



# City of Cincinnati

## An Ordinance No. \_\_\_\_\_

CHM

EESW/pal

- 2023

**AMENDING** the official zoning map of the City of Cincinnati to rezone certain real property located at 729 Overlook Avenue in the West Price Hill neighborhood from the SF-6, “Single-Family,” zoning district to the CC-M, “Commercial Community-Mixed,” zoning district to facilitate the expansion of an existing abutting commercial use.

WHEREAS, JLTM Investments LLC, an Ohio limited liability company (“Petitioner”), has petitioned to rezone certain real property located at 729 Overlook Avenue in the West Price Hill neighborhood (“Property”) from the SF-6, “Single-Family,” zoning district to the CC-M, “Commercial Community-Mixed,” zoning district; and

WHEREAS, the Petitioner desires to construct an approximately 4,285-square foot expansion to the Western Hills Window Company building located at 4527 West Eighth Street, which business has operated adjacent to the Property for over 50 years; and

WHEREAS, a zone change is necessary to enable the commercial use of the Property because the current SF-6, “Single-Family,” zoning district does not permit commercial uses; and

WHEREAS, the proposed zone change from the SF-6, “Single-Family,” zoning district to the CC-M, “Commercial Community-Mixed,” zoning district would allow for the Property to be developed and operated in a manner that is consistent with adjacent properties along West Eighth Street, an existing commercial corridor extending from Pedretti Avenue to Nebraska Avenue; and

WHEREAS, the proposed zone change is consistent with *Plan Cincinnati* (2012), particularly the plan’s goals to “[f]oster a climate conducive to growth, investment, stability, and opportunity” (page 103) and to “target investment to geographic areas where there is already economic activity” (page 141); and

WHEREAS, at its regularly scheduled meeting on January 20, 2023, the City Planning Commission determined that the proposed zone change is in the interest of the public’s health, safety, morals, and general welfare, and it recommended rezoning the Property from the SF-6, “Single-Family,” zoning district to the CC-M, “Commercial Community-Mixed,” zoning district; and

WHEREAS, a committee of Council held a public hearing on the proposed rezoning of the Property following due and proper notice pursuant to Cincinnati Municipal Code Section 111-1, and the committee approved rezoning the Property, finding it in the interest of the public’s health, safety, morals, and general welfare; and

WHEREAS, the Council resolves to rezone the Property from the SF-6, "Single-Family," zoning district to the CC-M, "Commercial Community-Mixed," zoning district, finding it to be in the interest of 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 shape and area of the City of Cincinnati's official zoning map in the location of the real property located at 729 Overlook Avenue in the West Price Hill neighborhood, shown 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 herein by reference, is hereby amended from the SF-6, "Single-Family," zoning district to the CC-M, "Commercial Community-Mixed," zoning district.

