for customers. This may have stemmed from construction vehicles parking there during the renovation of 4804 Whetsel Avenue, which the applicant did not authorize. The applicant recognizes that this parking lot is private property and does not plan to use it for restaurant use. Under the proposed T5MS-O zoning, parking is not required for commercial spaces under 5,000 square feet. The zone change on the parking lot is purely to allow for a zone change at 4804 Whetsel Avenue, as City Planning Staff would not support a zone change on one small property, creating an “island” zoning district.

The proposed zone change is supported by the Madisonville Community Council and the Madisonville Community Urban Redevelopment Corporation (Exhibit E). The inclusion of a small neighborhood restaurant into the Madisonville Neighborhood Business District will be a welcomed addition to the neighborhood.

### **COORDINATED SITE REVIEW:**

The proposed project and zone change were reviewed as a preliminary project by the Coordinated Site Review Advisory Team on April 15, 2020 as project CPRE200035. In the follow up letter, the Department of City Planning recommended the need to obtain consent from the church property to obtain rezoning. Other recommendations were standard comments related to a new restaurant use. The full letter is attached as Exhibit D.

### **PUBLIC COMMENT:**

The Department of City Planning has been in contact with the applicant and representatives from the Madisonville Community Council and Madisonville Community Urban Redevelopment Corporation since before an official application was filed. Both entities have provided letters of support for a zone change (Exhibit E).

The Department of City Planning held a virtual public staff conference on this proposed zone change on February 18, 2021. Notices were sent to property owners within a 400-foot radius of the subject property and to the Madisonville Community Council. In addition to City staff, the applicant team was present at the meeting, along with representatives from the Madisonville Community Council and Madisonville Community Urban Redevelopment Corporation, one nearby property owner in support of the project, along with the leadership of the Iglesia Apostolica Hispana Church and their attorney, who was also translating the meeting.

During this meeting, the applicant and the church discussed the proposal and the request to rezone the church parking lot. Church leadership brought up concerns about their parking lot being used for the restaurant use, specifically if the restaurant was going to be accessed through their parking lot and if the

zone change meant that customers of the restaurant were going to park there. Staff explained that the parking lot was only needed to extend the T5MS-O zoning to 4804 Whetsel Avenue, and that besides consenting to the zone change no other action was required on their part. At the end of the meeting, the church asked for two weeks to think about the proposal. On March 14, 2021, the leadership of the church provided a letter consenting to the zone change with the condition that their parking lot is not used for restaurant use. The applicant has agreed to this condition, as the parking lot is private church property.

All property owners within a 400-foot radius of the subject properties and the Madisonville Community Council were notified of the City Planning Commission meeting. The Madisonville Community Council and Madisonville Community Urban Redevelopment Corporation have submitted letters of support (Exhibit E).

#### **CONSISTENCY WITH PLANS:**

##### *Plan Cincinnati (2012)*

The proposed zone change is consistent with the Compete Initiative Area of *Plan Cincinnati* (2012), and the Goal to “target investment to geographic areas where there is already economic activity” (page 141). Following approval of the zone change, the applicant intends to add to the commercial character of this part of Madisonville by adding a popular local restaurant to its neighborhood business district.

#### **CONCLUSIONS:**

The staff of the Department of City Planning supports the proposed change in zoning for the following reasons:

1. The proposed zone change request is adjacent to the desired T5MS-O zoning district. It is supported by the Madisonville Community Council and Madisonville Community Urban Redevelopment Corporation.
2. The proposed zone change is consistent with *Plan Cincinnati*, as it adds a popular restaurant within the existing Madisonville neighborhood business district.

#### **RECOMMENDATION:**

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

**APPROVE** the proposed zone change from T4 Neighborhood Small Footprint (T4N.SF) and T4 Neighborhood Small Footprint – Open (T4N.SF-O) to T5 Main Street – Open (T5MS-O) at 4804-4810 Whetsel Avenue in Madisonville.

Respectfully submitted:



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

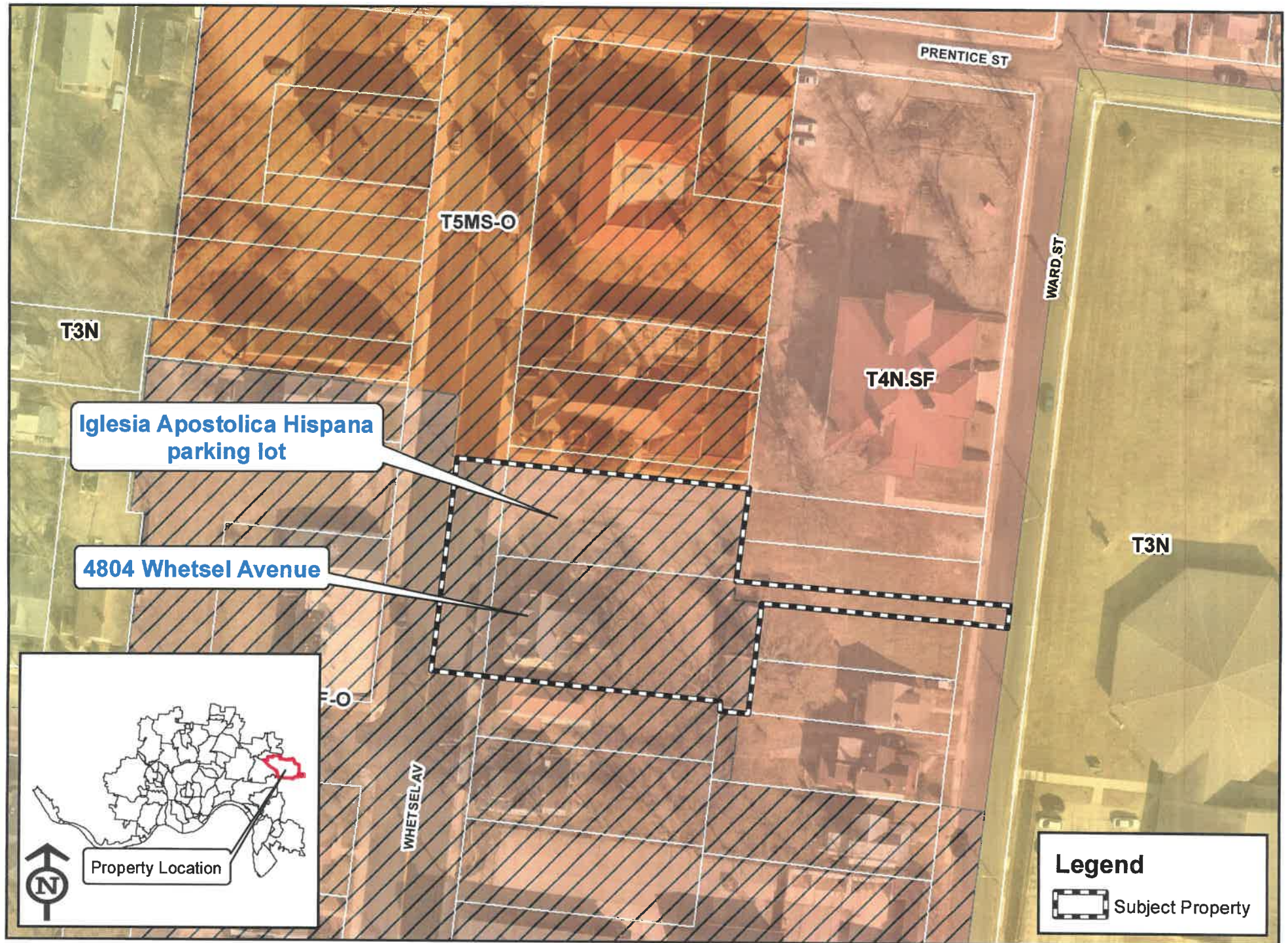
Approved:



Katherine Keough-Jurs, AICP, Director  
Department of City Planning



**Ex.A - Proposed Zone Change from T4N.SF and T4N.SF-O to T5MS-O at 4804 Whetsel Av. in Madisonville**





PETITION FOR CHANGE OF ZONING OF PROPERTY  
LOCATED IN THE CITY OF CINCINNATI, OHIO

To: The Honorable Council of the City of Cincinnati

Date: 1/22/2021

I hereby request your Honorable Body to amend the Zoning Map of the City of Cincinnati by changing the area described in the attached legal documentation and depicted on the attached plat from the T4 Zone District to the T5 MS-O Zone District.

Location of Property (Street Address): 4804 Whetsel Avenue  
Cincinnati, OH 45227

Area Contained in Property (Excluding Streets): 0.3825 Acres

Present Use of Property: Zoned T4 known as General Urban which applies to areas that have a mix of small to medium footprint, medium density housing and some single-family homes. Property is presently vacant and is adjacent to a church and library. Prior to Current owner's purchase of the property in 2015 numerous prior neighbors and community members have confirmed that the property was a crack house for decades.

Proposed Use of Property & Reason for Change: See attached letter

Property Owner's Signature: See attorney/agent signature below

Name Typed: Bryan J. Kim

Address: 4380 Eastgate Blvd. #105 Cincinnati, OH 45245 Phone: 513-356-0880

Agent Signature: 

Name Typed: Julie M. Gugino, Esq., FINNEY LAW FIRM, LLC.

