



City of Cincinnati

801 Plum Street
Cincinnati, OH 45202

Agenda - Final-revised

Economic Growth & Zoning Committee

Vice Mayor Christopher Smitherman, Chairperson
Councilmember Steven Goodin, Vice-Chair
Councilmember Betsy Sundermann, Member
Councilmember Liz Keating, Member
Councilmember Jan Michele Lemon Kearney, Member

Tuesday, May 11, 2021

11:00 AM

Council Chambers, Room 300

PUBLIC HEARING

PRESENTATIONS

Proposed Ordinances Regarding Modification of the Boundaries that the Clifton Town Meeting Community Council and CUF represent and Rezone of the Property Located at 4804-4810 Whetsel Ave in Madisonville

Start of Public Hearing

1. [202101410](#) **ORDINANCE** submitted by Paula Boggs Muething, City Manager, on 4/14/2021, **AMENDING** the community council representation area map on file with the Clerk of Council to modify the boundaries of the areas that the Clifton Town Meeting Community Council and the CUF Community Council are considered to represent for the purposes of Cincinnati Municipal Code Sections 111-1 and 111-5.

Sponsors: City Manager

Attachments: [Transmittal](#)
[Ordinance](#)
[Exhibit A](#)
[Legislative Record](#)
[Other Legislative Record](#)
[CPC Memo to Clerk](#)

2. [202101479](#) **ORDINANCE** submitted by Paula Boggs Muething, City Manager, on 4/21/2021 **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 Mair Street - Open," transect zone to facilitate the establishment of a new restaurant.

Sponsors: City Manager

Attachments: [Transmittal](#)
[Ordinance](#)
[Exhibit A](#)
[Exhibit B](#)
[Legislative Record](#)
[Other Legislative Record](#)
[CPC Memo to Council](#)

End of Public Hearing

3. **202101655** PRESENTATION submitted by Paula Boggs Muething, City Manager, dated 5/11/2021, regarding modifying the boundaries of the areas that the Clifton Town Meeting Community Council and the CUF Community Council are considered to represent for the purposes of Cincinnati Municipal Code Sections 111-1 and 111-5 for the Economic Growth & Zoning Committee.

Sponsors: City Manager

Attachments: Transmittal
Presentation

4. **202101656** PRESENTATION submitted by Paula Boggs Muething, City Manager, dated 5/11/2021, regarding a zone change at 4804-4810 Whetsel Avenue for the Economic Growth & Zoning Committee.

Sponsors: City Manager

Attachments: Transmittal
Presentation

SMALL BUSINESS SUBCOMMITTEE

Keyona Armstead and Joy Willis, Owner/Operators of K&J Seafood

ADJOURNMENT

April 14, 2021
202101410

To: Mayor and Members of City Council

From: Paula Boggs Muething, City Manager

Subject: **Ordinance – Amending the Community Council Map for Clifton and CUF**

Transmitted is an Ordinance captioned:

AMENDING the community council representation area map on file with the Clerk of Council to modify the boundaries of the areas that the Clifton Town Meeting Community Council and the CUF Community Council are considered to represent for the purposes of Cincinnati Municipal Code Sections 111-1 and 111-5.

Summary

A map is currently on file with the Clerk of Council showing the boundaries identified by each Community Council as the area of their representation. This map is used by City Staff to determine which Community Council to notify when there is a proposed zone change, zoning hearing, or notwithstanding ordinance in accordance with Sections 111-1 and 111-5 of the Cincinnati Municipal Code. In the case that two or more Community Councils represent one area, the area is designated as a “Overlap Area.” When an area is designated as an “Overlap Area,” Staff notifies all Community Councils claiming the area.

On February 3, 2021, City Council adopted Motion 202100232 from Councilmembers Kearney and Landsman via Clifton Town Meeting to amend the boundaries of Clifton to include Burnet Woods, both sides of Bishop Street, and the area north of West Martin Luther King Jr. Drive between Clifton Avenue and Dixmyth Avenue. Burnet Woods is currently an “Overlap Area” for Corryville and the Heights (inactive). During neighborhood engagement about these new “Overlap Areas”, the CUF Neighborhood Association voted to change their bylaws on March 16, 2021 to include Burnet Woods as well. Amending Clifton’s boundary will create new “Overlap Areas” with Corryville, CUF, and the Heights.

At the April 2, 2021 City Planning Commission meeting, the Corryville Community Council did not support properties on both sides of Bishop Street becoming an “Overlap Area” between Clifton and Corryville. The City Planning Commission amended the proposed Community Council boundary recommendation to remove both sides of Bishop Street from Clifton so it would remain only in Corryville, consistent with existing conditions.

The proposed Community Council boundary map changes are consistent with *Plan Cincinnati* (2012), as the amendments to this map will help improve communication from the City to these neighborhoods.

The Administration recommends Approval of this Ordinance.

cc: Katherine Keough-Jurs, AICP, Director
Department of City Planning



City of Cincinnati

DBS

AWB

An Ordinance No. _____ - 2021

AMENDING the community council representation area map on file with the Clerk of Council to modify the boundaries of the areas that the Clifton Town Meeting Community Council and the CUF Community Council are considered to represent for the purposes of Cincinnati Municipal Code Sections 111-1 and 111-5.

WHEREAS, the areas of community council representation are depicted on an area map (“Map”) that is on file with the Clerk of Council in accordance with, and for the purposes set forth in, Cincinnati Municipal Code Sections 111-1 and 111-5; and

WHEREAS, Clifton Town Meeting Community Council (“CTM”) has requested that its area of representation on the Map be modified to include Burnett Woods, the properties fronting on Bishop Street, the area generally located to the north of West Martin Luther King Jr. Drive between Dixmyth Avenue and Clifton Avenue, and to remove an area dually represented by CTM and Spring Grove Village; and

WHEREAS, on February 3, 2021, City Council adopted Motion 202100232 (“Motion”) asking that the Department of City Planning work with CTM, the CUF Community Council (“CUF”), and the Corryville Community Council (“CCC”) to ensure that the Map accurately reflects their neighborhood boundaries; and

WHEREAS, following the adoption of the Motion, the Department of City Planning engaged CTM, CUF, and CCC consistent with the Council’s request; and

WHEREAS, in connection with this engagement, CUF requested that its area of representation on the Map be modified to include Burnett Woods; and

WHEREAS, the proposed changes to the Map would result in new “overlap areas” in which the Council recognizes two or more community councils that represent an area; and

WHEREAS, CTM, CUF, and CCC have indicated that they are in agreement that Burnett Woods is important to their three neighborhoods, and they do not object to the proposed modifications, except that CCC has not expressed its support for the inclusion of the Bishop Street properties within the CTM area of representation; and

WHEREAS, at its regularly scheduled meeting on April 2, 2021, the City Planning Commission recommended the requested modifications to the areas of representation on the Map, with the exception of the request to extend CTM’s area of representation to the properties fronting on Bishop Street; and

WHEREAS, a committee of Council considered the proposed changes to the areas of representation on the Map, and the committee approved the modification recommended by the City Planning Commission; and

WHEREAS, modifications to the Map are consistent with the “Collaborate” Initiative Area of *Plan Cincinnati* (2012), which includes the goal to “work in synergy with the Cincinnati Community,” (page 209) and the Action Step to “improve City-Community communication channels” (page 211); and

WHEREAS, Council hereby resolves to modify the Map consistent with the recommendation of the City Planning Commission; now, therefore,

BE IT ORDAINED by the Council of the City of Cincinnati, State of Ohio:

Section 1. That the community council area representation map on file with the Clerk of Council pursuant to Cincinnati Municipal Code Sections 111-1 and 111-5 (“Map”) is hereby amended to modify the boundaries of the areas that the Clifton Town Meeting Community Council and the CUF Community Council are considered to represent as more particularly indicated on the map attached hereto as Exhibit A.

Section 2. That the areas depicted on the Map as areas represented by more than one community council shall be reflected as “overlap areas” in which the Council recognizes two or more community councils as representing an area.

Section 3. That, except as otherwise provided herein, the Map is ratified and confirmed.

Section 4. That the Clerk is hereby directed to take all necessary and appropriate actions to carry out the provisions of this ordinance, including by updating the Map maintained in its records consistent with the modifications approved herein.

