



## City of Cincinnati

DBS

AWB

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

- 2021

**AMENDING** the official zoning map of the City of Cincinnati to rezone the real property located at 4804-4810 Whetsel Avenue in the Madisonville neighborhood from the T4N.SF, "T4 Neighborhood Small Footprint," and T4N.SF-O, "T4 Neighborhood Small Footprint – Open," transect zones to the T5MS-O, "T5 Main Street – Open," transect zone to facilitate the establishment of a new restaurant.

WHEREAS, Brian J. Kim ("Petitioner"), has petitioned to rezone the real property located at 4804-4810 Whetsel Avenue in the Madisonville neighborhood ("Subject Area") from the T4N.SF, "T4 Neighborhood Small Footprint," and T4N.SF-O, "T4 Neighborhood Small Footprint – Open," transect zones to the T5MS-O, "T5 Main Street – Open," transect zone; and

WHEREAS, rezoning the Subject Area to the T5MS-O, "T5 Main Street – Open," transect zone would allow the Petitioner to establish a new restaurant on the property located at 4804 Whetsel Avenue; and

WHEREAS, the property located at 4810 Whetsel Avenue within the Subject Area is currently located in the T5MS-O, "T5 Main Street – Open," transect zone, and thus rezoning the entirety of the Subject Area to the same transect zone would allow it to be developed and operated in a manner consistent with the property located at 4804 Whetsel Avenue; and

WHEREAS, the proposed zone change is consistent with *Plan Cincinnati* (2012), including its "Compete" initiative with the goal to "target investment to geographic areas where there is already economic activity," (p. 141); and

WHEREAS, the Madisonville Community Council and Madisonville Community Urban Redevelopment Corporation have submitted letters of support for the proposed rezoning; and

WHEREAS, at its regularly scheduled meeting on April 16, 2021 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 Subject Area from the T4N.SF, "T4 Neighborhood Small Footprint," and T4N.SF-O, "T4 Neighborhood Small Footprint – Open," transect zones to the T5MS-O, "T5 Main Street – Open," transect zone; and

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

WHEREAS, the Council resolves to rezone the Subject Area from the T4N.SF, "T4 Neighborhood Small Footprint," and T4N.SF-O, "T4 Neighborhood Small Footprint – Open,"

transect zones to the T5MS-O, "T5 Main Street – Open," transect zone, 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 4804-4810 Whetsel Avenue in the Madisonville neighborhood, shown on the map attached hereto as Exhibit "A" and incorporated herein 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 T4N.SF, "T4 Neighborhood Small Footprint," and T4N.SF-O, "T4 Neighborhood Small Footprint – Open," transect zones to the T5MS-O, "T5 Main Street – Open," transect zone.