Address: 4270 Ivy Pointe Blvd., #225 Cincinnati, OH 4525 Phone: 513-943-5669

Please Check if the Following Items are Attached

Application Fee X

Copies of Plat X

Copies of Metes and Bounds X

## FINNEY LAW FIRM

4270 Ivy Pointe Boulevard, Suite 225, Cincinnati, OH 45245

January 26, 2021

Christopher P. Finney, Esq.  
Direct Dial: (513) 943-6655  
Fax: (513) 943-6669  
[Chris@FinneyLawFirm.com](mailto:Chris@FinneyLawFirm.com)

**VIA ELECTRONIC MAIL  
AND HAND DELIVERY**

Katherine Keough-Jurs, AICP, Director  
Mr. James Weaver  
City of Cincinnati  
Department of City Planning  
Two Centennial Plaza  
805 Central Avenue, Suite 720  
Cincinnati, OH 45202

**Re:     Zone Change Application, 4804 Whetsel Ave, Cincinnati, Ohio,  
          Parcel Id 036-0002-0120-00 ("Property")**

Dear Ms. Keough-Jurs and Mr. Weaver,

This firm has been retained to represent Bryan J. Kim and Red Sesame LLC ("Applicant") in the above-noted matter. Enclosed with this letter please find: (i) Petition for Change for Zoning of Property located in the City of Cincinnati ("Petition"), (ii) one hard copy and one digital copy of Plat of the Property, (iii) one hard copy and one digital copy of Metes and Bounds Legal Description; and (iv) filing fee made out to the City of Cincinnati in the amount of One Thousand Five Hundred and No/100 Dollars (\$1,500.00).

By this submission, Applicant seeks a zone change of the above-noted Property.

**Brief Description of Relief Requested**

The Property is currently zoned T4 under the City of Cincinnati Form Based Code and Applicant requests a zone change to T5 Main Street.

According to the stated purpose of the Cincinnati Form-Based Code, the same,

...pays particular attention to the intended form and character of a place. The Form-Based Code secondarily regulates uses that are carefully chosen to maximize compatibility between uses and the intended physical form of the zone. The organizing principal of the FormBased Code is based on a hierarchy of places from the most rural to the most urban. The designation of each zone along this hierarchy (or transect) is determined first by the character and form, intensity of development, and type of place, and secondarily by the

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mix of uses within the area. Form-Based Code transect zones are used to reinforce existing or to create new walkable mixed-use urban environments. Cincinnati Municipal Code §1703-1.10

The Property sits one block away from major development that has occurred in Madisonville at Madison Road and Whetsel Avenue in the previous 5 years. The next building over from the subject Property is a church, which is located at 4814 Whetsel Avenue, Parcel Id 003600020113 and is zoned T5 Main Street which zoning applies to areas that are higher density residential or commercial often in attached or slightly detached forms and allows both residential and commercial uses. In between the subject property and the church is a parking lot (4810 Whetsel Avenue, Parcel Id 003600020119) which is also owned by the church. The parking lot is zoned differently from its main parcel owned by the same owner; it is zoned T4 Neighborhood Small Footprint. Thus, the subject property is only one parcel removed from the T5 district it seeks a change to according to this Petition.

### **Proposed Use of Property**

The Property is a large sprawling American Foursquare built in 1880. It abuts the Main Street commercial district, immediately adjacent to the public library and a church and only about 1.5 blocks away from the major development occurring at Madison Road and Whetsel Avenue. The circumstances of development surrounding the Property are unique to it as it is surrounded by commercial property.

Through discussions with previous owners of the church as well as community members, it is well established that, up until Mr. Kim bought it in 2015, the Property operated as a crack house for at least two decades. Mr. Kim purchased the property in 2015, fulfilling his dream to buy his first property in America, with the vision of establishing a small ethnic artisanal eatery focusing on Korean BBQ, one of only a few in the City of Cincinnati. Mr. Kim has gutted the Property, an action that was necessary due to its previous condition and use, pouring several \$100,000 into it. The Property on the first floor is a shell ready for commercial use.

Applicant plans to operate a “mom and pop” restaurant of days gone by, where he maintains the restaurant on the ground level and resides on the second level, thus retaining the function of the building as a residential home and occupying the same (rather than vacating it at the end of each business day) as an active member of the community.

Mr. Kim plans to create a warm, inviting and social gathering space for the Madisonville community and to sell beer and wine (once obtaining his liquor license). There will be outdoor seating where visitors from the surrounding neighborhood can walk to the restaurant and gather together for a meal. As described by the Madisonville Community Council President, Mr. Kim’s choice of Madisonville will fill a void in the “food desert crisis”

### **Reason for Change**

The Property currently sits in a T4 zone Small Footprint which applies to areas that have a mix of small to medium footprint, medium density housing types (attached and detached) and in



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some instances a mix of single-family homes and allows small footprint buildings. Mr. Kim desires to open a restaurant on the first level of the Property while living on the second level. The Property will remain a historic American Four Square with its owner living thereon, but the first level will be used for a thriving small ethnic and artisanal restaurant serving its neighborhood.

Mr. Kim requests a zone change as the use of the Property as a restaurant while he lives in the same is permitted in the adjacent T5 Main Street area which allows both residential and commercial uses.

### Summary

Owing to special circumstances or conditions pertaining to a specific piece of property, the strict application of the provisions or requirements of this Code or the Land Development Code, as applicable, are unreasonable and would result in practical difficulties.

The zone change will not adversely affect the community character, public health, safety or general welfare and will be consistent with the general spirit and intent of the Land Development Code of the City of Cincinnati. Indeed, Mr. Kim's zone change has the full support, each, of the Madisonville Community Council, the Madisonville Community Urban Redevelopment Corporation ("MCURC") and the Madisonville Business Chamber ("MBC"). Those letters of support are attached to this Petition.

The Madisonville Community Council's letter indicates its support for a re-zoning of the Property from T4 to T5MS-O. The President of the Madisonville Community Council has further communicated that "Madisonville is eager to welcome Mr. Kim, both as a resident and as a business owner. If the ongoing residential chatter is any indication, providing that the City of Cincinnati approves the zone change, Red Sesame will be another bright spot in solving our food desert crisis in Madisonville." (January 11, 2021 email from Madisonville Community Council attached here).

MCURC lent its support to a zone change of the Property, stating,

In an effort to worked towards the goals of our Quality of Life Plan, we seek to support a diverse array of small businesses throughout our business district. Though we are aware of the reasons for our Form Based Code and the permitted uses, we are left with limited opportunities for new business. We do not make it a practice to support zone changes unless there is a well supported reason, but due to Mr. Kim's community support, support by contiguous property owners, and his location being across the street from commercial properties it makes sense to support his request. Mr. Kim's business will be a welcomed asset to our community. (MCURC Letter of Support, September 14, 2020).

In addition, the letter of support from the Madisonville Business Chamber, provides,

Per the Madisonville Quality of Life Plan, the community desired a diverse and inclusive presence of "Mom and Pop" business to occupy the Business District. The owner is visible within the community, is a member of The Madisonville Business Chamber and will be a great addition. Red Sesame will be a great addition that compliments Millie's Place, The

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Cheesecakery and Bad Tom Smith Brewing. MBC members voted 100% to support Mr. Kim in requesting the needed changes to move forward with zoning changes required. (MBC Letter of Support, June 22, 2020).

The zone change is supported by the Madisonville community and is in line with the spirit of the Madisonville Quality of Life Plan (attached) including the desire for “mom and pop” businesses in Madisonville, thus the zone change as requested will protect the integrity of the community and its environment. It will further promote the economic success of Madisonville in contributing to a well-rounded community with diverse options and businesses owned by members of the community.

This Property has served as the home of drug activities and its impact on the immediate neighborhood has been adverse for decades. As is, it has contributed absolutely nothing to the neighborhood, but detracts greatly from the same. Among the current uses available to the Property under the T4 zone designation include use as a “Day Care Center”, “Meeting Facility”, “Bed and Breakfast” and use in “Artisan Production” classified under Industry, Manufacturing and Processing. The new designation as T5 Main Street will allow the Applicant to establish an “Eating or Drinking” establishment at the Property. This new use is certainly of no greater impact upon the surrounding neighborhood than those currently permitted, including use as a daycare center, bed and breakfast, meeting facility and/or manufacturing for artisan production.

The zone change would continue to promote a diverse mix of uses as laid out in the Form-Based Code and Madisonville’s Quality of Life Plan which states as its goal to (i) create a walkable, pedestrian-friendly, mixed-use neighborhood business district at Madison & Whetsel, using a newly; (ii) Increase economic vitality in Madisonville by promoting the neighborhood as a great place to locate businesses; and (iii) Support small business development and a variety of housing choices.

The new use with the zone change as an owner occupied small ethnic and artisanal restaurant will transform the Property from a blighted building to a thriving business that will attract customers and provide a gathering place for the neighborhood. This use is in keeping with the Madisonville neighborhood plan and will serve as a dining option to the numerous new residences coming to the corner of Madison Road and Whetsel Avenue.