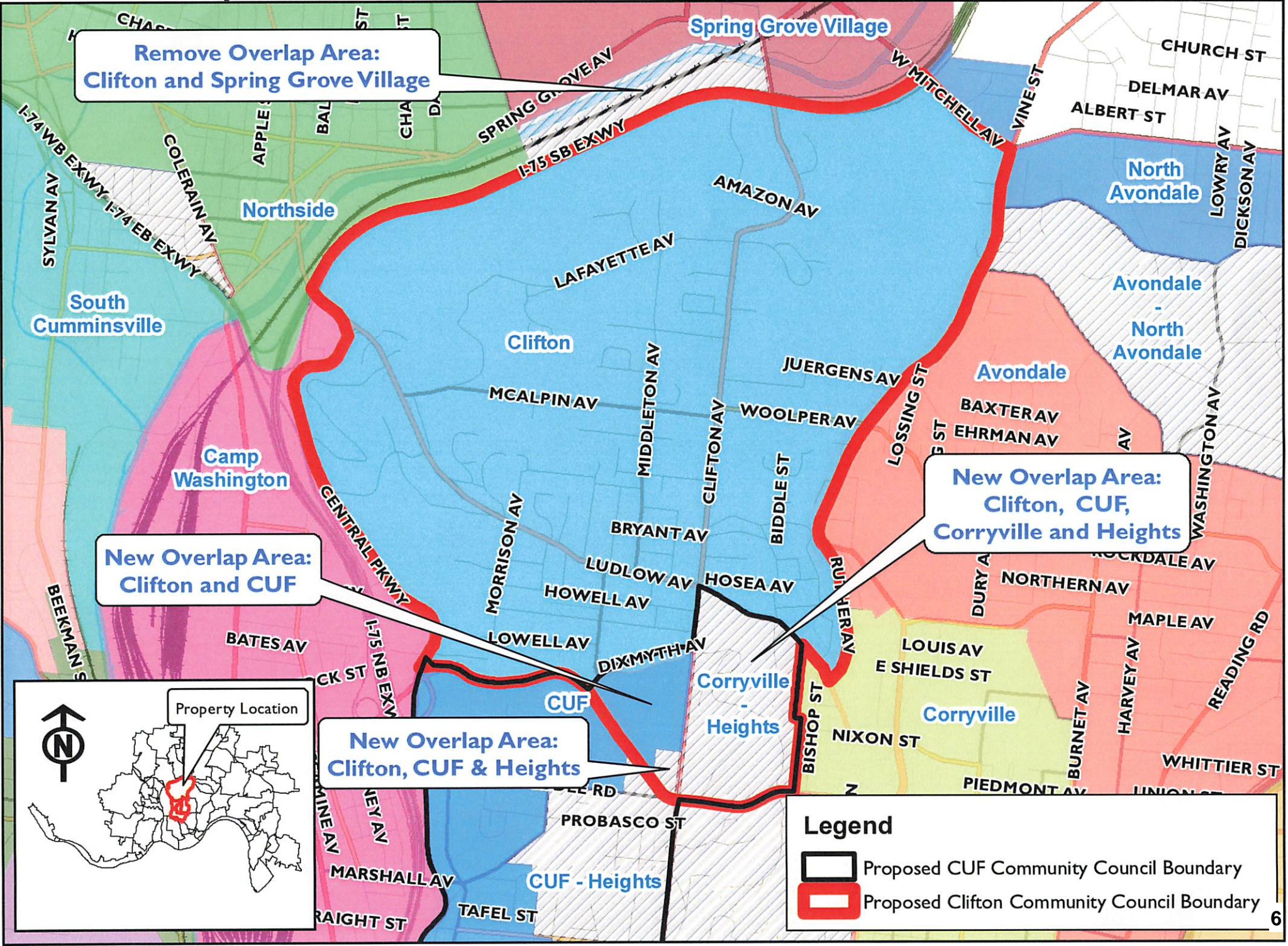
Section 5. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: _____, 2021

John Cranley, Mayor

Attest: _____
Clerk

Exhibit A: Proposed Community Council Boundary Changes for Clifton and CUF



April 2, 2021

Honorable City Planning Commission
Cincinnati, Ohio

SUBJECT: A report and recommendation on a proposed amendment to the boundaries of Clifton and CUF for the Community Council Boundary Map which is used for compliance with the notice requirements of Municipal Code Sections 111-1 and 111-5.

GENERAL INFORMATION:

Location: Clifton and CUF neighborhoods
Petitioner: Councilmembers Kearney and Landsman via Clifton Town Meeting
Petitioner's Address: 801 Plum Street, Cincinnati, Ohio 45202

ATTACHMENT:

Provided in addition to this report is the following attachment:

- Exhibit A – Location Map
- Exhibit B – Council Motion 202100232
- Exhibit C – Correspondence

BACKGROUND:

Sections 111-1 (Hearings on Zoning Regulations) and 111-5 (Notice and Hearings on Notwithstanding Ordinances) of the Cincinnati Municipal Code both set the process and procedures for hearings. According to these sections, "A community council shall mean an organization participating in the neighborhood support program or included on a list of community councils approved by the city council and filed with the clerk. The area of representation of a community council shall be shown on a map approved by the city council and filed with the clerk. City Council may approve a map showing an area as being represented by more than one community council."

A map is currently on file with the Clerk of Council showing the boundaries identified by each Community Council as the area of their representation. This map is used by City Staff to determine which Community Council to notify when there is a proposed zone change, zoning hearing, or notwithstanding ordinance. In the case that two or more Community Councils represent one area, the area is designated as a "Overlap Area." When an area is designated as an "Overlap Area," Staff notifies all Community Councils claiming the area.

The information on this map is also available to the general public on the website for Cincinnati Area Geographic Information Systems (CAGIS) (<http://cagisonline.hamilton-co.org/cagisonline/index.html>).

On February 3, 2021, City Council adopted Motion 202100232 from Councilmembers Kearney and Landsman via Clifton Town Meeting to amend the boundaries of Clifton to include Burnet Woods, both sides of Bishop Street, and the area north of West Martin Luther King Jr. Drive between Clifton Avenue and Dixmyth Avenue. Burnet Woods is currently an "Overlap Area" for Corryville and the Heights, which is an inactive Community Council. Amending Clifton's boundary will create new "Overlap Areas" with Corryville, CUF, and the Heights.

During engagement about this proposed boundary change, CUF informed staff that they were going to amend their bylaws to also include Burnet Woods, creating a new "Overlap Area" with Corryville, the Heights, and Clifton. All three active Community Councils agree that Burnet Woods is an important asset to all three neighborhoods and that all three should receive notification for anything happening in Burnet Woods. CUF voted to change their bylaws to include their boundary on March 16, 2021.

NEW OVERLAP AREAS:

The proposed boundary changes for Clifton and CUF will result in the creation of new “Overlap Areas.” Since staff will notify all Community Councils claiming an “Overlap Area,” it ensures that all groups claiming an area will receive notification and have the opportunity to review and provide comment. The new “Overlap Areas” created as a result of these boundary changes include:

Clifton – Heights – Corryville - CUF:

Burnet Woods located at the northeast corner of Clifton Avenue and West Martin Luther King Jr. Drive is currently represented by Corryville and the Heights (an inactive Community Council). Clifton and CUF are also requesting to include Burnet Woods as their boundary, which will create an “Overlap Area” between all four neighborhoods. The three active Community Councils agree that all three neighborhoods should be notified for anything requiring public notification in Burnet Woods.

Clifton - Corryville:

Both sides of Bishop Street are currently represented by Corryville. Clifton is requesting to include properties on both sides of Bishop Street into their boundary. Corryville does not object to this new “Overlap Area.”

Clifton – CUF – Heights:

Clifton’s current southern boundary west of Clifton Avenue is Dixmith Avenue from Clifton Avenue to West Martin Luther King Jr. Drive. Clifton is proposing to expand this boundary to include the area bound by Dixmyth Avenue to the north, Clifton Avenue to the east, and West Martin Luther King Jr. Drive to the south and west. This area includes Good Samaritan Hospital and Hebrew Union College. Doing so will create an “Overlap Area” with CUF for the entire area and with CUF and the Heights for 3003-3043 Clifton Avenue along the west side of Clifton Avenue south of Hebrew Union College.

REMOVED OVERLAP AREAS:

Clifton – Spring Grove Village:

The proposed boundary change for Clifton includes Interstate-75 as its northern boundary. Clifton currently has an “Overlap Area” with Spring Grove Village, which includes an area south of the Mill Creek’s northern shore between Crawford Avenue and Clifton Avenue. This area contains the Mill Creek and several railroad lines. Under these proposed changes, this “Overlap Area” will be removed.

ROLE OF THE CITY PLANNING COMMISSION:

According to Article VII, Section 3 of the Charter of the City of Cincinnati: “The powers and duties of the commission shall be to make plans and maps of the whole or any portion of the city and of any land outside the city which, in the opinion of the commission, bears a relation to the planning of the city, and to make changes in additions to and extensions of such plans or maps when it deems same advisable.”

PUBLIC COMMENT:

Prior to the Council Motion, Clifton Town Meeting (CTM) reached out to CUF Neighborhood Association (CUFNA) and Corryville Community Council (CCC) to inform them of their proposed boundary changes. CUFNA sent City Planning staff a letter expressing no objection and requested to change their boundary to include Burnet Woods as well. Staff reached out to CCC to ensure they had been notified by CTM of the proposed change. The CCC responded that they agreed that for matters related to Burnet Woods that require notification, CCC, CUFNA, and CTM should all be notified. The CCC does not support or object both sides of Bishop Street being a new “Overlap Area.”

CONSISTENCY WITH PLAN CINCINNATI:

The application for a change in zoning is consistent with Goal 1 of the Collaborate Initiative Area of *Plan Cincinnati* (2012), which is to “Work in synergy with the Cincinnati Community” (page 209). An Action Step of this Goal is to “Improve City-Community communication channels” (page 211). This change will ensure that these Community Councils will be properly notified for projects in within the area that they represent.

RECOMMENDATION:

The Staff of the Department of City Planning recommends that the City Planning Commission take the following action:

APPROVE the proposed amendment to the boundaries of Clifton and CUF for the Community Council Boundary Map which is used for compliance with the notice requirements of Municipal Code Sections 111-1 and 111-5.

