



EMERGENCY

City of Cincinnati

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An Ordinance No. 292

-2024

**APPROVING** a major amendment to the concept plan and development program statement governing Planned Development No. 38 to change the density and uses permitted within the planned development to allow for greater density and to facilitate the construction of a new multi-family residential development at 1931 E. Seymour Avenue in the Bond Hill neighborhood.

WHEREAS, MBL DerbyCity Development, LLC (“DerbyCity”), owns or controls certain real property located at 1931 E. Seymour Avenue in the Bond Hill neighborhood (“Property”), which property Council rezoned to Planned Development District No. 38 (“PD-38”), pursuant to Ordinance No. 0368-2004 adopted on November 24, 2004; and

WHEREAS, the original concept plan and development program statement for PD-38 provided for the construction of ten five-unit, multi-family buildings on the Property; and

WHEREAS, DerbyCity has petitioned the City to approve a major amendment to the PD-38 concept plan and development program statement to include the construction of a new multi-family development at the Property, including two buildings with a total of 150 residential dwelling units consisting of one, two, and three bedroom units, 190 surface parking spaces, a clubhouse, a playground, and a six-foot privacy fence surrounding the Property; and

WHEREAS, the proposed residential units will be reserved for residents earning 50-70% of the Area Median Income and DerbyCity is applying for financial assistance through the Ohio Housing Finance Agency for Low-Income Housing Tax Credits to increase the supply of quality affordable rental housing in the City; and

WHEREAS, at its regularly scheduled meeting on August 16, 2024, the City Planning Commission recommended approval of the proposed major amendment to the concept plan and development program statement for PD-38; and

WHEREAS, a committee of Council held a public hearing on the major amendment to the concept plan and development program statement for PD-38 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 public’s health, safety, morals, and general welfare; and

WHEREAS, the proposed major amendment to the concept plan and development program statement for PD-38 is in accordance with the “Live” goal to “[p]rovide a full spectrum of housing options and improve housing quality and affordability” and to “[o]ffer housing options of varied sizes and types for residents at all stages of life” as described on pages 164 and 169 of Plan Cincinnati (2012); and

WHEREAS, the proposed major amendment to the concept plan and development program statement for PD-38 is in accordance with the goal to “[i]ncrease homeownership and diversity of housing options, including expanding access to a variety of market-rate and affordable housing choices in Bond Hill,” and the action steps to “[i]ncrease the quality and diversity of existing rental property” and “[i]dentify private investors to improve existing properties and build new ones” as described on pages 15 and 32 of the Housing Theme of the Bond Hill + Roselawn Plan (2016); and

WHEREAS, Council considers the major amendment to the PD-38 concept plan and development program statement to be in the best interest of the City and the general 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 Engagement and the Cincinnati Planning Commission’s findings that the major amendment to Planned Development District No. 38 (“PD-38”) further described herein conforms to the requirements of Cincinnati Municipal Code Sections 1429-05, 1429-09, and 1429-11.

Section 2. That the location of the major amendment to PD-38 further described herein at the real property commonly known as 1931 E. Seymour Avenue is depicted on the map attached hereto as Attachment A and incorporated by reference, and is more particularly described on the legal description contained in Attachment B attached hereto and incorporated by reference.

Section 3. That the concept plan for PD-38, as approved by Ordinance No. 0368-2004, is hereby amended as indicated on the concept plan attached hereto as Attachment C and incorporated herein by reference.

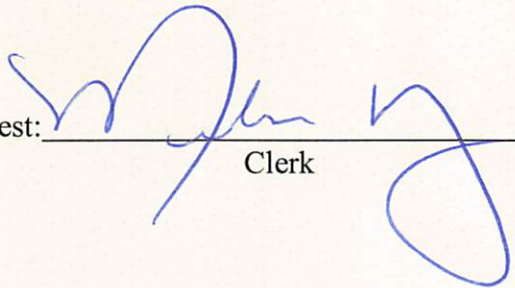
Section 4. That the development program statement for PD-38, as approved by Ordinance No. 0368-2004, is hereby amended as indicated on the development program statement attached hereto as Attachment D and incorporated herein by reference.

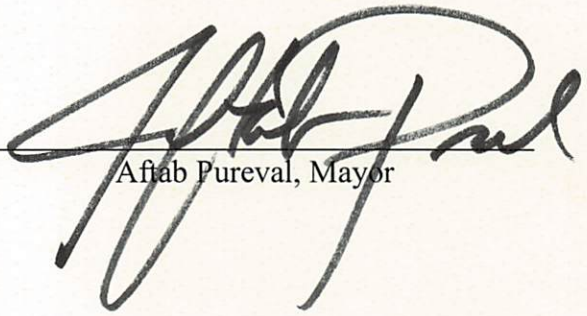
Section 5. That, to the extent the concept plan and development program statement for PD-38 are not amended herein, they shall remain in full force and effect.

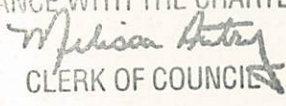
Section 6. That the use and development of the real property designated PD-38 shall be governed by the concept plan and development program statement for PD-38, as amended herein, for so long as PD-38 remains effective.

Section 7. 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 for MBL DerbyCity Development, LLC to apply for and receive Low-Income Housing Tax Credits so that the City of Cincinnati may enjoy the corresponding benefits at the earliest possible date.

Passed: September 11, 2024

Attest:   
Clerk

  
Afab Pureval, Mayor

I HEREBY CERTIFY THAT ORDINANCE NO. 292-2024  
WAS PUBLISHED IN THE CITY BULLETIN  
IN ACCORDANCE WITH THE CHARTER ON 9/24/2024  
  
CLERK OF COUNCIL