In addition, the request for a zone change (or change of use) is not a rare event in Madisonville given the changing nature of the area and the rapid development changes that have occurred in the preceding five years. Among recent such requests include (i) a use variance obtained by the Ackerman Group for Phase III Variances at Madison and Whetsel granting a use variance at the ground level of Madison Road to allow flexibility for office use, and (ii) a zone change was made at the request of Madison and Stewart, LLC a PLK Communities LLC company, in order to build the Jameson development at Madison Road and Stewart Avenue.

The Property, as it is, abuts the Main Street T5 Zone District; the very next building over is zoned T5 Main Street and the empty parking lot in between the Property and the church is also owned by the church but zoned T4. The current form-based code was implemented in 2013 and the parcels immediately adjacent to the Property (4814 and 4810 Whetsel Avenue) were owned by

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one owner at the time but for some reason the parcels were split in zoning designation, with the building designated as T5 and the empty parking lot designated as T4. The zoning needs of the Property are unique to it, given the building's location on the border of T5 Main Street development and on the burgeoning development that has been occurring in Madisonville over the past five years at which the Property sits at the edge. In addition, the subject Property is surrounded by commercial properties across the street.

The new use of the Property as an owner occupied "mom and pop" small ethnic restaurant will blend well with the surrounding development in the community. The requested zone change is compatible with the predominant and prevailing land use, building and structure patterns of the neighborhood surrounding the Property and will not have a material net cumulative adverse impact on the neighborhood.

Applicant's intended use will transform this Property which was historically a nuisance to the surrounding neighborhood into an owner occupied artisanal ethnic restaurant. This will be in keeping with the rapid, changing and exciting development occurring in the Madisonville area and add to the beautification of the surrounding area as well as have a positive impact upon the options available to the community to dine and gather.

### Conclusion

As stated herein, the Zone Change as requested herein is supported by the Madisonville Community Council, the Madisonville Community Urban Redevelopment Corporation and the Madisonville Business Chamber. It is in keeping with the changing development where it abuts the commercial and residential T5 Main Street Zone.

Further, the zone change will not alter the essential character of the area and will not result in a use or development on the subject property that would be materially detrimental to the public welfare or materially injurious to the enjoyment, use, development value of property or improvements permitted in the vicinity. Quite to the contrary, the change requested will transform a historically nuisance Property into a thriving business providing a place for the community to gather and dine.

Thank you,

FINNEY LAW FIRM, LLC

By: 

Christopher P. Finney

CPF/kdr

cc: Julie M. Gugino, Esq.  
Mr. Bryan J. Kim

Exhibit B



**Date:** June 19<sup>th</sup>, 2020

**To:** Red Sesame  
c/o BJ Kim  
4450 Eastgate Blvd  
Cincinnati, OH 45245

**RE:** Zoning Change Request for 4804 Whetsel

Dear Mr. Kim:

The Madisonville Community Council (MCC) is writing to you today to share our support of the Zone Change Request as presented at the virtual Madisonville Community Council General Body meeting on June 18<sup>th</sup>, 2020. The requests, approved on June 18<sup>th</sup>, 2020 is listed:

- Zone Change Request for the property at 4804 Whetsel to be re-zoned from a T4 to a T5MS-O.

We look forward to the continued progress as on the property on Whetsel and we welcome you to your new home and new business location in Madisonville! Thank you for choosing Madisonville!

Should you, Mr. Kim, or City of Cincinnati Planning Commission have any additional needs to discuss this further, please feel free to contact me directly at 513-227-4352.

Sincerely,

A handwritten signature in black ink, appearing to read 'KB', with a long horizontal flourish extending to the right.

Kate Botos  
Madisonville Community Council President

**Officers**

**President**  
Kate Botos

**Vice President**  
Kim Eppens

**Treasurer**  
Joan Willis

**Recording Secretary**  
Charlie Foster





June 22, 2020

City of Cincinnati  
Zoning Department  
805 Central Avenue  
Cincinnati OH 45202

Dear Cincinnati Zoning Department -

I am writing to express The Madisonville Business Chamber's (MBC) support for Mr. BJ Kim and Red Sesame Korean BBQ for their request to change zoning at 4804 Whetzel Avenue in Madisonville, Ohio. Mr. Kim is the owner of the property and his vision is to reside above his business at this address, which requires a change from T4 to T5.

Per the Madisonville Quality of Life Plan, the community desired a diverse and inclusive presence of "Mom and Pop" businesses to occupy the Business District. The owner is visible within the community, is a member of The Madisonville Business Chamber and will be a great addition. Red Sesame will be a great addition that compliments Millie's Place, The Cheesecakeery and Bad Tom Smith Brewing. MBC members voted 100% to support Mr. Kim in requesting the needed changes to move forward with zoning changes required.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Terri Henry', written over the printed name.

Terri Henry, President  
The Madisonville Business Chamber



6111 Madison Road | Cincinnati, OH 45227  
(513) 271-2495 | [www.mcurc.org](http://www.mcurc.org)

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September 14, 2020

City of Cincinnati  
Zoning  
805 Centera Ave  
Cincinnati, OH 45202

Dear Planning and Zoning Staff,

I am writing on behalf of MCURC to express our support for Mr. BJ Kim and Red Sesame Korean BBQ for their change of zoning request at 4804 Whetsel Avenue in the Madisonville neighborhood of Cincinnati, OH. Mr. Kim has shared plans and a timeline for construction with our organization, and explained his plan is to use the second floor as a personal residence and the first floor as his restaurant. For Mr. Kim to house his business on the first floor, and his residence above, it will require a zone change from T4 to T5-SSO.

In an effort to work towards the goals of our Quality of Life Plan, we seek to support a diverse array of small businesses throughout our business district. Though we are aware of the reasons for our Form Based Code and the permitted uses, we are left with limited opportunities for new business. We do not make it a practice to support zone changes unless there is a well supported reason, but due to Mr. Kim's community support, support by contiguous property owners, and his location being across the street from commercial properties it makes sense to support his request. Mr. Kim's business will be a welcomed asset to our community.

Thank you,

Elishia Chamberlain, MPA  
Executive Director

Exhibit B

----- Forwarded message -----

From: **Madisonville Community Council President** <[president@ourmadisonville.com](mailto:president@ourmadisonville.com)>

Date: Mon, Jan 11, 2021 at 3:40 PM

Subject: Re: 4804 whetsel zone change (MCC, MBC, MCURC)

To: Elishia Chamberlain <[elishia@mcure.org](mailto:elishia@mcure.org)>

Cc: BJ KIM <[byoungjoon13@gmail.com](mailto:byoungjoon13@gmail.com)>, Weaver, James <[James.Weaver@cincinnati-oh.gov](mailto:James.Weaver@cincinnati-oh.gov)>, Keough-Jurs, Katherine <[Katherine.Keough-Jurs@cincinnati-oh.gov](mailto:Katherine.Keough-Jurs@cincinnati-oh.gov)>, Madisonville Business Chamber <[mba45227@gmail.com](mailto:mba45227@gmail.com)>, Peppers, Alex <[Alex.Peppers@cincinnati-oh.gov](mailto:Alex.Peppers@cincinnati-oh.gov)>

Good afternoon,

The Madisonville Community Council voted to support Mr. Kim's request for a Zone Change back in June of 2020 (see attached letter of support). As the current President of the Madisonville Community Council (2 consecutive terms running from Jan. 2018-Dec.2021), I can assure you that this letter of support is still valid. Only a vote to overturn would render the letter invalid, which has not happened.

Furthermore, there is no one outside of myself and our Communications Chair (social media only) that is authorized to speak on behalf of the Madisonville Community Council in any official capacity. As recent events have shown, our democratic process is sacred and anyone, purporting to circumvent the neighborhood's elected officials in an effort to undermine the organization the City of Cincinnati recognizes as the voice of the neighborhood, will be subject to legal consequence as deemed appropriate by our legal team.

Madisonville is eager to welcome Mr. Kim, both as a resident and as a business owner. If the ongoing residential chatter is any indication, providing that the City of Cincinnati approves the zone change, Red Sesame will be another bright spot in solving our food desert crisis in Madisonville.

Thank you,

Kate Botos

(513) 227-4352

Madisonville Community Council - President



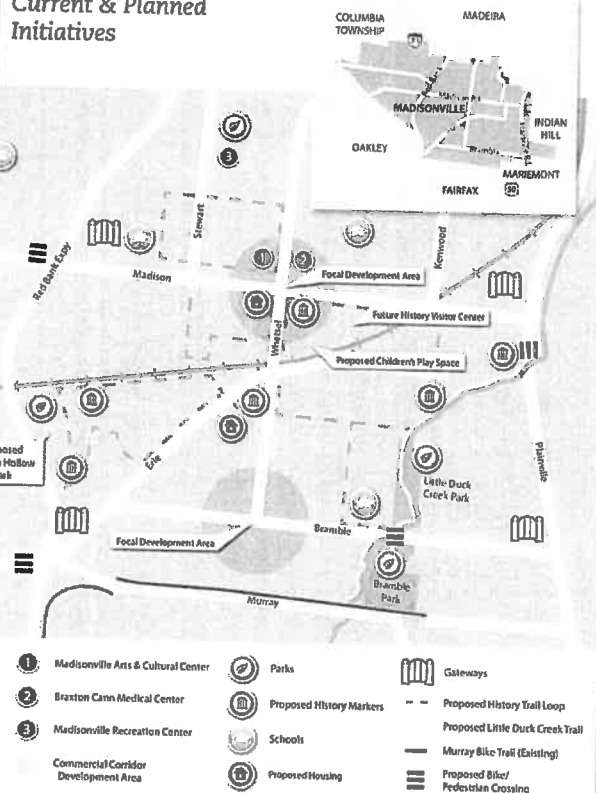
## Exhibit B

### What is Madisonville's Quality-of-Life Plan?

The 2010 Madisonville Quality-of-Life Plan is a guiding document that outlines community goals and specific actions needed to reach those goals. It is the result of a neighborhood-driven process which engaged hundreds of residents who shared great ideas and dedicated countless hours of hard work towards strategy development and action steps. The plan captures our energy with goals the neighborhood needs to accomplish in the coming years and specifies what, when, and where these actions will take place. Our Quality-of-Life Plan was created by residents and community leaders with a stake in Madisonville's future who are committed to working together towards their common vision. Most importantly, this plan is a dynamic tool for neighborhood progress. It will not sit on a shelf, but instead will inform the ongoing strategic decisions of neighborhood leaders.