Respectfully submitted:



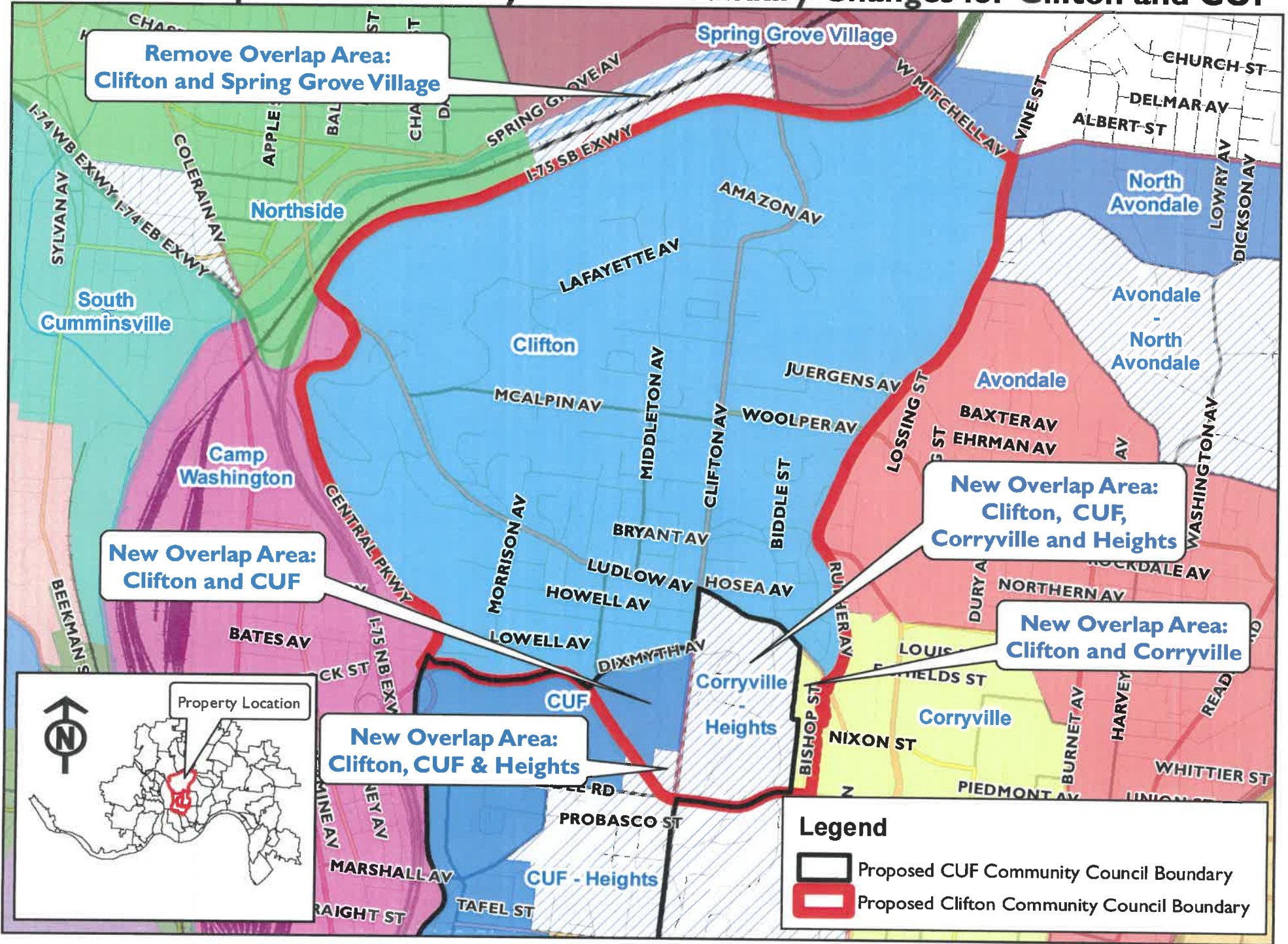
James Weaver, AICP, Senior City Planner
Department of City Planning

Approved:



Katherine Keough-Jurs, AICP, Director
Department of City Planning

Exhibit A: Proposed Community Council Boundary Changes for Clifton and CUF



City of Cincinnati



801 Plum Street, Suite 346 A
Cincinnati, Ohio 45202

Phone (513) 352 5205
Email Jan-Michele.Kearney@cityofcincinnati.org
Web www.cityofcincinnati.org

202100232

Jan-Michele Lemon Kearney
Councilmember

MOTION

WE MOVE for the Department of City Planning to work with the Clifton, CUF and Corryville neighborhoods to update all official overlay district maps to reflect accurate neighborhood boundaries.

Councilmember Greg Landsman

Councilmember Jan-Michele Lemon Kearney



NEIGHBORHOOD ASSOCIATION
representing Clifton Heights | University Heights | Fairview

February 2, 2021

**Resolution Requesting City to Include Multiple Community Councils
with Overlap Areas**

The Clifton Heights - University Heights - Fairview Neighborhood Association (CUFNA), the City-recognized Community Council for the neighborhoods of Clifton Heights, University Heights, and Fairview, acknowledges that its boundaries per its Bylaws may overlap those of another Council, Clifton Town Meeting, for the neighborhood of Clifton.

CUFNA requests that the City regard both Councils to have standing for the purposes of notification, public engagement, queries, and consideration of the views, opinions, and requests of their respective constituencies.

This acknowledgement holds as long as it is reciprocal or until rescinded by either Council, whichever may come first.

Passed by Clifton Heights - University Heights - Fairview Neighborhood Association on February 2, 2021.

Charles Kussmaul, President CUFNA

CC: Katherine Keough-Jurs katherine.keough-jurs@cincinnati-oh.gov
Joe Brunner, Clifton Town Meeting, CTMPresident@cliftoncommunity.org
Bill Crawford, Corryville Community Council, corryvillecc@outlook.com



NEIGHBORHOOD ASSOCIATION
representing Clifton Heights | University Heights | Fairview

February 2, 2021

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The Clifton Heights - University Heights - Fairview Neighborhood Association (CUFNA), the City-recognized Community Council for the neighborhoods of Clifton Heights, University Heights, and Fairview, acknowledges that its boundaries per its Bylaws may overlap those of another Council, Corryville Community Council, for the neighborhood of Corryville.

CUFNA requests that the City regard both Councils to have standing for the purposes of notification, public engagement, queries, and consideration of the views, opinions, and requests of their respective constituencies.

This acknowledgement holds as long as it is reciprocal or until rescinded by either Council, whichever may come first.

Passed by Clifton Heights - University Heights - Fairview Neighborhood Association on February 2, 2021.

Charles Kussmaul, President CUFNA

CC: Katherine Keough-Jurs katherine.keough-jurs@cincinnati-oh.gov
Joe Brunner, Clifton Town Meeting, CTMPresident@cliftoncommunity.org
Bill Crawford, Corryville Community Council, corryvilleecc@outlook.com

Weaver, James

From: Daniel Luther <Lutherdv@Zoomtown.com>
Sent: Thursday, March 4, 2021 5:07 PM
To: Weaver, James; 'Malcolm Montgomery (EduTech)'
Cc: corryvillecc@outlook.com; 'Lin Ziegler'; 'Charles Kussmaul'; Keough-Jurs, Katherine; brunnerjm@gmail.com; Hollstein, Leah
Subject: RE: [External Email] Clifton Town Meeting Request that City Update Official Record of CTM Boundaries

Follow Up Flag: Follow up
Flag Status: Flagged

Hi again,

Below is an official correspondence from the Corryville Community Council via its Board Secretary, Dr. Leah Hollstein:

“Corryville is happy to have neighboring Clifton and CUF incorporate Corryville's Burnet Woods into their own boundaries for purposes of notification, understanding that all three neighborhoods are protective of the integrity and viability of Burnet Woods as a continuing Cincinnati asset. The extension of Clifton's boundary on the east side of Burnet Woods past Bishop Street is an overlap with Corryville's existing boundaries, which extend north along Jefferson and Ludlow Avenues to Clifton Avenue on the west side of Burnet Woods.”

Corryville deems its participation in this matter closed. Should you need anything else from us, feel free to reach out. Returning now to the adventures on Short Vine.

-Daniel V. Luther, Esq.

Corryville Community Development Corp.
283 E Martin Luther King Drive
Cincinnati, Ohio 45219
(513) 221-1687
Lutherdv@Zoomtown.com

From: Daniel Luther [mailto:Lutherdv@Zoomtown.com]
Sent: Thursday, March 04, 2021 1:31 PM
To: 'Weaver, James' <James.Weaver@cincinnati-oh.gov>; 'Malcolm Montgomery (EduTech)' <Malcolm-CTM@edutech.us>
Cc: 'corryvillecc@outlook.com' <corryvillecc@outlook.com>; 'Lin Ziegler' <zieglerl@fuse.net>; 'Charles Kussmaul' <cintiwood13@gmail.com>; 'Keough-Jurs, Katherine' <Katherine.Keough-Jurs@cincinnati-oh.gov>; 'brunnerjm@gmail.com' <brunnerjm@gmail.com>
Subject: RE: [External Email] Clifton Town Meeting Request that City Update Official Record of CTM Boundaries

Hi Folks,

Chiming in from the land of Short Vine, I was unaware that Corryville was holding up Clifton's process, or that Corryville has the power to hold up the process of any neighborhood outside of Corryville's borders. This notion is supported by an email from Malcolm received Monday, March 1st which concludes with:

Exhibit C

“We were asked to ensure your councils are aware of our request. It is our understanding that recognition of our formal boundaries will provide a basis for notifying and including our council in matters of interest therein, without detracting from your councils’ standing. **No action is required on your part.**” (Highlights mine).

That ending should have been enough to move the message into the “taken care of” file, but I took a moment to email the Corryville Community Council Board asking for an official statement regarding Clifton’s request. Specifically, I tasked our Board Secretary to pen out a sentence or two. I’ll flip that to you when I get it, but she may be waiting for Tuesday night, our next general meeting.

