

April 26, 2022

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

Dear Members of Council:

We are transmitting herewith an Emergency Ordinance captioned as follows:

AUTHORIZING the real property located at 621 W. Mehring Way in the Central Business District to be developed and used as an interim indoor practice facility **NOTWITHSTANDING** certain development regulations and use limitations contained in Chapter 1109, “Flood Damage Reduction,” and Chapter 1415, “Riverfront Districts,” of the Cincinnati Municipal Code and **NOTWITHSTANDING** certain other zoning regulations governing the development of proposed facility that would prevent its development and use as an interim indoor practice facility.

Summary:

The Cincinnati Bengals request a Notwithstanding Ordinance (NWO) to permit the construction and operation of an Interim Indoor Practice Facility (IIPF) located at 621 W. Mehring Way in the Central Business District. IIPF’s are a standard practice among teams in the National Football League (NFL) as they allow appropriate practice spaces for inclement weather and an increase in wintertime games, among other variables. This facility will be an interim facility that will be utilized immediately by team players and staff. The Bengals are proposing to build the IIPF at its expensive and plans to have the facility available for use during the 2022 NFL season.

The City Planning Commission approved this Notwithstanding Ordinance at its April 15, 2022 meeting with the following conditions and inclusion of the new sixth condition:

1. That the Property shall be developed substantially consistent with the plans attached hereto as Exhibits B-1 and B-2 and those on file with the Department of Buildings and Inspections (“Plans”); and
2. That the authorizations granted herein include permission to construct additional site improvements, including fencing up to 8 feet in height and lighting, that are substantially consistent with the Plans and incidental thereto, subject to the floodplain administrator’s determination that the site improvements comply with the requirements of CMC Chapter 1109, “Flood Damage Reduction,” or are designed to provide an equivalent measure of safety that minimizes the potential for flood damages and threats to public safety during a flood event; and
3. That the authorizations granted herein are contingent upon the Team’s implementation of the flood action plan, attached hereto as Exhibit C and incorporated herein by reference, which plan shall provide for reporting upon the City’s request following a base flood event and for coordination between the Team and the City on supplementary operational measures as are necessary to minimize the potential for flood damages and threats to public safety during a base flood event, and which plan

shall not be modified without the prior written consent of the floodplain administrator;
and

4. That the interim indoor practice facility shall be operated as a participant-only facility and remain subject to any occupancy limitations established by the Ohio Building Code; and
5. That the City Manager and the appropriate City officials may order the removal of the interim indoor practice facility and the restoration of the Property, at no cost to the City: (i) upon finding that the Team has failed to comply with one or more of the conditions contained herein; (ii) at any time following fifth anniversary of the effective date of this ordinance; or (iii) upon the Team's vacation of the Property or abandonment of the interim indoor practice facility. For the avoidance of doubt, the interim indoor practice facility shall be deemed abandoned if the Team intentionally discontinues its use and occupancy of the facility for more than 365 consecutive days; and
6. That the Notwithstanding Ordinance be amended to include a recital that reflects the understanding between the City and the Team that the Team will accommodate the construction of the Ohio River Trail West/CROWN Queensgate Connection on the south side of Mehring Way when the need arises.

Their recommendation will be presented to City Council at the April 26, 2022 Equitable Growth & Housing Committee meeting.

Motion to Approve: Ms. Kearney

Ayes:

Ms. Long

Ms. Kearney

Seconded: Mr. Samad

Ms. McKinney

Mr. Stallworth

Mr. Samad

Recused:

Ms. Sesler

Mr. Eby

THE CITY PLANNING COMMISSION



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