### Current & Planned Initiatives



### Goals & Strategies

#### ECONOMIC DEVELOPMENT

Create and expand economic and housing development opportunities.

- Create a walkable, pedestrian-friendly, mixed-use neighborhood business district at Madison & Whetzel, using a newly adopted form-based code to guide development.
- Increase economic vitality in Madisonville by promoting the neighborhood as a great place to locate businesses.
- Support small business development and a variety of housing choices.

#### HEALTH & WELLNESS

Support the health and well-being of all Madisonville residents.

- Improve community access to health care and preventive health services with the creation of a new and expanded Health Center.
- Increase availability of healthy food options.
- Promote walking, biking, hiking, and other outdoor physical activities, including the development of the Little Duck Creek Trail.

#### THE BUILT ENVIRONMENT

Ensure an attractive physical environment, demonstrating quality, care, and pride.

- Encourage the use of front-yard and community gardening (including clean-up days).
- Encourage and advocate for maintenance of infrastructure and street-scapes.
- Showcase our gateways and green spaces.

#### COMMUNITY ENGAGEMENT

Strengthen communication and build resident leadership.

- Increase neighborhood-level interaction and collaboration, by developing ongoing communication tools.
- Empower residents to be active participants in local decision-making and action, by supporting the development of active block clubs.
- Expand relationships with community partners and engage new stakeholders.

#### ARTS & CULTURE

Value and celebrate the arts, architecture, history, culture and diversity of Madisonville.

- Develop a cultural district and community arts facility, including the opening of the Madisonville Arts & Cultural Center.
- Increase opportunities for neighborhood creativity and innovation.
- Establish permanent touchstones for Madisonville's history and culture, such as markers along a new history trail.

#### EDUCATION & YOUTH

Support children and youth to learn, grow and succeed.

- Strengthen school/community relationships and increase commitment at the community's public elementary school.
- Ensure that all young children in Madisonville are prepared for school by enrolling all Madisonville children in high-quality preschool or home-visitation programs.
- Expand opportunities for youth involvement in the community, including the development of a Madisonville Youth Council.



"Madisonville's effort is well positioned to demonstrate the value of a bottom-up approach to community development in Greater Cincinnati and Northern Kentucky."

-Cincinnati Herald Newspaper

## MADISONVILLE

### Background

Madisonville is a Cincinnati neighborhood located northeast of downtown along the I-71 corridor at Red Bank Road. Madisonville is surrounded by Hyde Park, Oakley, Mariemont, Madeira, Indian Hill, and Fairfax. Madison Road, a major east-west connector, originates in Madisonville and carries 20,000 cars per day through the neighborhood business district.

Nearly 10,000 people live in Madisonville. Madisonville is home to many long-time residents who remember a vibrant business district and nearby manufacturing plants, and a large number of newcomers, drawn to the neighborhood for its affordable housing stock, family-friendly feel, central location, and diverse population.

Recently recognized as a 40-year Stable and Integrated Hidden Treasure, Madisonville has a rich history of cultural and racial diversity. Madisonville boasts a strong faith-based community, five established schools, a beautiful and historic housing stock and numerous opportunities for residential, commercial, and retail development. In addition, due to its convenient location, Madisonville is home to several major employers.

The affordable and attractive housing stock along quiet tree-lined streets makes Madisonville a desirable place to call home. A new recreation center, pool, public library, and two parks serve as anchors of community life. Madisonville is home to many key institutions and community organizations; with their help and commitment to the neighborhood, we know Madisonville's future is bright.

### Opportunity

A number of factors have converged over the last few years to suggest Madisonville is ripe for growth and future development, including:

- The City of Cincinnati's adoption of the Growth & Opportunity (GO) Cincinnati Report, citing Madisonville as one of the Go Cincinnati neighborhoods with targeted areas for economic development
- Acquisition of key property in the neighborhood business district in preparation for future development
- The adoption of a form-based code to best capture the community's character in future new construction
- A tax increment financing (TIF) district, which is earning dollars for public improvements
- Two recently constructed public schools
- A strong local housing market attracting new investors
- Inclusive transportation projects planned for both the Madison Road Business District and Red Bank Commercial Corridor.
- Funding from LJSG and Place Matters

With these and other major investments in Madisonville, it was essential that the community organize to make important and strategic decisions for the future. Madisonville is primed to set an example for other local initiatives, as well as provide lessons for national best practices in their community engagement and roll out of the Quality-of-Life plan.

"This is a comfortable, friendly neighborhood, filled with deep social connections and a great sense of place" -Sara Sheets, Program Director, MCURC



"I believe in Madisonville and I believe we can have the neighborhood that we all want: a thriving business district, good schools, safe streets. And I have come to learn that the answer to what we want is in this room. We can make Madisonville the neighborhood we all want and desire – if we work together." -Bob Igoe, Community Council President

#### Vision

Madisonville is a diverse community with a deep sense of pride and appreciation for its rich history. The people of Madisonville recognize complex and abiding social, cultural, faith-based, and familial connections. Successful development and community restoration will succeed when the past is recognized and the future is embraced. Long-time residents and newcomers will

come together and make neighborhood restoration happen.

The vision for Madisonville includes quiet, tree-lined streets with colorful gardens surrounding a safe, clean, and active business district where residents and visitors meet, shop, dine, play, live, connect, and entertain. High-quality schools, cultural organizations, health-based institutions, and employment centers are valued and nurtured.

A thriving local economy, public amenities, cultural assets, recreational opportunities, plentiful green spaces, and a variety of housing options, and a supportive social network are the keys to Madisonville's renewal. Residents believe the neighborhood is "The Soul of the City Since 1890" and have the vision, the will, and the plan to unlock Madisonville's future.

#### How We Made Our Plan

When Madisonville received word in 2011 that it was selected as a recipient of a planning grant from LISC, the convening agency, MCURC, immediately began working with the Madisonville Community Council and Weed and Seed Sustained, Inc. to establish a Steering Committee to guide the planning process. Residents, business, church, and organizational leaders came together to plan the engagement strategy. From fall 2011 to winter 2012, the team conducted nearly 100 interviews of existing leaders to discover their thoughts about Madisonville, to listen to their ideas, and to recruit new leadership. The results were compiled and analyzed by

the University of Cincinnati Community Design Center, which also provided existing conditions, demographics and a review of previous plans with key recommendations.

After the one-on-one conversations, the Steering Committee brought everyone together to hear ideas and begin making plans for the future. On April 19, 2012, nearly 200 residents and leaders of neighborhood-based organizations, institutions and businesses joined together to create a common vision for the future of Madisonville.

The ideas expressed during the visioning event fell into six categories. Over the summer months, the Steering Committee convened six working

sessions to develop specific strategies for improving the quality of life in Madisonville. Each session had a specific agenda, benchmarks for a successful planning process, and meaningful leadership responsibilities. The groups were also charged with identifying lead agencies or "champions" for each action to ensure accountability and productivity. The neighborhood evened a name for the process: "Madisonville Renewed" – in an effort to express the positive growth the community was experiencing. By the end of the summer, over 2,000 hours of formal meeting time was spent. Group co-chairs, key volunteers, and staff spent even more time in between sessions working on their strategies

#### The Madisonville Arts & Cultural Center

The Madisonville Arts & Cultural Center (MACC) will become a key anchor for community life and a unique, creativity-focused engine for Madisonville's economic development in the years ahead. It will become Madisonville's cultural center and a place where a variety of music, dance, poetry, spoken word, historical exhibits, visual and culinary arts will be promoted and celebrated. It will be an architecturally significant and environmentally friendly place where Madisonville residents and visitors will gather and enjoy a rich cultural life in the heart of a diverse, urban neighborhood. The MACC will work towards incorporating public art and historical markers and trails throughout the neighborhood. In collaboration with neighborhood-based and citywide organizations

#### Highlights

##### School-Community Organizing

During our recent work, we were stunned to learn that only one of kindergarten-through-6 children living in Madisonville and Madison Place attend John P. Parker School, our neighborhood public elementary school. The rest of the K-6 students attend other schools throughout the region. We believe this flight from the neighborhood school has a direct impact on community life, the housing market, and the overall stability of the neighborhood.