The Neighborhoods of Uptown has taken up the item of Burnet Woods several times over the years. CUF reps, CTM reps, and CCC reps all agree that if anything happens with Burnet Woods, all three communities MUST be at the table. This led to the idea, a couple years back, for CUF and CTM to ensure that their official boundaries include Burnet Woods. I, as the CCC rep in those discussions, did not object to the other neighborhoods adopting the greenspace, but maintain that Burnet Woods is original Corryville property. So, yes, Corryville has been aware that Burnet Woods would be “Mutually claimed territory” for years.

Clifton also desires a second “Mutually claimed territory” centered around Bishop Street. CCC sees the east side of the street (including all of the Bishop Triangle greenspace) as Corryville’s boundary line and the west side of the street, and the residences there, as Clifton. Corryville would say draw a line right down the middle of street.

Clifton’s new map includes those houses on the east side of the street. Corryville, without conceding the east side of Bishop, sees the logic of Clifton incorporating the area into their boundaries, and Corryville has no issues with that.

In closing, how do I get Corryville out of Clifton’s process? Is the note from my Board Secretary my “Get out of Clifton free” card?

Oh – From the shameless self-promotion file, have you ever wondered why Vine turns into Jefferson in Corryville and then back into Vine? Click the link below, and you’ll find out within four minutes and fifty one seconds. ;)

[OKI Wanna Know: Why Does Vine Street Stop Being Vine Street In Corryville? | WVXU](#)

-Daniel V. Luther, Esq.

Corryville Community Development Corp.
283 E Martin Luther King Drive
Cincinnati, Ohio 45219
(513) 221-1687
Lutherdv@Zoomtown.com

From: Weaver, James [<mailto:James.Weaver@cincinnati-oh.gov>]
Sent: Thursday, March 04, 2021 12:46 PM
To: Malcolm Montgomery (EduTech) <Malcolm-CTM@edutech.us>
Cc: lutherdv@zoomtown.com; corryvillecc@outlook.com; Lin Ziegler <zieglerl@fuse.net>; Charles Kussmaul <cintiwood13@gmail.com>; Keough-Jurs, Katherine <Katherine.Keough-Jurs@cincinnati-oh.gov>; brunnerjm@gmail.com
Subject: RE: [External Email] Clifton Town Meeting Request that City Update Official Record of CTM Boundaries

Malcolm,

Exhibit C

I am attaching an email I sent you on 11/9/2020 that stated we would like to see an agreement from CUF and Corryville prior to officially requesting it to City Council to make this an overlap area. We aren't moving the target, our position has not changed.

Yes, your bylaws have remained the same, which is the first step. The officially City recognized Community Council Boundary of the City does not always represent what the neighborhood has as their boundaries. For instance, your boundaries leave out the Vine Street Hill Cemetery. North Avondale doesn't claim it either, and we can't have areas that are not claimed by any neighborhood.

As we have said all along, once we hear from Corryville, we will move this forward.

From: Malcolm Montgomery (EduTech) <Malcolm-CTM@edutech.us>
Sent: Thursday, March 4, 2021 12:29 PM
To: Weaver, James <James.Weaver@cincinnati-oh.gov>
Cc: lutherdv@zoomtown.com; corryvillecc@outlook.com; Lin Ziegler <zieglerl@fuse.net>; Charles Kussmaul <cintiwood13@gmail.com>; Keough-Jurs, Katherine <Katherine.Keough-Jurs@cincinnati-oh.gov>; brunnerjm@gmail.com
Subject: Re: [External Email] Clifton Town Meeting Request that City Update Official Record of CTM Boundaries

James, please clarify: What exactly do we need to do to bring the official City record of CTM's boundaries in line with our official published Bylaws? To be clear, we are not asking to *change* our boundaries; they have remained the same since at least 1992, the earliest Bylaws version I have found.

I feel like we're chasing a moving target because:

- First, we were told we need only request the correction and include a copy of our Bylaws detailing our boundaries. Check.
- Then, to send an official request from our president. Check.
- Next to work with a City Councilmember sponsor. Check.
- And then to notify overlapping councils. Check.
- Now we must wait for Corryville's formal approval. We asked, but their response is not under our control.

I think I understand the need, or at least the value of all but the latest requirement. It could hold up the whole process for a step that seems unnecessary: If the City is not using this record to adjudicate boundary overlaps, and its sole purpose is to decide whom to include — not exclude — for notifications, then what is the purpose of requiring another cc's approval? Especially since our boundaries have not changed for decades?

Daniel Luther, who had regularly represented CCC at the Neighborhoods of Uptown collaborative association, assured me CCC has no objection. I don't know what else I can do.

I really want to bring this to completion. What do we need to do?

Thanks,

Malcolm

Malcolm Montgomery
Trustee, Clifton Town Meeting

Committees:
Business

Exhibit C

Transportation & Public Safety
Housing & Zoning (chair)
Governance Committee (chair)
Support CCAC in Clifton (chair)

Member:

Clifton Business Association

Contact:

222 Hosea Avenue
Cincinnati, OH 45220
Cell 513-884-0944
Malcolm-CTM@edutech.us

Disclaimer: Statements and opinions above are those of the writer and not necessarily the organization unless identified as such.

On Mar 3, 2021, at 9:10 AM, Weaver, James <James.Weaver@cincinnati-oh.gov> wrote:

Hello all,

To make it easier than trying to read a legal description of their desired boundary, I've attached a map. It would create a new "overlap area" between Clifton and Corryville for Burnet Woods and properties on both sides of Bishop Street.

This isn't a big deal to us...we use this boundary primarily for notification purposes and notify Community Councils within 400 feet of a proposed project that requires notification anyway, so this wouldn't really be a change as far as City Planning processes.

When a neighborhood wants to change their City recognized Community Council boundary, we try to stay out of negotiations between neighborhoods but we do ask that adjoining neighborhoods have the discussion before officially making any changes. I've heard from CUF okaying the changes that affect them but haven't gotten any official correspondence from Corryville.

Thanks
James

From: Malcolm Montgomery (EduTech) <Malcolm-CTM@edutech.us>
Sent: Monday, March 1, 2021 6:08 PM
To: lutherdv@zoomtown.com; corryvillecc@outlook.com; Lin Ziegler <zieglerl@fuse.net>; Charles Kussmaul <cintiwood13@gmail.com>
Cc: Keough-Jurs, Katherine <Katherine.Keough-Jurs@cincinnati-oh.gov>; Weaver, James <James.Weaver@cincinnati-oh.gov>; brunnerjm@gmail.com
Subject: [External Email] Clifton Town Meeting Request that City Update Official Record of CTM Boundaries

External Email Communication

Daniel, Bill, Lin, Chip:

As previously discussed with all of you, Clifton Town Meeting is asking the City to correct the official City record of CTM's boundaries to match those established in our Bylaws over 28 years ago:

ARTICLE III. JURISDICTION For the purposes of this organization, the term "Clifton" shall include the land encompassed within the following boundaries: A line running from the intersection of Vine Street and Ruther Ave., south on Ruther to Jefferson Ave., across Jefferson and south along the east lines of the properties fronting on the east side of Bishop St. to Martin Luther King Jr. Drive, west on Martin Luther King Jr. Drive to Central Parkway, north on Central Parkway to Ludlow Ave., northwest on Ludlow Ave. to Interstate Highway I-75, northeast on I-75 to west boundary of the Vine St. Hill Cemetery, south and east on the west and south boundaries of the Cemetery to Vine St., south on Vine to Ruther.

We were asked to ensure your councils are aware of our request. It is our understanding that recognition of our formal boundaries will provide a basis for notifying and including our council in matters of interest therein, without detracting from your councils' standing. No action is required on your part.

Please let me know if you have further questions or concerns.

Thanks,
Malcolm

Malcolm Montgomery
Trustee, Clifton Town Meeting

Committees:

Business
Transportation & Public Safety
Housing & Zoning (chair)
Governance Committee (chair)
Support CCAC in Clifton (chair)

Member:

Clifton Business Association

Contact:

222 Hosea Avenue
Cincinnati, OH 45220
Cell 513-884-0944

Malcolm-CTM@edutech.us

Disclaimer: Statements and opinions above are those of the writer and not necessarily the organization unless identified as such.

<Clifton Desired Boundary.pdf>

Corryville Community Council
283 E Martin Luther King Dr
Cincinnati, OH 45219

Clifton Town Meeting
P. O. Box 20042
Cincinnati, OH 45220

CUF Neighborhood Association
2364 West McMicken Avenue
Cincinnati, OH 45214

April 14, 2021

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



Dear Members of Council:

We are transmitting herewith an Ordinance captioned as follows:

AMENDING the community council representation area map on file with the Clerk of Council to modify the boundaries of the areas that the Clifton Town Meeting Community Council and the CUF Community Council are considered to represent for the purposes of Cincinnati Municipal Code Sections 111-1 and 111-5.

Summary:

A map is currently on file with the Clerk of Council showing the boundaries identified by each Community Council as the area of their representation. This map is used by City Staff to determine which Community Council to notify when there is a proposed zone change, zoning hearing, or notwithstanding ordinance in accordance with Sections 111-1 and 111-5 of the Cincinnati Municipal Code. In the case that two or more Community Councils represent one area, the area is designated as a "Overlap Area." When an area is designated as an "Overlap Area," Staff notifies all Community Councils claiming the area.

On February 3, 2021, City Council adopted Motion 202100232 from Councilmembers Kearney and Landsman via Clifton Town Meeting to amend the boundaries of Clifton to include Burnet Woods, both sides of Bishop Street, and the area north of West Martin Luther King Jr. Drive between Clifton Avenue and Dixmyth Avenue. Burnet Woods is currently an "Overlap Area" for Corryville and the Heights (inactive). During neighborhood engagement about these new "Overlap Areas", the CUF Neighborhood Association voted to change their bylaws on March 16, 2021 to include Burnet Woods as well. Amending Clifton's boundary will create new "Overlap Areas" with Corryville, CUF, and the Heights.