Section 2. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

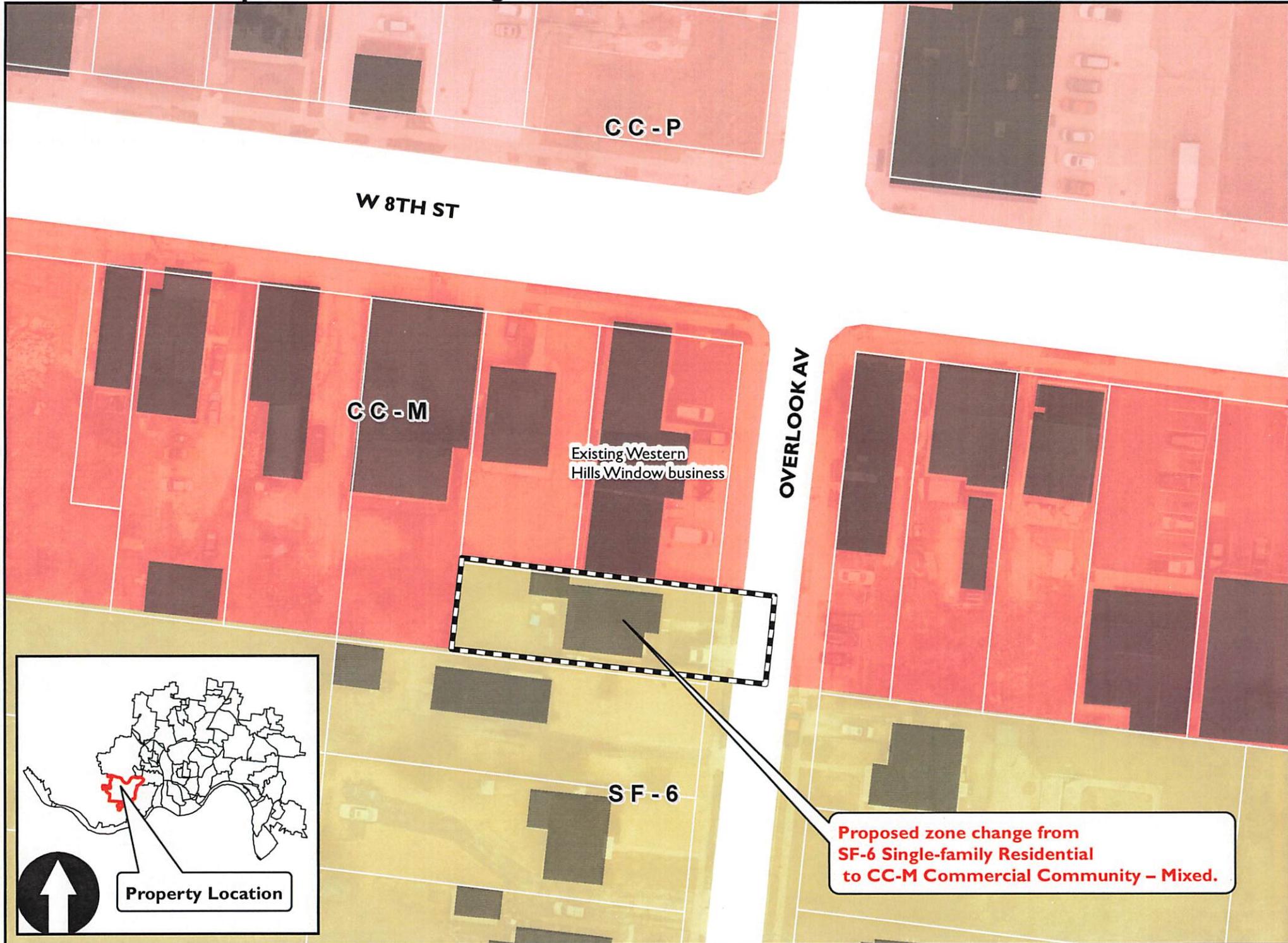
Passed: \_\_\_\_\_, 2023

\_\_\_\_\_  
Aftab Pureval, Mayor

Attest: \_\_\_\_\_  
Clerk

**EXHIBIT A**

# Proposed Zone Change at 729 Overlook Avenue in West Price Hill



CC-P

W 8TH ST

CC-M

Existing Western  
Hills Window business

OVERLOOK AV

SF-6

Proposed zone change from  
SF-6 Single-family Residential  
to CC-M Commercial Community - Mixed.

Property Location

**EXHIBIT B**



**Abercrombie  
& Associates, Inc.**

Civil Engineering + Surveying

OCTOBER 27, 2022

**LEGAL DESCRIPTION**

**0.1264 ACRES**

SITUATE IN CITY OF CINCINNATI, HAMILTON COUNTY, OHIO, BEING PART OF LOTS 32 AND 33 OF THE SUBDIVISION OF THE ANTHONY OEHLER TRACT MADE IN CASE NUMBER 98843 HAMILTON COUNTY COMMON PLEAS COURT RECORDED IN PLAT BOOK 14, PAGE 42 HAMILTON COUNTY, OHIO RECORDER'S OFFICE, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE CENTER OF OVERLOOK AVENUE (50' RIGHT-OF-WAY), SAID POINT BEING SOUTH 01°09'00" WEST, 150.00 FEET FROM THE CENTERLINE INTERSECTION OF WEST EIGHTH STREET (80' RIGHT-OF-WAY) AND OVERLOOK AVENUE;

THENCE CONTINUING WITH THE CENTERLINE OF SAID OVERLOOK AVENUE, SOUTH 01°09'00" WEST, 40.00 FEET TO A POINT;

THENCE LEAVING SAID CENTERLINE OF OVERLOOK AVENUE, NORTH 88°51'00" WEST, 137.60 FEET TO THE SOUTHWEST CORNER OF LOT 32 OF SAID ANTHONY OEHLER SUBDIVISION;

THENCE IN PART WITH THE WEST LINE OF SAID LOT 32 AND THROUGH SAID LOTS 32 AND 33 OF ANTHONY OEHLER SUBDIVISION, NORTH 01°09'00" EAST, 40.00 FEET TO A POINT AND THENCE SOUTH 88°51'00" EAST, 137.60 FEET TO THE POINT OF BEGINNING.

THUS CONTAINING 0.1264 ACRES OF LAND, OF WHICH 0.0230 ACRES IS WITHIN THE RIGHT-OF-WAY OF OVERLOOK AVENUE, AND BEING SUBJECT TO ALL LEGAL HIGHWAYS, EASEMENTS AND RESTRICTIONS OF RECORD.

BEING PART OF THE SAME PREMISES CONVEYED TO JLTM INVESTMENTS, LLC BY DEED RECORDED IN OFFICIAL RECORD 14781, PAGE 1769 HAMILTON COUNTY, OHIO RECORDER'S OFFICE.

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THE BEARINGS IN THE ABOVE DESCRIPTION ARE BASED ON THE SUBDIVISION OF THE ANTHONY OEHLER TRACT MADE IN CASE NUMBER 98843 HAMILTON COUNTY COMMON PLEAS COURT RECORDED IN PLAT BOOK 14, PAGE 42 HAMILTON COUNTY, OHIO RECORDER'S OFFICE.

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

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CRAIG T. ABERCROMBIE  
OHIO REGISTERED SURVEYOR 8377

FILE:22-0076-LD-0.1264 AC

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