In light of John P. Parker's recent academic successes, the time is right to begin an organized campaign to recruit more families to attend our neighborhood school. Partnering with young families and providing opportunities to engage with the school will help us to increase enrollment and better connect school and civic life. We envision John P. Parker as an academically rich school where families in Madisonville and beyond choose to enroll their children.

#### Key Partners

**LISC** In 2010, Madisonville was chosen to receive funding from the Local Initiatives Support Corporation (LISC) to help with quality-of-life planning. Madisonville was selected based on community need, opportunity and capacity. LISC's mission is to help community residents transform distressed neighborhoods into great places to work, play, do business and raise children. They achieve this goal by providing funds and technical assistance so that neighborhoods can expand investment in housing and other real estate, increase family income and wealth, stimulate economic development, improve education and youth programming, enhance safety and health and support healthy lifestyles. LISC does this work by helping communities build platforms on which they can pursue a citizen-led, asset-based comprehensive quality-of-life plan.

**MCURC** The Madisonville Community Urban Redevelopment Corporation (MCURC) is a non-profit community development corporation. For 35 years MCURC-related 250 volunteer-driven organization, primarily focused on redevelopment of the neighborhood business district. In order to reconnect with its mission as a community-based development corporation, MCURC initiated an organizing and planning process to develop a vision and plan for the future. This work began in the fall of 2011 with broad participation and strong support from the entire community. For more information about MCURC visit their website at [www.mcurc.org](http://www.mcurc.org).

#### ArtsWave

Brunk Retail Group, Kathleen Norris, VP, Urban Focus Community Development Corporation Association of Greater Cincinnati  
Cincinnati Museum Center  
Cincinnati Parks  
Cincinnati Police District Two  
Cincinnati Public Schools  
City of Cincinnati Departments  
• Economic Development  
• Community Development  
• Transportation and Engineering  
• Health  
• Planning and Buildings  
• Public Services  
Civic Garden Center  
GlasgowWorks  
John P. Parker School  
Keep Cincinnati Beautiful  
Lighthouse Community School  
LISC Greater Cincinnati & Northern Kentucky  
Madisonville Historical Society  
Madisonville Mission Ministries  
Madisonville Public Library  
Madisonville Recreation Center  
Madisonville Youth Council, Inc.  
Madisonville Community Council  
Madisonville Community Urban Redevelopment Corporation  
Madisonville Education and Assistance Center  
National Underground Railroad Freedom Center  
Queen City Title  
Shroder High School  
The Children's Home of Cincinnati  
Weed and Seed Sustained, Inc.

## MADISONVILLE

Quality-of-Life Plan



community



**Abercrombie  
& Associates, Inc.**  
Civil Engineering + Surveying

SEPTEMBER 3, 2020  
REVISED APRIL 8, 2021

**LEGAL DESCRIPTION  
AREA TO BE REZONED  
0.5996 ACRES**

SITUATE IN SECTION 16, TOWN-4, FRACTIONAL RANGE 2, MIAMI PURCHASE, CITY OF CINCINNATI, HAMILTON COUNTY, OHIO AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE CENTERLINE INTERSECTION OF WARD STREET WITH PRENTICE STREET; THENCE ALONG THE CENTERLINE OF WARD STREET (AS NOW IMPROVED), SOUTH 01°28'30" WEST, 334.25 FEET TO THE REAL PLACE OF BEGINNING OF THE HEREIN DESCRIBED TRACT; THENCE CONTINUING ALONG THE CENTERLINE OF WARD STREET (AS NOW IMPROVED), SOUTH 01°28'30" WEST, 12.00 FEET TO A POINT; THENCE LEAVING THE CENTERLINE OF WARD STREET (AS NOW IMPROVED), NORTH 88°31'30" WEST, 141.00 FEET TO A POINT; THENCE SOUTH 01°28'30" WEST, 66.00 FEET TO A POINT; THENCE NORTH 88°31'30" WEST, 24.00 FEET TO A POINT; THENCE NORTH 01°28'30" EAST, 4.00 FEET TO A POINT; THENCE NORTH 88°31'30" WEST, 177.00 FEET TO A POINT IN THE CENTERLINE OF WHETSEL AVENUE; THENCE ALONG THE CENTERLINE OF WHETSEL AVENUE, NORTH 01°28'30" EAST, 128.00 FEET TO A POINT; THENCE LEAVING THE CENTERLINE OF WHETSEL AVENUE, SOUTH 88°31'30" EAST, 177.80 FEET TO A POINT; THENCE SOUTH 01°28'30" WEST, 54.00 FEET TO A POINT; THENCE SOUTH 88°31'30" EAST, 164.20 FEET TO THE PLACE OF BEGINNING.

THUS CONTAINING 0.5996 ACRES OF LAND AND BEING SUBJECT TO THE RIGHT OF WAY OF WHETSEL AVENUE AND THE RIGHT OF WAY OF WARD STREET AND ALL EASEMENTS AND RESTRICTIONS OF RECORD.

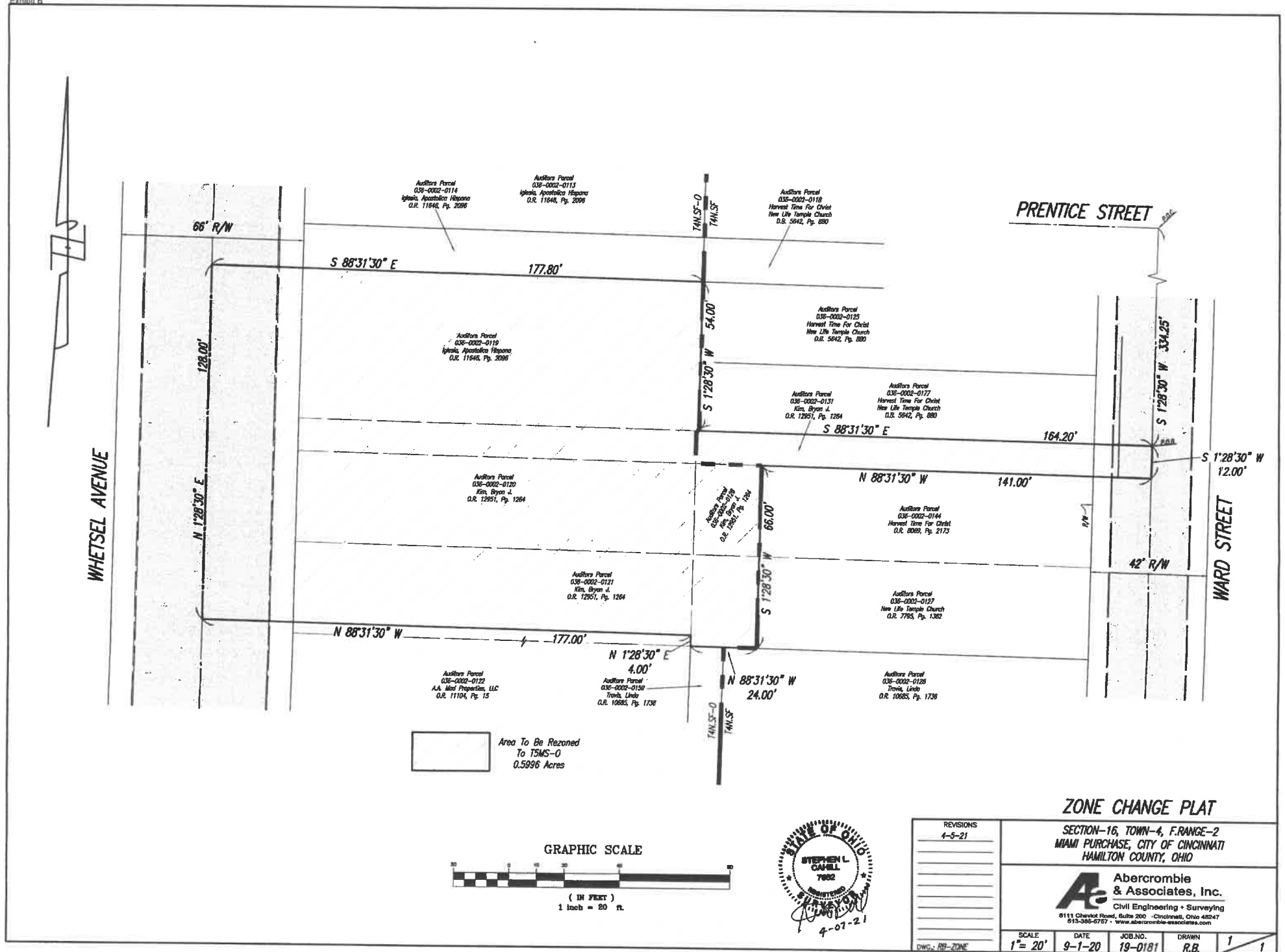
I HEREBY CERTIFY THAT THE DESCRIPTION OF THE PROPERTY PROPOSED TO BE DEVELOPED IS A COMPLETE, PROPER AND LEGAL DESCRIPTION THEREOF.