At the April 2, 2021 City Planning Commission meeting, the Corryville Community Council did not support properties on both sides of Bishop Street becoming an "Overlap Area" between Clifton and Corryville. The City Planning Commission amended the proposed Community Council boundary recommendation to remove both sides of Bishop Street from Clifton so it would remain only in Corryville, consistent with existing conditions.

The proposed Community Council boundary map changes are consistent with *Plan Cincinnati* (2012), as the amendments to this map will help improve communication from the City to these neighborhoods.

The Administration recommends Approval of this Ordinance.

Motion to Approve: Mr. Samad

Ayes:

Ms. Long
Mr. Smitherman
Ms. McKinney
Mr. Eby
Mr. Stallworth
Ms. Sesler
Mr. Samad

Seconded: Mr. Smitherman

THE CITY PLANNING COMMISSION

Katherine Keough-Jurs, AICP, Director
Department of City Planning

KKJ: jmw

Encl.: Staff Report, Ordinance

To: Mayor and Members of City Council
From: Paula Boggs Muething, City Manager
Subject: Ordinance – Zone Change for 4804-4810 Whetsel Avenue

April 21, 2021
202101479

Transmitted is an Ordinance captioned:

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.

Summary

The applicant, B.J. Kim is requesting a zone change from the existing T4 Neighborhood Small Footprint (T4N.SF) and T4 Neighborhood Small Footprint – Open (T4N.SF-O) zoning districts to the T5 Main Street – Open (T5MS-O) zoning district to permit the use of a restaurant on the first floor with Mr. Kim living on the floors above.

A restaurant is considered an eating and drinking establishment, which is not a permitted use in the T4N.SF zoning district. The area requested to be rezoned is approximately 0.5996 acres. The property is situated on the east side of Whetsel Avenue a block south of Madison Road.

The Iglesia Apostolica Hispana Church building is zoned T5MS-O, but their parking lot at 4810 Whetsel Avenue is zoned T4N.SF-O, putting one property in-between 4804 Whetsel Avenue and the desired zoning district. After much debate between the applicant and the church, the church membership agreed to consent to rezoning their parking lot to T5MS-O with the condition that their parking lot could not be used to serve the restaurant. The applicant agreed to this condition, as the parking lot is private property owned by the church.

The zone change is consistent with both *Plan Cincinnati* (2012) and with the future vision of Madisonville. The City Planning Commission voted to approve the zone change at their April 16, 2021 meeting.

The Administration recommends Approval of this Ordinance.

cc: Katherine Keough-Jurs, AICP, Director 
Department of City Planning



City of Cincinnati

DBS

AWG

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.

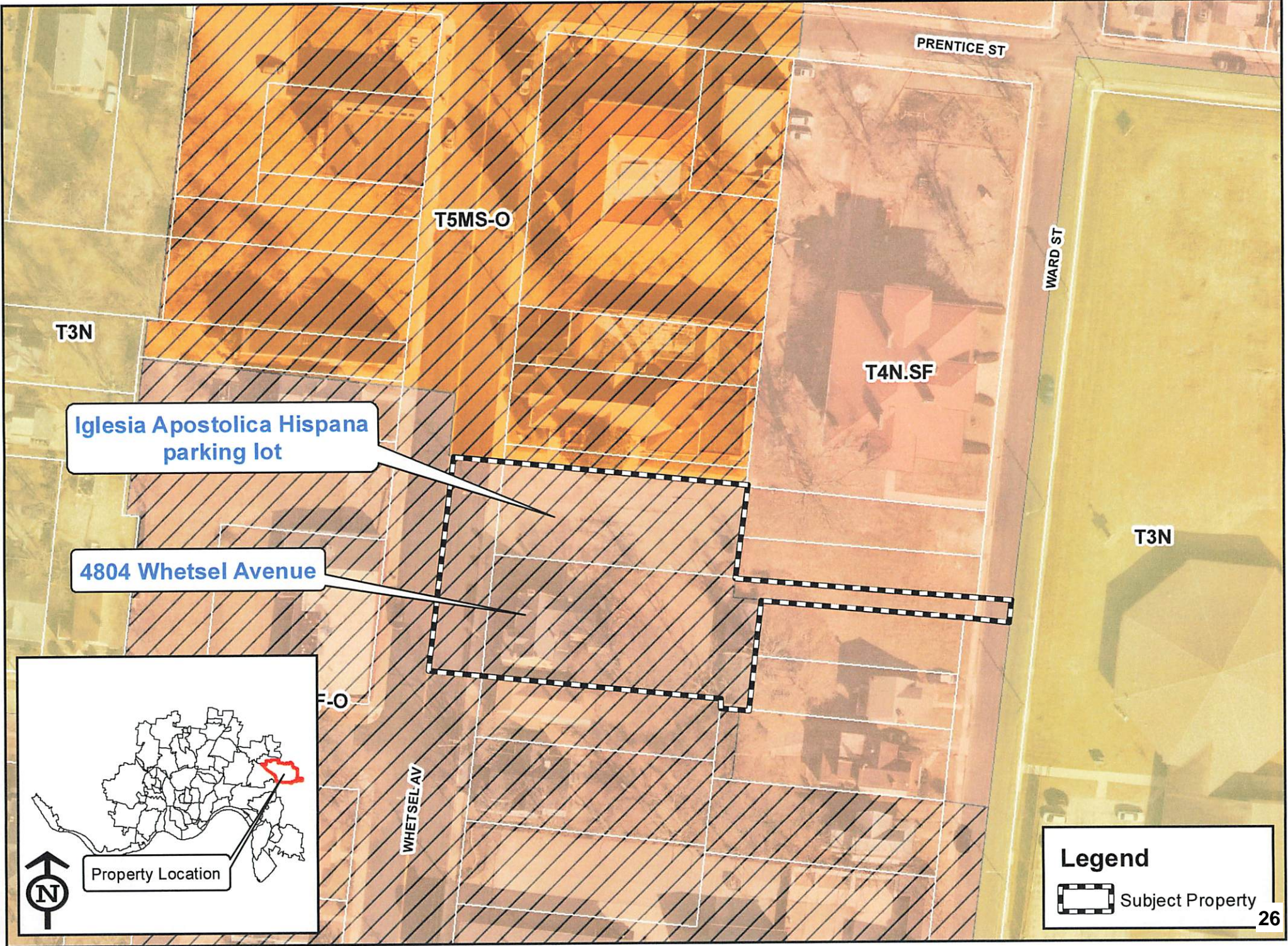
Passed: _____, 2021

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



Legend
[Dashed Black Box] Subject Property

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°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°28'30" WEST, 12.00 FEET TO A POINT; THENCE LEAVING THE CENTERLINE OF WARD STREET (AS NOW IMPROVED), NORTH 88°31'30" WEST, 141.00 FEET TO A POINT; THENCE SOUTH 01°28'30" WEST, 66.00 FEET TO A POINT; THENCE NORTH 88°31'30" WEST, 24.00 FEET TO A POINT; THENCE NORTH 01°28'30" EAST, 4.00 FEET TO A POINT; THENCE NORTH 88°31'30" WEST, 177.00 FEET TO A POINT IN THE CENTERLINE OF WHETSEL AVENUE; THENCE ALONG THE CENTERLINE OF WHETSEL AVENUE, NORTH 01°28'30" EAST, 128.00 FEET TO A POINT; THENCE LEAVING THE CENTERLINE OF WHETSEL AVENUE, SOUTH 88°31'30" EAST, 177.80 FEET TO A POINT; THENCE SOUTH 01°28'30" WEST, 54.00 FEET TO A POINT; THENCE SOUTH 88°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.

