

May 11, 2022

Cincinnati City Council
Council Chambers, City Hall
Cincinnati, Ohio 45202

Dear Members of Council:

We are transmitting herewith a Notwithstanding Ordinance captioned as follows:

Transmitted is a Notwithstanding Ordinance captioned:

AUTHORIZING certain signage and street-level improvements to the building located at 50 W. 5th Street in the Central Business District **NOTWITHSTANDING** the provisions of Section 1411-21, "Ground Floor Transparency," and Section 1411-39, "Signs," of Chapter 1411, "Downtown Development Districts," of the Cincinnati Municipal Code.

The City Planning Commission recommended approval of the Notwithstanding Ordinance at its May 6, 2022 meeting.

Summary:

Fountain Place, LLC, is completing its conversion of the former Macy's-anchored Fountain Place at 50 W. 5th Street into a modern, mixed-use development. The project includes approximately 150,000 square feet of office space, along with 35,000 square feet of street-level retail/restaurant space. The applicant proposes street-level restaurant space for Jeff Ruby's restaurant and cigar bar along Vine Street.

Fountain Place, LLC, requests a Notwithstanding Ordinance for signage and to provide relief from the ground floor transparency requirement of the Zoning Code. The requested permission is notwithstanding provisions of Chapter 1411, "Downtown Development Districts," and any other applicable zoning regulations that would prevent the property's development as proposed, including, but not limited to, the transparency requirements set forth in Chapter 1411-21, "Ground Floor Transparency," and the signage requirements set forth in Chapter 1411-39, "Signs," of the Cincinnati Zoning Code.

The City Planning Commission recommended the following on May 6, 2022, to City Council:

APPROVE the Notwithstanding Ordinance for relief from the ground floor transparency and signage standards in the Downtown Development (DD) zoning district for a building located at 50 W. 5th Street in the Central Business District with the following conditions:

- 1) The development and signage of 50 W. 5th Street must substantially comply with the plans submitted in Exhibit B; and

- 2) The Notwithstanding Ordinance does not provide a variance from any other laws of the City of Cincinnati, and the property shall remain subject to all other provisions of the Cincinnati Municipal Code, DD, "Downtown Development," zoning district.

Motion to Approve: Ms. Kearney

Ayes: Mr. Eby

Seconded: Ms. McKinney

Ms. Kearney

Ms. McKinney

Mr. Stallworth

Mr. Weber

THE CITY PLANNING COMMISSION



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

May 11, 2022

To: Chelsey Pettyjohn, Office of the Clerk of Council

From: Katherine Keough-Jurs, FAICP, Director, Department of City Planning and Engagement *AP FOR KKTJ*

Copies to: Stacey Hoffman, Senior City Planner, Department of City Planning and Engagement

Subject: Scheduling of Notwithstanding Ordinance – The Foundry, 50 W. 5th Street

The above referenced Ordinance is requested to be scheduled for the Equitable Growth and Housing Committee on June 7, 2022. This item requires a public hearing following a required 14-day notification period by mail and in the City Bulletin.

Included in this submission are the following items:

- 1) The transmittal letter to the Mayor and City Council;
- 2) A copy of the City Planning Commission staff report dated May 6, 2022;
- 3) The Notwithstanding Ordinance;
- 4) Mailing labels for the notice of the public hearing; and
- 5) A copy of the mailing labels for your file.