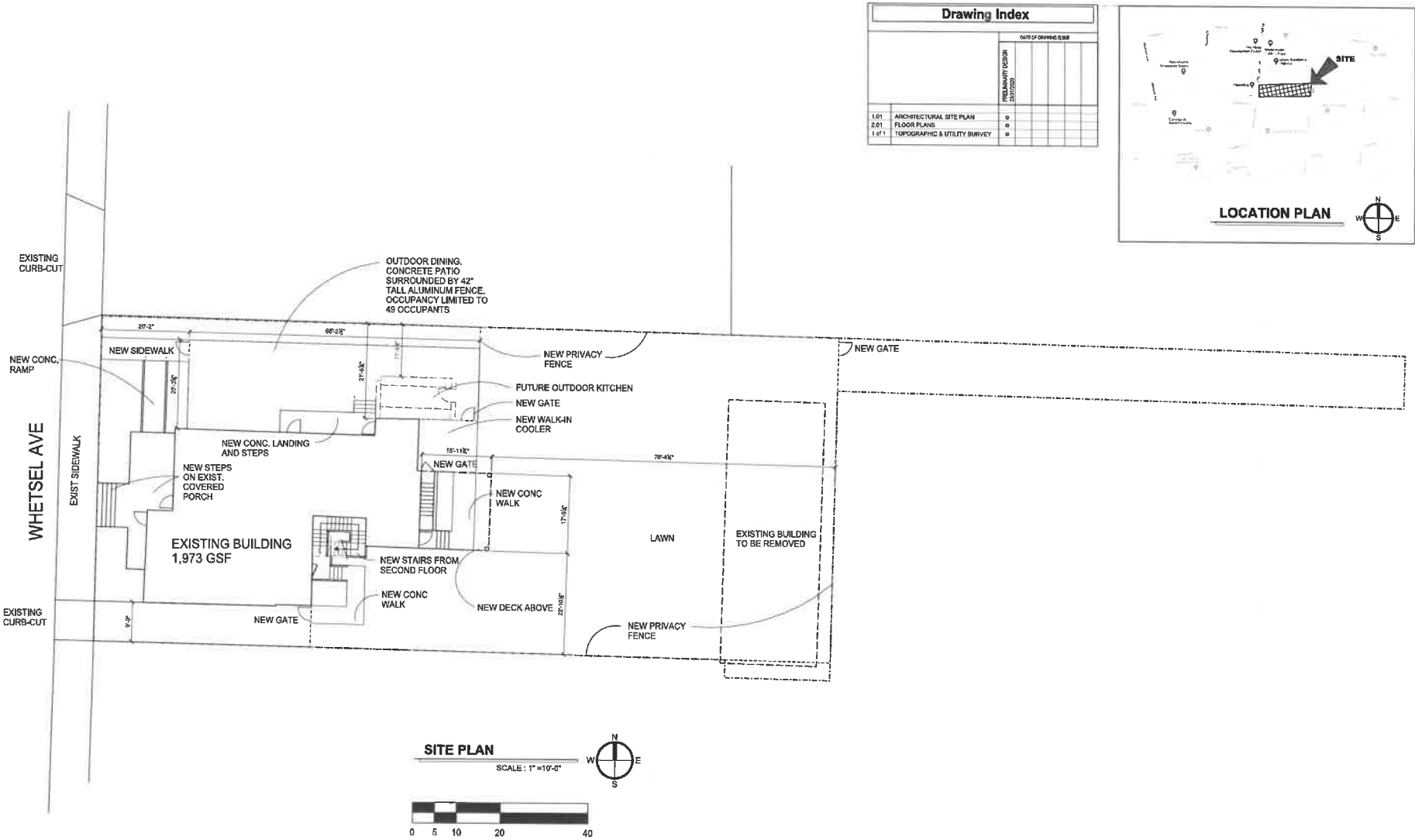
 4-07-21  
STEPHEN L. CAHILL  
OHIO REGISTERED SURVEYOR #7862

FILE:19-0181.LD1-0.5996AC

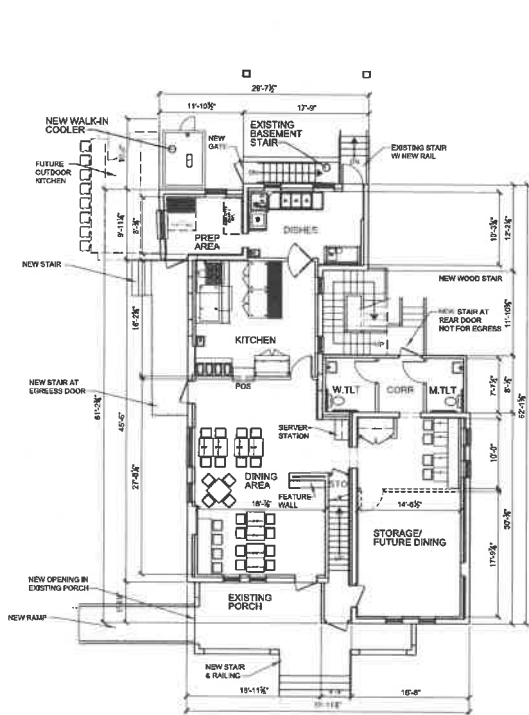
8111 Cheviot Road • Suite 200 • Cincinnati, Ohio 45247  
Phone: (513) 385-5757 • Fax: (513) 245-5161  
[www.abercrombie-associates.com](http://www.abercrombie-associates.com)



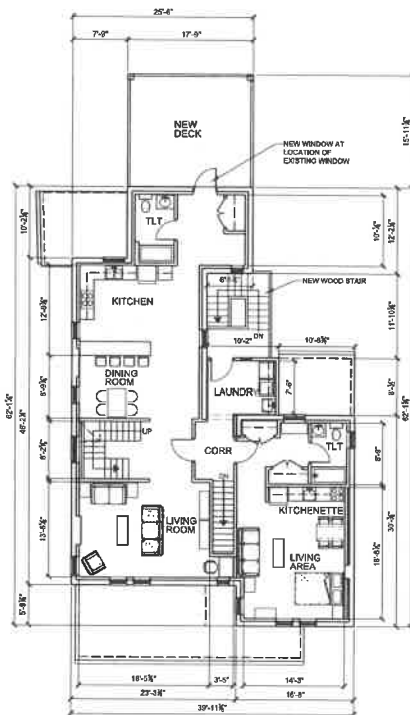




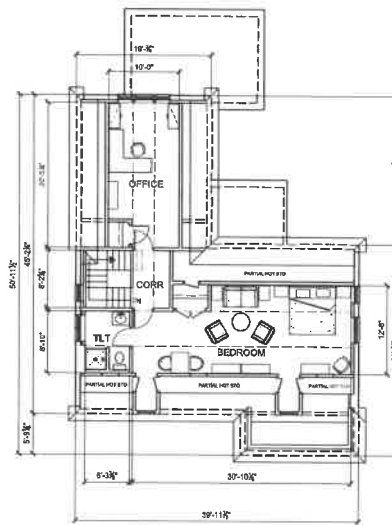




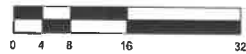
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FIRST FLOOR OCCUPANCY LOADS	
KITCHEN	518 SF /200 SF PER OCC = 3 OCC
DINING	670 SF
FUTURE DINING	269 SF
TOTAL DINING	939 SF /15 SF PER OCC = 63 OCC
OUTDOOR DINING - LIMITED TO 49 OCCUPANTS	

**RED SESAME**  
4804 Wheelers Ave  
Masonville, Ohio 45227

ISSUE DATE: 03/20/20

COPYRIGHT:  
PHOENIX ARCHITECTURE, LLC  
PROJECT MANAGER: JSW  
JOB NO.: 0000.00

FLOOR PLANS  
2.01

WHELSEL AVENUE

WARD STREET

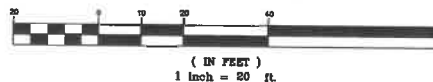
Ex. Comb. MH  
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Inv.=572.88

LEGEND	
	Ex. Electric Meter
	Ex. Sign
	Ex. Bollard
	Ex. Fire Hydrant
	Ex. Water Valve
	Ex. Water Manhole
	Ex. Gas Valve
	Ex. San. MH
	OU

EXISTING UNDERGROUND UTILITIES REPRESENTED ON THIS DRAWING ARE APPROXIMATE LOCATION ONLY BASED ON FIELD OBSERVATIONS AND AVAILABLE RECORDS. CONTACT THE LOCAL UTILITY PROTECTION SERVICES AND AGENCIES PRIOR TO ANY EXCAVATION, CONSTRUCTION OR DESIGN.

ELEVATION DATUM SHOWN IS RELATIVE TO NAVD 88  
BASED ON NGS BENCHMARK NO. 2047.