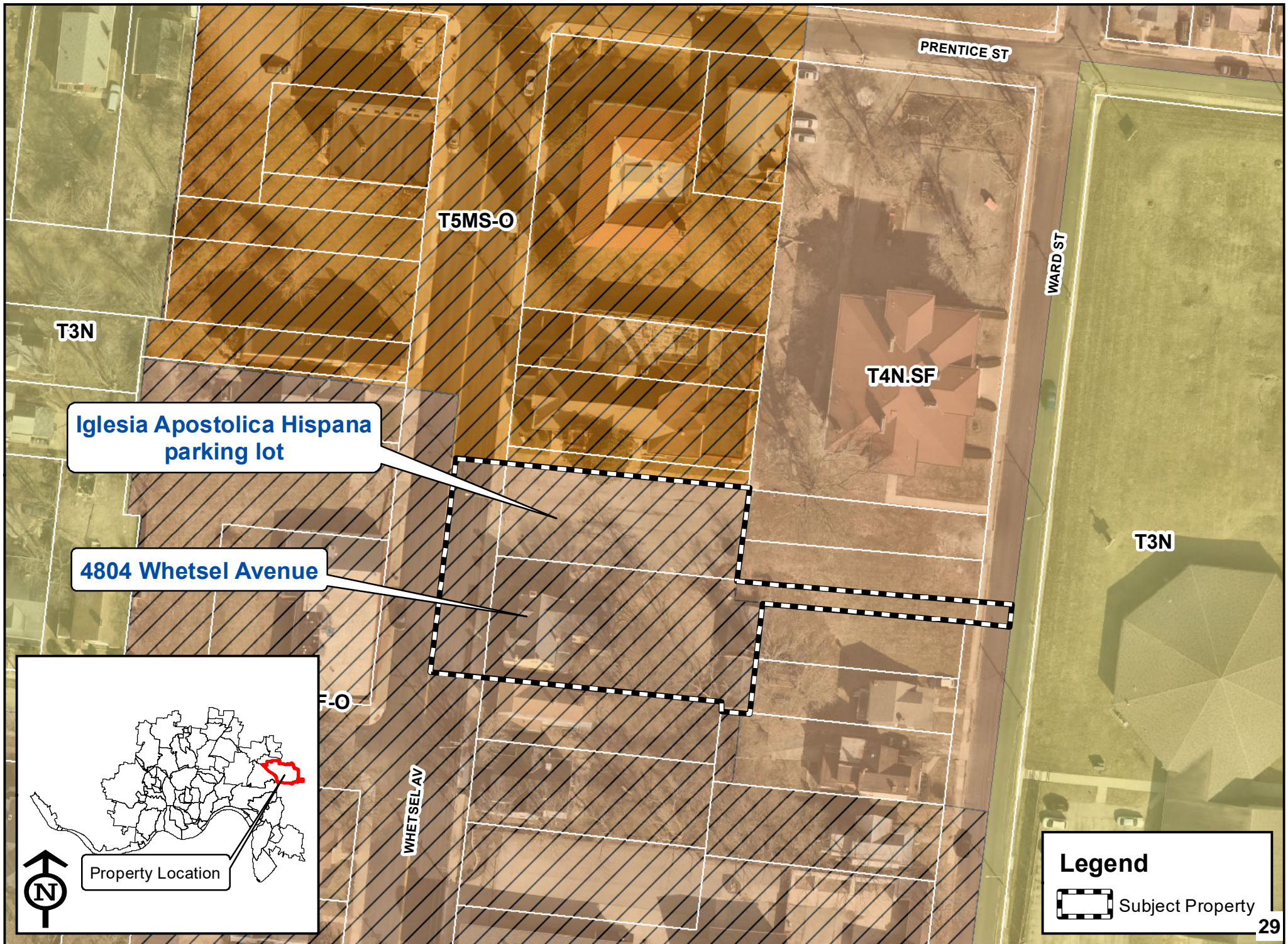

STEPHEN L. CAHILL
OHIO REGISTERED SURVEYOR #7862

FILE:19-0181.LD1-0.5996AC

8111 Cheviot Road • Suite 200 • Cincinnati, Ohio 45247
Phone: (513) 385-5757 • Fax: (513) 245-5161
www.abercrombie-associates.com



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



Legend

 Subject Property



**Abercrombie
& Associates, Inc.**

Civil Engineering + Surveying

SEPTEMBER 3, 2020
REVISED APRIL 8, 2021


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

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BEGINNING AT THE CENTERLINE INTERSECTION OF WARD STREET WITH PRENTICE STREET; THENCE ALONG THE CENTERLINE OF WARD STREET (AS NOW IMPROVED), SOUTH 01°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°28'30" WEST, 12.00 FEET TO A POINT; THENCE LEAVING THE CENTERLINE OF WARD STREET (AS NOW IMPROVED), NORTH 88°31'30" WEST, 141.00 FEET TO A POINT; THENCE SOUTH 01°28'30" WEST, 66.00 FEET TO A POINT; THENCE NORTH 88°31'30" WEST, 24.00 FEET TO A POINT; THENCE NORTH 01°28'30" EAST, 4.00 FEET TO A POINT; THENCE NORTH 88°31'30" WEST, 177.00 FEET TO A POINT IN THE CENTERLINE OF WHETSEL AVENUE; THENCE ALONG THE CENTERLINE OF WHETSEL AVENUE, NORTH 01°28'30" EAST, 128.00 FEET TO A POINT; THENCE LEAVING THE CENTERLINE OF WHETSEL AVENUE, SOUTH 88°31'30" EAST, 177.80 FEET TO A POINT; THENCE SOUTH 01°28'30" WEST, 54.00 FEET TO A POINT; THENCE SOUTH 88°31'30" EAST, 164.20 FEET TO THE PLACE OF BEGINNING.

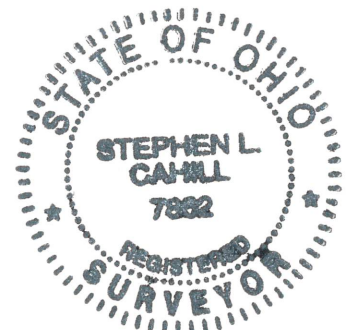
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I HEREBY CERTIFY THAT THE DESCRIPTION OF THE PROPERTY PROPOSED TO BE DEVELOPED IS A COMPLETE, PROPER AND LEGAL DESCRIPTION THEREOF.

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

FILE:19-0181.LD1-0.5996AC

8111 Cheviot Road • Suite 200 • Cincinnati, Ohio 45247
Phone: (513) 385-5757 • Fax: (513) 245-5161
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April 16, 2021

Honorable City Planning Commission
Cincinnati, Ohio

SUBJECT: A report and recommendation on a proposed zone change from T4 Neighborhood Small Footprint (T4N.SF) and T4 Neighborhood Small Footprint – Open (T4N.SF-O) to T5 Main Street – Open (T5MS-O) at 4804-4810 Whetsel Avenue in Madisonville.

GENERAL INFORMATION:

Location: 4804-4810 Whetsel Avenue, Cincinnati, OH 45227
Petitioner: Julie Gugino, Finney Law Firm (representing Brian J. Kim)
Petitioner’s Address: 4270 Ivy Pointe Blvd, #225, Cincinnati, OH 45245

ATTACHMENTS:

Provided in addition to this report are the following attachments:

- Exhibit A – Location Map
- Exhibit B – Zone Change Application, Legal Description, and Plat
- Exhibit C – Preliminary Site Plan
- Exhibit D – Coordinated Site Review Letter
- Exhibit E – Letters from Madisonville Community Council and Madisonville Community Urban Redevelopment Corporation
- Exhibit F – Letter from Iglesia Apostolica Hispana Church (the parking lot owner)

BACKGROUND:

On December 17, 2008, City Council directed City Planning staff to develop and implement a form-based code (FBC) chapter to be included in the Zoning Code. A working group was established in 2008 to begin building awareness about what a FBC can accomplish for Cincinnati. The FBC Working Group consisted of volunteer neighborhood organization leadership, stakeholder organizations, and City staff. This group was also made up of representatives from four “pilot” neighborhoods who were the first to implement the FBC in their communities: College Hill, Madisonville, Walnut Hills, and Westwood.

Madisonville has been an integral part of the Cincinnati FBC process since the beginning. Over 12 years ago, when the FBC concept was first discussed in Cincinnati, Madisonville stakeholders were one of the first groups to step forward and volunteer to be one of the first neighborhoods to have FBC zoning districts implemented. Since then, City Planning staff had worked with Madisonville on a long study and journey through the FBC process. At a Neighborhood Charrette, Madisonville went through an intense visioning process where several illustrative graphics were rendered, and a draft regulating plan and zoning map were produced. Over a hundred people from the Madisonville community attended over the four-day period to learn and be a part of the process.

Following City Council’s official approval of the Cincinnati Form-Based Code Chapter into the Zoning Code, City Planning staff continued working with Madisonville, fine-tuning of the draft regulating plans and maps. They also addressed moving forward with the zone change process to implement the FBC. Madisonville was the first neighborhood to make it through the entire process, with the other three “pilot” neighborhoods closely following.

Several meetings and presentations to the Madisonville community occurred between the Neighborhood Charrette and the Madisonville Community Council meeting where a vote was taken to support the zone

changes. City Planning staff worked with representatives of the Madisonville Community Council, Madisonville Community Urban Redevelopment Corporation (MCURC), and stakeholders from Madisonville involved in the FBC Working Group. The zone changes to FBC zoning districts were approved by the City Planning Commission on September 20, 2013 and by City Council on October 9, 2013 as Ordinance 307-2013.

On July 22, 2015, the applicant, B.J. Kim purchased the property located at 4804 Whetsel Avenue, which was a vacant four-family home that the applicant states had been a longstanding problem property in Madisonville. He is now requesting a zone change from the existing T4 Neighborhood Small Footprint (T4N.SF) and T4 Neighborhood Small Footprint – Open (T4N.SF-O) zoning districts to the T5 Main Street – Open (T5MS-O) zoning district to permit the use of a restaurant on the first floor with Mr. Kim living on the floors above.

A restaurant is considered an eating and drinking establishment, which is not a permitted use in the T4N.SF zoning district. This zoning district is meant to be a variety of urban housing choices, in small-to-medium footprint, medium-to-high density building types, which reinforce the walkable nature of the neighborhood, support neighborhood-serving retail and service uses adjacent to this zone. The area requested to be rezoned is approximately 0.5996 acres. The property is situated on the east side of Whetsel Avenue a block south of Madison Road.

The Iglesia Apostolica Hispana Church building is zoned T5MS-O, but their parking lot is zoned T4N.SF-O, putting one property in-between 4804 Whetsel Avenue and the desired zoning district. After much debate between the applicant and the church, the church membership agreed to consent to rezoning their parking lot to T5MS-O with the condition that their parking lot could not be used to serve the restaurant (Exhibit F). The applicant agreed to this condition, as the parking lot is private property owned by the church.