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

Passed: \_\_\_\_\_, 2021

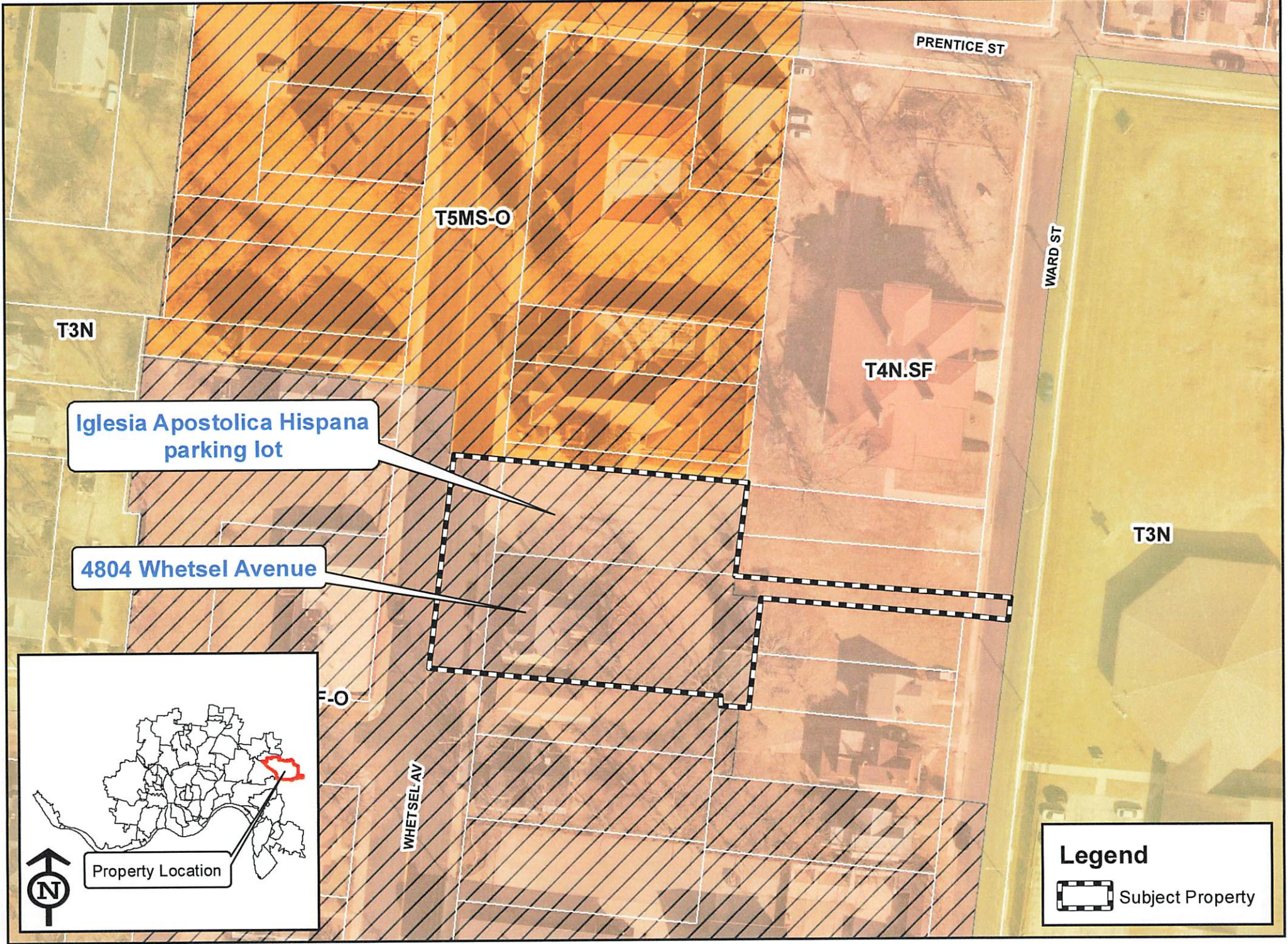
\_\_\_\_\_  
John Cranley, Mayor

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

**EXHIBIT A**



Ex.A - Proposed Zone Change from T4N.SF and T4N.SF-O to T5MS-O at 4804 Whetsel Av. in Madisonville





**EXHIBIT B**



Abercrombie  
& Associates, Inc.

Civil Engineering + Surveying

SEPTEMBER 3, 2020  
REVISED APRIL 8, 2021

**LEGAL DESCRIPTION  
AREA TO BE REZONED  
0.5996 ACRES**

SITUATE IN SECTION 16, TOWN-4, FRACTIONAL RANGE 2, MIAMI PURCHASE, CITY OF CINCINNATI, HAMILTON COUNTY, OHIO AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE CENTERLINE INTERSECTION OF WARD STREET WITH PRENTICE STREET; THENCE ALONG THE CENTERLINE OF WARD STREET (AS NOW IMPROVED), SOUTH  $01^{\circ}28'30''$  WEST, 334.25 FEET TO THE REAL PLACE OF BEGINNING OF THE HEREIN DESCRIBED TRACT; THENCE CONTINUING ALONG THE CENTERLINE OF WARD STREET (AS NOW IMPROVED), SOUTH  $01^{\circ}28'30''$  WEST, 12.00 FEET TO A POINT; THENCE LEAVING THE CENTERLINE OF WARD STREET (AS NOW IMPROVED), NORTH  $88^{\circ}31'30''$  WEST, 141.00 FEET TO A POINT; THENCE SOUTH  $01^{\circ}28'30''$  WEST, 66.00 FEET TO A POINT; THENCE NORTH  $88^{\circ}31'30''$  WEST, 24.00 FEET TO A POINT; THENCE NORTH  $01^{\circ}28'30''$  EAST, 4.00 FEET TO A POINT; THENCE NORTH  $88^{\circ}31'30''$  WEST, 177.00 FEET TO A POINT IN THE CENTERLINE OF WHETSEL AVENUE; THENCE ALONG THE CENTERLINE OF WHETSEL AVENUE, NORTH  $01^{\circ}28'30''$  EAST, 128.00 FEET TO A POINT; THENCE LEAVING THE CENTERLINE OF WHETSEL AVENUE, SOUTH  $88^{\circ}31'30''$  EAST, 177.80 FEET TO A POINT; THENCE SOUTH  $01^{\circ}28'30''$  WEST, 54.00 FEET TO A POINT; THENCE SOUTH  $88^{\circ}31'30''$  EAST, 164.20 FEET TO THE PLACE OF BEGINNING.

THUS CONTAINING 0.5996 ACRES OF LAND AND BEING SUBJECT TO THE RIGHT OF WAY OF WHETSEL AVENUE AND THE RIGHT OF WAY OF WARD STREET AND ALL EASEMENTS AND RESTRICTIONS OF RECORD.

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

 4-07-21  
STEPHEN L. CAHILL  
OHIO REGISTERED SURVEYOR #7862

FILE:19-0181.LD1-0.5996AC

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