GRAPHIC SCALE



## TOPOGRAPHIC &amp; UTILITY SURVEY

SECTION-16, TOWN-4, F.RANGE-2  
MIAMI PURCHASE, CITY OF CINCINNATI  
HAMILTON COUNTY, OHIO

**A**bercrombie  
& Associates, Inc.  
Civil Engineering • Surveying  
8111 Chestnut Road, Suite 200 Cincinnati, Ohio 45247  
513-365-5757 • www.abercrombie-associates.com

SCALE 1" = 20'	DATE 10-10-19	JOB NO. 19-0181	DRAWN G.R.	1
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DWG.: GR-BNTP



April 15, 2020

Mr. Jason Williams  
Phoenix Architecture  
9467 Kenwood Road  
Cincinnati, Ohio 45242

Re: 4804 Whetsel Avenue | Red Sesame (P) – (CPRE200035) Initial Comments and Recommendations

Dear Mr. Williams,

This Preliminary Design Review letter informs you that our Advisory-TEAM has reviewed your proposed project at **4804 Whetsel Avenue** in the Community of Madisonville. We hope that the information provided below will help you move forward with your project. Please see our initial feedback listed below. Thank you for developing within the City of Cincinnati.

### **City Planning Department**

#### **Immediate Requirements to move forward with project:**

1. This project will require a zone change, which the Department of City Planning would recommend the closest adjacent zoning district of T5MS-O, which allows eating and drinking establishments. In order to do so, the Department of City Planning would also recommend that the property adjacent to the north, the Iglesia Apostolica Hispanic Church parking lot, also be rezoned to T5MS-O for continuity of zoning. This can be done on the same application for one fee, but you will need to discuss with the property owner, and they would need to consent via signature on the application.

#### **Requirements to obtain Permits:**

1. The zone change will need to be complete before permits can be issued.

#### **Recommendations:**

1. The Department of City Planning recommends contacting the Madisonville Community Council to discuss the project before formally applying for a zone change.

#### **Contact:**

- **Alex Peppers** | City Planning | 513-352-4855 | [alex.peppers@cincinnati-oh.gov](mailto:alex.peppers@cincinnati-oh.gov)

### **Buildings & Inspections – Zoning**

#### **Immediate Requirements to move forward with project:**

1. The current T4N.SF-O Zoning does not support the proposed eating and drinking establishment use. **If rezoning is not possible, a Use Variance will be required.**

#### **Requirements to obtain Permits:**

1. If a Use Variance is granted under the existing Zoning, parking for the proposed eating and drinking establishment will be required at a rate of one space per 500 gross sf (including the Outdoor Area). Under T5MS Zoning, no parking is required for service and retail uses under 5,000 sf.

2. Parking for the residential use is required at a rate of ½ space per studio or one-bedroom unit or 1 space per two-bedroom unit under the existing T4N.SF-O zoning or one space per 1500 sf under T5MS. Parking may be provided on-site or on a lot within 600' of the subject property through a covenant or easement.
3. The proposed Outdoor area will require an additional Use Variance under the existing T4N.SF-O zoning. Under T5MS, it may not exceed 50% of the size of the indoor area accessible to the public. If it exceeds 50% of the indoor area, a Use Permit is required from the Zoning Hearing Examiner under T5MS.
4. If any outdoor entertainment is proposed for the outdoor area, including ambient background music on speakers, a Use Permit will be required from the Zoning Hearing Examiner.
5. Please indicate the location of the refuse storage area on the plans. The area should not be located in the front yard and should be screened with screen fencing at least one-foot taller than the containers.
6. All parcels comprising the proposed development must be consolidated by Consolidation Plat prior to issuance of building permits.

**Recommendations:**

- None

**Contact:**

- Doug Owen | ZPE | 513-352-2441 | [douglas.owen@cincinnati-oh.gov](mailto:douglas.owen@cincinnati-oh.gov)

**Metropolitan Sewer District (MSD)**

**Immediate Requirements to move forward with project:**

- None

**Requirements to obtain Permits:**

1. Your project may change flow to a sewer overflow. Please complete the Request for Availability of Sewer Service Form online. The link to the online form can be found at [http://www.msdbg.org/customer\\_care/development\\_services/index.html](http://www.msdbg.org/customer_care/development_services/index.html)
2. Your project will require a grease trap review. The application and instructions can be found at [http://msdbg.org/customer\\_care/permits\\_and\\_records/index.html](http://msdbg.org/customer_care/permits_and_records/index.html). Submit the application, plans, and menu to [SewerUseApplications@cincinnati-oh.gov](mailto:SewerUseApplications@cincinnati-oh.gov)

**Recommendations:**

- None

**Contact:**

- Jim Wood | MSD | 513-352-4311 | [jim.wood@cincinnati-oh.gov](mailto:jim.wood@cincinnati-oh.gov)

**Stormwater Management Utility (SMU)**

**Immediate requirements to move forward with project:**

- None

**Requirements to obtain Permits:**

1. Add following note on Site Plan:
  - o All downspouts to remain connected to the underground sewer system."

**Recommendation:**

- None



**Contact:**

- **Saidou Wane** | SMU | 513-591-7746 | [saidou.wane@cincinnati-oh.gov](mailto:saidou.wane@cincinnati-oh.gov)

**Water Works**

**Immediate requirements to move forward with project:**

- None.

**Requirements to obtain Permits:**

1. The subject development property is receiving water service from existing 5/8-inch water service branch (H-950915), which is connected to existing 6-inch public water main in Whetsel Avenue. **Any new branch(es) should come from the 8" public water main on the west side of Whetsel Avenue.**
2. Any existing water service branch not to be used for this development, must be properly disconnected at the owner's / developer's expense. Owner would be required to fill out the online FOD form at <https://www.cincinnati-oh.gov/water/engineering-construction/forms-specifications/fod/> authorizing removal of the existing water service branch before any new water service can be sold.
3. Please note that there is a lead service line on this property 5/8" Lead Branch Number (H-950915) which is active. In accordance with CMC Chapter 401 Division M, this lead service line on your property must be replaced with copper service line. Please contact the GCWW Lead Service Line Replacement Coordinator Kathleen Frey at (513) 591-5068. Please call 513-651-5323 and/or refer to <http://www.cincinnati-oh.gov/water/lead-information/>.

**Recommendations:**

1. Owner(s)/Developer(s) will need to hire a Greater Cincinnati Water Works certified licensed and bonded plumber to perform the private water service branch design work and installation.
2. Owner(s)/Developer(s) must have a licensed plumber that is bonded and certified with GCWW and fill out the Online Branch application <https://www.cincinnati-oh.gov/water/engineering-construction/forms-specifications/> for water service.

**Contact:**

- **Bill Morris** | WaterWorks | 513-591-7858 | [bill.morris@gcww.cincinnati-oh.gov](mailto:bill.morris@gcww.cincinnati-oh.gov)

**Fire Department**

**Immediate Requirements to move forward with project:**

1. Confirm that the closest two hydrants have fire flows of at least 1000 GPM at 20 PSI.

**Requirements to obtain Permits:**

1. Closest hydrants are located at 4804 Whetsel Avenue, 4829 Whetsel Avenue and 4723 Whetsel Avenue.
2. If required, the Fire Department Connection is to be shown and is to be within 50' of a fire hydrant.

**Recommendations:**

- None



**Contact:**

- **Fred Prather** | Fire Dept. | 513-357-7595 | [fred.prather@cincinnati-oh.gov](mailto:fred.prather@cincinnati-oh.gov)

**Office of Environmental Sustainability (OES)**

**Immediate Requirements to move forward with project:**

- None

**Requirements to obtain permits:**

- None

**Recommendations:**

1. Due to the anticipated age of the existing site building, asbestos, lead based paint, and other hazardous building materials should be surveyed and, if needed, abatement should be conducted following all applicable regulations prior to renovations.
2. The development goal should be to earn at a minimum the LEED Certified rating level.
3. Rooftop solar should be considered in the design as a renewable energy source.
4. Onsite parking if applicable should be wired for electric vehicle charging.
5. The use of trees in the landscape design should be included to enhance urban forestry.
6. The use of non-impervious surfaces should be maximized to the extent practical.

**Contact:**

- **Howard Miller** | OES | 513-352-6999 | [howard.miller@cincinnati-oh.gov](mailto:howard.miller@cincinnati-oh.gov)

**Police Department**

**Immediate Requirements to move forward with project:**

- None at this time.

**Requirements to obtain Permits:**

- No Comments.

**Recommendations:**

- None

**Contact:**

- **Matt Hammer** | Police Dept. | 513-478-2257 | [matt.hammer@cincinnati-oh.gov](mailto:matt.hammer@cincinnati-oh.gov)
- **Brandon Kyle** | Police Dept. | [brandon.kyle@cincinnati-oh.gov](mailto:brandon.kyle@cincinnati-oh.gov)

**Health Department**

**Immediate Requirements to move forward with project:**

- None

**Requirements to obtain Permits:**

1. A food facility plan review by the Cincinnati Health Department (CHD) will be required if future or current space (or tenant) is licensable (or is currently licensed) as a food service operation (FSO) or retail food establishment (RFE). If licensable, plumbing will not issue permits until CHD has completed the food facility review and approved the project.

