

EMERGENCY

KMT

- 2024

AUTHORIZING the construction of an outdoor plaza and related improvements on the real property located at 150 W. 5th Street in the Central Business District **NOTWITHSTANDING** the provisions contained in Section 1411-15, “Minimum Façade Height,” and Section 1411-17, “Commercial Continuity,” of Cincinnati Municipal Code Chapter 1411, and any other applicable zoning regulations that would prevent the property’s redevelopment as an outdoor plaza.

WHEREAS, The City of Cincinnati (“City”) and the Port of Greater Cincinnati Development Authority (“Port”) separately own certain portions of the real property located at 150 W. 5th Street in the Central Business District (“Property”), which property is located in the DD, “Downtown Development” zoning district and includes vacant land formerly occupied by the Millennium Hotel; and

WHEREAS, the portion of the Property owned by the Port will be transferred to Board of Commissioners of Hamilton County, Ohio and then leased to the City to facilitate the redevelopment of the Property as an outdoor plaza (“Plaza”); and

WHEREAS, 3CDC Development Manager, LLC (“Petitioner”) is serving as the development manager for the renovation of the Duke Energy Convention Center, and it seeks to construct the Plaza so that it may serve as an outdoor meeting and gathering space for use in conjunction with the Duke Energy Convention Center located directly west of the Property; and

WHEREAS, the Plaza will include the construction of a pavilion with outdoor seating, an outdoor gathering space, public restrooms, a dog park, fencing, landscaping, greenery, and new entrance spaces designed to complement the forthcoming renovation of the Duke Energy Convention Center; and

WHEREAS, the Petitioner has requested authorization to construct the Plaza and related improvements notwithstanding certain zoning code provisions that would otherwise prevent its construction; and

WHEREAS, reasonable deviations from zoning code provisions that would otherwise prevent the Petitioner from constructing the Plaza will provide substantial public benefits by creating an outdoor meeting and gathering space for the Duke Energy Convention Center that will attract new conferences, meetings, exhibits, and events to the convention center for the benefit of the City and its business owners; and

WHEREAS, the City Planning Commission, at its regularly scheduled meeting on May 3, 2024, upon considering the factors set forth in CMC Section 111-5, recommended the adoption of a notwithstanding ordinance authorizing the Plaza and related improvements; and

WHEREAS, this ordinance authorizing the Plaza is in accordance with the “Compete” goal to “[f]oster a climate conducive to growth, investment, stability, and opportunity” as described on page 103 of Plan Cincinnati (2012) and the “Compete” goal to “[t]arget investment to geographic areas where there is already economic activity” as described on page 115 of Plan Cincinnati (2012); and

WHEREAS, the Council finds that the Plaza will preserve the quality and character of the neighborhood by serving as an outdoor meeting and gathering space for the Duke Energy Convention Center that will fit within the context of the surrounding Central Business District; and

WHEREAS, the Council additionally finds that permitting the Plaza will not have an adverse effect on the character of the area or the public health, safety, and welfare, and the Plaza is in the best interests 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, following its own independent review and consideration, the Council incorporates the foregoing recitals as if fully rewritten herein, and it hereby confirms that this ordinance satisfies the criteria set forth in Section 111-5 of the Cincinnati Municipal Code (“CMC”) in all respects.

Section 2. That the Council specifically finds that this ordinance authorizing the redevelopment of the real property located at 150 W. 5th Street in the Central Business District (“Property”), which property is depicted on the map attached hereto as Attachment A and incorporated herein by reference, will not have an adverse effect on the character of the surrounding area or the public’s health, safety, and general welfare and that it is consistent with the purposes of the CMC and the zoning districts within which the property is located.

Section 3. That the Council authorizes the construction of an outdoor plaza and related improvements (“Plaza”) on the Property, subject to the terms and conditions set forth in this ordinance. This authorization is granted notwithstanding the regulations contained in Section 1411-15, “Minimum Façade Height,” and Section 1411-17, “Commercial Continuity,” of CMC

Chapter 1411, and any other applicable zoning regulations that would restrict the construction of the Project.

Section 4. The Project must substantially conform to the site plan and elevations attached hereto as Attachment A and incorporated herein by reference.

Section 5. That the City Manager and the appropriate City officials are authorized to take all necessary and proper actions to implement this ordinance, including by issuing building permits and related approvals provided they conform to applicable building codes, housing codes, accessibility laws, or other laws, rules, or regulations.

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 Petitioner to move forward so that the City may receive the economic and noneconomic benefits from the redevelopment of the Plaza at the earliest possible time.

Passed: _____, 2024

Aftab Pureval, Mayor

Attest: _____
Clerk