ADJACENT LAND USE AND ZONING:

The proposed zone change is for one consolidated parcel which is 0.5996 acres (Exhibit A). The property currently has a first-floor commercial shell with residential above. The existing zoning and land use surrounding the subject properties are as follows:

- North: T5 Main Street - Open (T5MS-O) – Iglesia Apostolica Hispana Church. The church building is zoned T5MS-O while the parking lot is zoned T4N.SF-O.
- East: T4 Neighborhood Small Footprint (T4N.SF) – Vacant land and single-family homes, according to the Hamilton County Auditor.
- South: T4 Neighborhood Small Footprint – Open (T4N.SF-O) – Single and two-family homes, according to the Hamilton County Auditor.
- West: T4 Neighborhood Small Footprint – Open (T4N.SF-O) – Small detached one-story retail built in 1945, according to the Hamilton County Auditor.

PROPOSED DEVELOPMENT:

The proposed zone change to T5MS-O would facilitate the use of a restaurant on the first floor of the building along with an outdoor seating area. A restaurant is considered an eating and drinking establishment, which is not permitted under the existing T4N.SF-O zoning. The existing church parking lot would remain the same, bringing the entire church property into a consistent zoning district.

ANALYSIS:

The requested zone is T5 Main Street – Open (T5MS-O). The T5MS-O desired form is attached, small-to-medium footprint, simple wall plane along street, building at the right-of-way, small to no side setbacks, up to four stories in height, and a diverse mix of frontages. The general use is primarily ground floor commercial and residential uses on the floors above. The intent is to provide a focal point for neighborhoods that accommodates neighborhood service retail, service, and residential uses in a compact, walkable urban form. The open sub-zones allow the flexibility in uses to meet market demands (i.e. a more diverse mix of uses on the ground floor, including residential, thus enabling the retail and service area to mature over time).

The Iglesia Apostolica Hispana Church understandably had concerns about their parking lot being rezoned. They believed that the main entrance to the restaurant would be off their parking lot, and that the restaurant was proposing to use their parking lot for customers. This may have stemmed from construction vehicles parking there during the renovation of 4804 Whetsel Avenue, which the applicant did not authorize. The applicant recognizes that this parking lot is private property and does not plan to use it for restaurant use. Under the proposed T5MS-O zoning, parking is not required for commercial spaces under 5,000 square feet. The zone change on the parking lot is purely to allow for a zone change at 4804 Whetsel Avenue, as City Planning Staff would not support a zone change on one small property, creating an “island” zoning district.

The proposed zone change is supported by the Madisonville Community Council and the Madisonville Community Urban Redevelopment Corporation (Exhibit E). The inclusion of a small neighborhood restaurant into the Madisonville Neighborhood Business District will be a welcomed addition to the neighborhood.

COORDINATED SITE REVIEW:

The proposed project and zone change were reviewed as a preliminary project by the Coordinated Site Review Advisory Team on April 15, 2020 as project CPRE200035. In the follow up letter, the Department of City Planning recommended the need to obtain consent from the church property to obtain rezoning. Other recommendations were standard comments related to a new restaurant use. The full letter is attached as Exhibit D.

PUBLIC COMMENT:

The Department of City Planning has been in contact with the applicant and representatives from the Madisonville Community Council and Madisonville Community Urban Redevelopment Corporation since before an official application was filed. Both entities have provided letters of support for a zone change (Exhibit E).

The Department of City Planning held a virtual public staff conference on this proposed zone change on February 18, 2021. Notices were sent to property owners within a 400-foot radius of the subject property and to the Madisonville Community Council. In addition to City staff, the applicant team was present at the meeting, along with representatives from the Madisonville Community Council and Madisonville Community Urban Redevelopment Corporation, one nearby property owner in support of the project, along with the leadership of the Iglesia Apostolica Hispana Church and their attorney, who was also translating the meeting.

During this meeting, the applicant and the church discussed the proposal and the request to rezone the church parking lot. Church leadership brought up concerns about their parking lot being used for the restaurant use, specifically if the restaurant was going to be accessed through their parking lot and if the

zone change meant that customers of the restaurant were going to park there. Staff explained that the parking lot was only needed to extend the T5MS-O zoning to 4804 Whetsel Avenue, and that besides consenting to the zone change no other action was required on their part. At the end of the meeting, the church asked for two weeks to think about the proposal. On March 14, 2021, the leadership of the church provided a letter consenting to the zone change with the condition that their parking lot is not used for restaurant use. The applicant has agreed to this condition, as the parking lot is private church property.

All property owners within a 400-foot radius of the subject properties and the Madisonville Community Council were notified of the City Planning Commission meeting. The Madisonville Community Council and Madisonville Community Urban Redevelopment Corporation have submitted letters of support (Exhibit E).

CONSISTENCY WITH PLANS:

Plan Cincinnati (2012)

The proposed zone change is consistent with the Compete Initiative Area of *Plan Cincinnati* (2012), and the Goal to “target investment to geographic areas where there is already economic activity” (page 141). Following approval of the zone change, the applicant intends to add to the commercial character of this part of Madisonville by adding a popular local restaurant to its neighborhood business district.

CONCLUSIONS:

The staff of the Department of City Planning supports the proposed change in zoning for the following reasons:

1. The proposed zone change request is adjacent to the desired T5MS-O zoning district. It is supported by the Madisonville Community Council and Madisonville Community Urban Redevelopment Corporation.
2. The proposed zone change is consistent with *Plan Cincinnati*, as it adds a popular restaurant within the existing Madisonville neighborhood business district.

RECOMMENDATION:

The staff of the Department of City Planning recommends that the City Planning Commission take the following action:

APPROVE the proposed zone change from T4 Neighborhood Small Footprint (T4N.SF) and T4 Neighborhood Small Footprint – Open (T4N.SF-O) to T5 Main Street – Open (T5MS-O) at 4804-4810 Whetsel Avenue in Madisonville.

Respectfully submitted:

Approved:

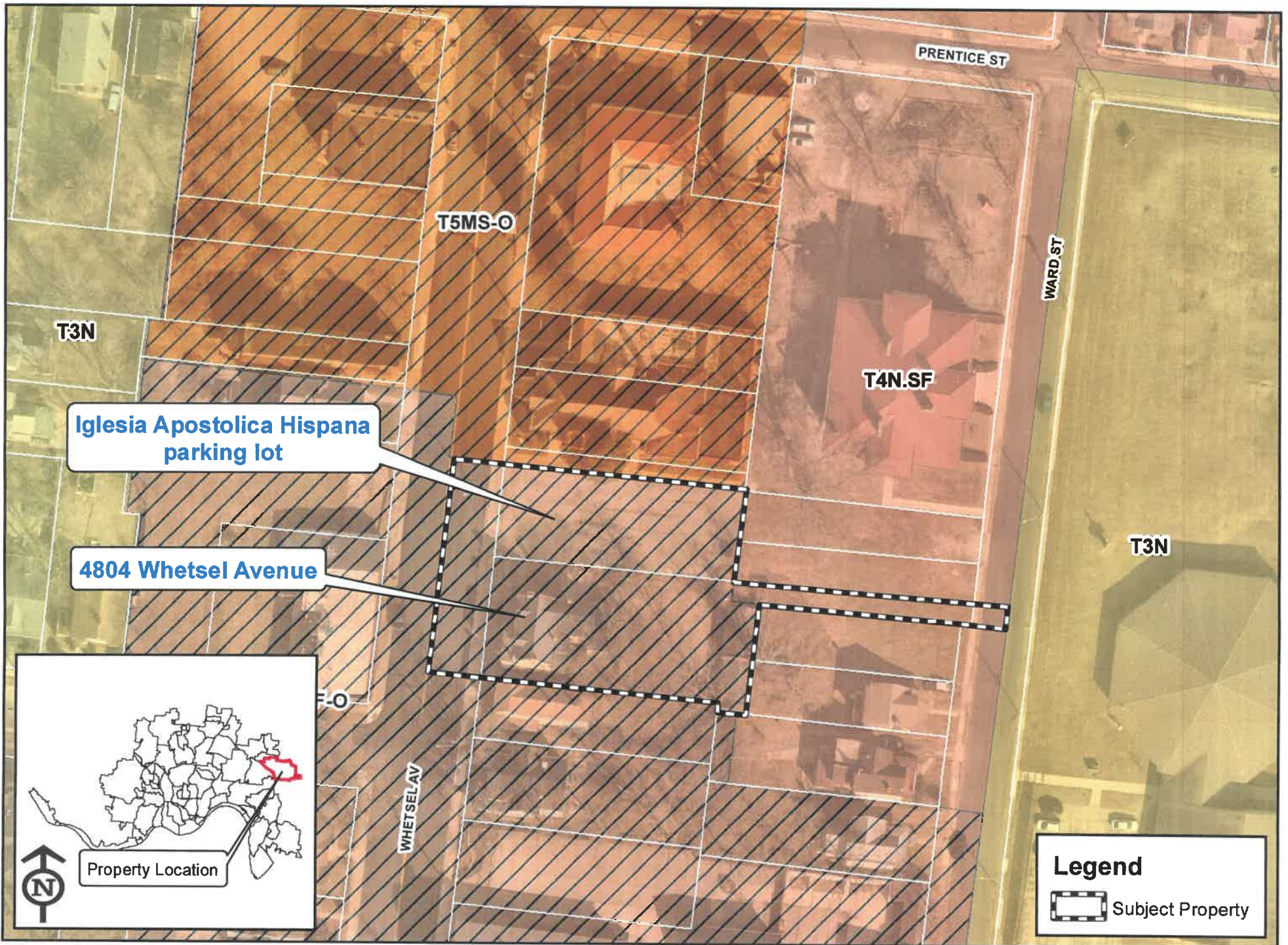


James Weaver, AICP, Senior City Planner
Department of City Planning



Katherine Keough-Jurs, AICP, Director
Department of City Planning

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



PETITION FOR CHANGE OF ZONING OF PROPERTY
LOCATED IN THE CITY OF CINCINNATI, OHIO

To: The Honorable Council of the City of Cincinnati

Date: 1/22/2021

I hereby request your Honorable Body to amend the Zoning Map of the City of Cincinnati by changing the area described in the attached legal documentation and depicted on the attached plat from the T4 Zone District to the T5 MS-O Zone District.