**Recommendations:**

1. For assistance in determining whether facility is licensable as an FSO/RFE or not, please contact Trisha Blake.





**Contact:**

- **Trisha Blake** | Health Dept. | 513-352-2447 | [trisha.blake@cincinnati-oh.gov](mailto:trisha.blake@cincinnati-oh.gov)

**Department of Transportation & Engineering (DOTE)**

**Immediate Requirements to move forward with project:**

- None

**Requirements to obtain Permits:**

1. There is currently no driveway on this property, it is all grass. It does not appear to be a proposed driveway, so the existing drive apron needs to be removed and replaced with full height curb and walk.
2. New stair handrail extension may not extend into the public right of way.
3. DOTE permit is required for all work in the right of way.
4. Addressing to be finalized by DOTE prior to submitting for building permit.
  - o The restaurant and apartments will each need an address; two addresses total. The current address 4804 Whetsel Avenue could go with either, if there is a preference. So, either 4802 or 4806 will need to be assigned. The restaurant needs to have the higher number as it is to the north of the door for the apartments.

**Recommendations:**

1. Per the Cincinnati Municipal Code, the adjacent property owner is responsible for the maintenance of the sidewalk. The applicant should consider repair or replacement of sub-standard sidewalk with the project.

**Contact:**

- **Morgan Kolks** | DOTE | 513-352-5285 | [morgan.kolks@cincinnati-oh.gov](mailto:morgan.kolks@cincinnati-oh.gov)

**Buildings & Inspections – Buildings**

**Immediate Requirements to move forward with project:**

1. The project must conform to accessibility requirements, including restrooms.
2. The outdoor dining area occupant load will be determined by area (SF).
3. The restaurant area must comply with all design loads.
4. The building requires suppression.
5. A wrecking permit is required to demolish the rear structure.

**Requirements to obtain Permits:**

- None

**Recommendations:**

- None

**Contact:**

- **Robert Martin** | B&I Plans Exam | 513-352-2456 | [robert.martin@cincinnati-oh.gov](mailto:robert.martin@cincinnati-oh.gov)





**Department of Community & Economic Development (DCED)**

**Immediate Requirements to move forward with project:**

- None

**Requirements to obtain Permits:**

- None

**Recommendations:**

- None

**Contact:**

- **Roy Hackworth** | DCED | 513-352-6119 | [roy.hackworth@cincinnati-oh.gov](mailto:roy.hackworth@cincinnati-oh.gov)

**Law Department**

**Immediate Requirements to move forward with project:**

1. No comments at this time.

**Requirements to obtain Permits:**

- None

**Recommendations:**

- None

**Contact:**

- **Charles Martinez** | Law | 513-352-3359 | [charles.martinez@cincinnati-oh.gov](mailto:charles.martinez@cincinnati-oh.gov)

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*This letter is not intended as the City's final approval of your project, but rather as an initial review and consultation to provide feedback from the City's various departments and to better coordinate between the City and developer. We hope you find this process both forthcoming and helpful.*

Sincerely,



Rodney D. Ringer  
Development Manager

RDR: rdr

Exhibit E



**Date:** June 19<sup>th</sup>, 2020

**To:** Red Sesame  
c/o BJ Kim  
4450 Eastgate Blvd  
Cincinnati, OH 45245

**RE:** Zoning Change Request for 4804 Whetsel

Dear Mr. Kim:

The Madisonville Community Council (MCC) is writing to you today to share our support of the Zone Change Request as presented at the virtual Madisonville Community Council General Body meeting on June 18<sup>th</sup>, 2020. The requests, approved on June 18<sup>th</sup>, 2020 is listed:

- Zone Change Request for the property at 4804 Whetsel to be re-zoned from a T4 to a T5MS-O.

We look forward to the continued progress as on the property on Whetsel and we welcome you to your new home and new business location in Madisonville! Thank you for choosing Madisonville!

Should you, Mr. Kim, or City of Cincinnati Planning Commission have any additional needs to discuss this further, please feel free to contact me directly at 513-227-4352.

Sincerely,

A handwritten signature in black ink, appearing to read 'KB', with a long horizontal flourish extending to the right.

Kate Botos  
Madisonville Community Council President

**Officers**

**President**  
Kate Botos

**Vice President**  
Kim Eppens

**Treasurer**  
Joan Willis

**Recording Secretary**  
Charlie Foster



June 22, 2020

City of Cincinnati  
Zoning Department  
805 Central Avenue  
Cincinnati OH 45202

Dear Cincinnati Zoning Department -

I am writing to express The Madisonville Business Chamber's (MBC) support for Mr. BJ Kim and Red Sesame Korean BBQ for their request to change zoning at 4804 Whetzel Avenue in Madisonville, Ohio. Mr. Kim is the owner of the property and his vision is to reside above his business at this address, which requires a change from T4 to T5.

Per the Madisonville Quality of Life Plan, the community desired a diverse and inclusive presence of "Mom and Pop" businesses to occupy the Business District. The owner is visible within the community, is a member of The Madisonville Business Chamber and will be a great addition. Red Sesame will be a great addition that compliments Millie's Place, The Cheesecakeery and Bad Tom Smith Brewing. MBC members voted 100% to support Mr. Kim in requesting the needed changes to move forward with zoning changes required.

Sincerely,

  
Terri Henry, President  
The Madisonville Business Chamber



6111 Madison Road | Cincinnati, OH 45227  
(513) 271-2495 | [www.mcurc.org](http://www.mcurc.org)

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September 14, 2020

City of Cincinnati  
Zoning  
805 Centera Ave  
Cincinnati, OH 45202

Dear Planning and Zoning Staff,

I am writing on behalf of MCURC to express our support for Mr. BJ Kim and Red Sesame Korean BBQ for their change of zoning request at 4804 Whetsel Avenue in the Madisonville neighborhood of Cincinnati, OH. Mr. Kim has shared plans and a timeline for construction with our organization, and explained his plan is to use the second floor as a personal residence and the first floor as his restaurant. For Mr. Kim to house his business on the first floor, and his residence above, it will require a zone change from T4 to T5-SSO.

In an effort to work towards the goals of our Quality of Life Plan, we seek to support a diverse array of small businesses throughout our business district. Though we are aware of the reasons for our Form Based Code and the permitted uses, we are left with limited opportunities for new business. We do not make it a practice to support zone changes unless there is a well supported reason, but due to Mr. Kim's community support, support by contiguous property owners, and his location being across the street from commercial properties it makes sense to support his request. Mr. Kim's business will be a welcomed asset to our community.

Thank you,



Elishia Chamberlain, MPA  
Executive Director



*Iglesia Apostólica Hispana.*

*4814 Whetsel Ave*

*Cincinnati Ohio 45227*

*Cincinnati Ohio marzo 14- 2021*

A Quien Interese:

*Por medio de la presente carta y en acuerdo con los líderes de la Iglesia Apostólica Hispana y ellos son: Bertilia Bartolón, Rodrigo Vásquez, Lorena Vásquez, Brayan Méndez, y ministra Dora Hernández, y el Pastor Elmer Hernández, a la solicitud del Vecino de cambio de zona del Parqueo de nuestra Iglesia hacemos saber que, si cambiaremos de zona, pero con la restricción que el parqueo es y será uso exclusivo para la Iglesia, no para el Restaurante o negocios cercanos.*

*Y así también tenemos planes para poner cerca, para evitar inconvenientes en el futuro.*

Atentamente,

Pastor Elmer Hernández

Ministra Dora Hernández

Bertilia Bartolón

Rodrigo Vásquez

Lorena Vásquez

Brayan Méndez

Exhibit F



N7 Consulting Services, LLC

[TO WHOM IT MAY CONCERN:  
OFFICIAL TRANSLATION A WRITTEN AGREEMENT]

Image  
Hispanic Apostolic Church

Cincinnati Ohio March 14-2021

To whom it may concern:

Through this letter in agreement of the leaders of The Hispanic Apostolic Church who are: Bertilia Bartolón, Rodrigo Vásquez, Lorena Vásquez, Brayan Méndez, Minister Dora Hernandez, and Pastor Elmer Hernandez, to request of the neighbor a change of zoning of the parking space of our church. We advise, we will be proceeding with the changing of zone, but with the restriction that the parking space is and will be exclusive for the church, not for restaurants or neighboring businesses.

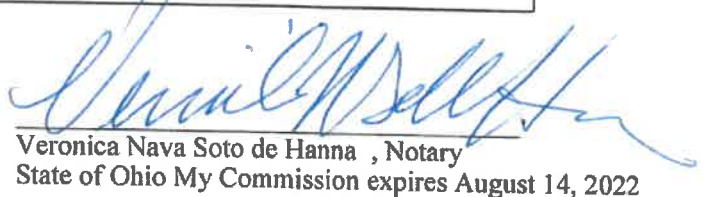
And also, we have plans to erect a fence to avoid inconveniences in the future.  
Sincerely,

Pastor Elmer Hernández	[Signature]
Minister Dora Hernández	[Signature]
Bertilia Bartolón	[Signature]
Rodrigo Vásquez	[Signature]
Lorena Vásquez	[Signature]
Brayan Méndez	[Signature]

This certifies that I am competent to translate the document presented and am qualified as a translator from Spanish to English.

Joseph Nava, Esq has duly identified himself before me and I certify his signature as a notary of the State of Ohio on March 19<sup>th</sup>, 2021.

  
Gabriela Barbosa Gonzalez - Interpreter

  
Veronica Nava Soto de Hanna, Notary  
State of Ohio My Commission expires August 14, 2022

<Notary Seal>



Veronica Nava Soto DeHanna  
Notary Public, State of Ohio  
My Commission Expires 08-14-2022