Location of Property (Street Address): 4804 Whetsel Avenue
Cincinnati, OH 45227

Area Contained in Property (Excluding Streets): 0.3825 Acres

Present Use of Property: Zoned T4 known as General Urban which applies to areas that have a mix of small to medium footprint, medium density housing and some single-family homes. Property is presently vacant and is adjacent to a church and library. Prior to Current owner's purchase of the property in 2015 numerous prior neighbors and community members have confirmed that the property was a crack house for decades.

Proposed Use of Property & Reason for Change: See attached letter

Property Owner's Signature: See attorney/agent signature below

Name Typed: Bryan J. Kim

Address: 4380 Eastgate Blvd. #105 Cincinnati, OH 45245 Phone: 513-356-0880

Agent Signature: 

Name Typed: Julie M. Gugino, Esq., FINNEY LAW FIRM, LLC.

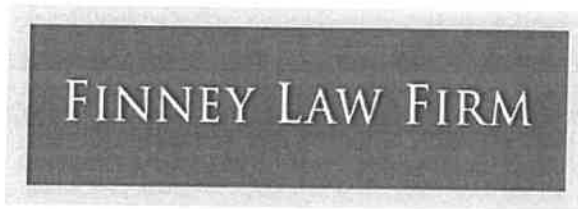
Address: 4270 Ivy Pointe Blvd., #225 Cincinnati, OH 4525 Phone: 513-943-5669

Please Check if the Following Items are Attached

Application Fee X

Copies of Plat X

Copies of Metes and Bounds X



4270 Ivy Pointe Boulevard, Suite 225, Cincinnati, OH 45245

January 26, 2021

Christopher P. Finney, Esq.
Direct Dial: (513) 943-6655
Fax: (513) 943-6669
Chris@FinneyLawFirm.com

**VIA ELECTRONIC MAIL
AND HAND DELIVERY**

Katherine Keough-Jurs, AICP, Director
Mr. James Weaver
City of Cincinnati
Department of City Planning
Two Centennial Plaza
805 Central Avenue, Suite 720
Cincinnati, OH 45202

**Re: Zone Change Application, 4804 Whetsel Ave, Cincinnati, Ohio,
Parcel Id 036-0002-0120-00 ("Property")**

Dear Ms. Keough-Jurs and Mr. Weaver,

This firm has been retained to represent Bryan J. Kim and Red Sesame LLC ("Applicant") in the above-noted matter. Enclosed with this letter please find: (i) Petition for Change for Zoning of Property located in the City of Cincinnati ("Petition"), (ii) one hard copy and one digital copy of Plat of the Property, (iii) one hard copy and one digital copy of Metes and Bounds Legal Description; and (iv) filing fee made out to the City of Cincinnati in the amount of One Thousand Five Hundred and No/100 Dollars (\$1,500.00).

By this submission, Applicant seeks a zone change of the above-noted Property.

Brief Description of Relief Requested

The Property is currently zoned T4 under the City of Cincinnati Form Based Code and Applicant requests a zone change to T5 Main Street.

According to the stated purpose of the Cincinnati Form-Based Code, the same,

...pays particular attention to the intended form and character of a place. The Form-Based Code secondarily regulates uses that are carefully chosen to maximize compatibility between uses and the intended physical form of the zone. The organizing principal of the FormBased Code is based on a hierarchy of places from the most rural to the most urban. The designation of each zone along this hierarchy (or transect) is determined first by the character and form, intensity of development, and type of place, and secondarily by the

Exhibit B

City of Cincinnati
Department of Planning and Development
January 26, 2021

mix of uses within the area. Form-Based Code transect zones are used to reinforce existing or to create new walkable mixed-use urban environments. Cincinnati Municipal Code §1703-1.10

The Property sits one block away from major development that has occurred in Madisonville at Madison Road and Whetsel Avenue in the previous 5 years. The next building over from the subject Property is a church, which is located at 4814 Whetsel Avenue, Parcel Id 003600020113 and is zoned T5 Main Street which zoning applies to areas that are higher density residential or commercial often in attached or slightly detached forms and allows both residential and commercial uses. In between the subject property and the church is a parking lot (4810 Whetsel Avenue, Parcel Id 003600020119) which is also owned by the church. The parking lot is zoned differently from its main parcel owned by the same owner; it is zoned T4 Neighborhood Small Footprint. Thus, the subject property is only one parcel removed from the T5 district it seeks a change to according to this Petition.

Proposed Use of Property

The Property is a large sprawling American Foursquare built in 1880. It abuts the Main Street commercial district, immediately adjacent to the public library and a church and only about 1.5 blocks away from the major development occurring at Madison Road and Whetsel Avenue. The circumstances of development surrounding the Property are unique to it as it is surrounded by commercial property.

Through discussions with previous owners of the church as well as community members, it is well established that, up until Mr. Kim bought it in 2015, the Property operated as a crack house for at least two decades. Mr. Kim purchased the property in 2015, fulfilling his dream to buy his first property in America, with the vision of establishing a small ethnic artisanal eatery focusing on Korean BBQ, one of only a few in the City of Cincinnati. Mr. Kim has gutted the Property, an action that was necessary due to its previous condition and use, pouring several \$100,000 into it. The Property on the first floor is a shell ready for commercial use.

Applicant plans to operate a “mom and pop” restaurant of days gone by, where he maintains the restaurant on the ground level and resides on the second level, thus retaining the function of the building as a residential home and occupying the same (rather than vacating it at the end of each business day) as an active member of the community.

Mr. Kim plans to create a warm, inviting and social gathering space for the Madisonville community and to sell beer and wine (once obtaining his liquor license). There will be outdoor seating where visitors from the surrounding neighborhood can walk to the restaurant and gather together for a meal. As described by the Madisonville Community Council President, Mr. Kim’s choice of Madisonville will fill a void in the “food desert crisis”

Reason for Change

The Property currently sits in a T4 zone Small Footprint which applies to areas that have a mix of small to medium footprint, medium density housing types (attached and detached) and in

Exhibit B

City of Cincinnati
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some instances a mix of single-family homes and allows small footprint buildings. Mr. Kim desires to open a restaurant on the first level of the Property while living on the second level. The Property will remain a historic American Four Square with its owner living thereon, but the first level will be used for a thriving small ethnic and artisanal restaurant serving its neighborhood.

Mr. Kim requests a zone change as the use of the Property as a restaurant while he lives in the same is permitted in the adjacent T5 Main Street area which allows both residential and commercial uses.

Summary

Owing to special circumstances or conditions pertaining to a specific piece of property, the strict application of the provisions or requirements of this Code or the Land Development Code, as applicable, are unreasonable and would result in practical difficulties.

The zone change will not adversely affect the community character, public health, safety or general welfare and will be consistent with the general spirit and intent of the Land Development Code of the City of Cincinnati. Indeed, Mr. Kim's zone change has the full support, each, of the Madisonville Community Council, the Madisonville Community Urban Redevelopment Corporation ("MCURC") and the Madisonville Business Chamber ("MBC"). Those letters of support are attached to this Petition.

The Madisonville Community Council's letter indicates its support for a re-zoning of the Property from T4 to T5MS-O. The President of the Madisonville Community Council has further communicated that "Madisonville is eager to welcome Mr. Kim, both as a resident and as a business owner. If the ongoing residential chatter is any indication, providing that the City of Cincinnati approves the zone change, Red Sesame will be another bright spot in solving our food desert crisis in Madisonville." (January 11, 2021 email from Madisonville Community Council attached here).

MCURC lent its support to a zone change of the Property, stating,

In an effort to worked towards the goals of our Quality of Life Plan, we seek to support a diverse array of small businesses throughout our business district. Though we are aware of the reasons for our Form Based Code and the permitted uses, we are left with limited opportunities for new business. We do not make it a practice to support zone changes unless there is a well supported reason, but due to Mr. Kim's community support, support by contiguous property owners, and his location being across the street from commercial properties it makes sense to support his request. Mr. Kim's business will be a welcomed asset to our community. (MCURC Letter of Support, September 14, 2020).

In addition, the letter of support from the Madisonville Business Chamber, provides,

Per the Madisonville Quality of Life Plan, the community desired a diverse and inclusive presence of "Mom and Pop" business to occupy the Business District. The owner is visible within the community, is a member of The Madisonville Business Chamber and will be a great addition. Red Sesame will be a great addition that compliments Millie's Place, The

Exhibit B

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Cheesecakeery and Bad Tom Smith Brewing. MBC members voted 100% to support Mr. Kim in requesting the needed changes to move forward with zoning changes required. (MBC Letter of Support, June 22, 2020).

The zone change is supported by the Madisonville community and is in line with the spirit of the Madisonville Quality of Life Plan (attached) including the desire for “mom and pop” businesses in Madisonville, thus the zone change as requested will protect the integrity of the community and its environment. It will further promote the economic success of Madisonville in contributing to a well-rounded community with diverse options and businesses owned by members of the community.

This Property has served as the home of drug activities and its impact on the immediate neighborhood has been adverse for decades. As is, it has contributed absolutely nothing to the neighborhood, but detracts greatly from the same. Among the current uses available to the Property under the T4 zone designation include use as a “Day Care Center”, “Meeting Facility”, “Bed and Breakfast” and use in “Artisan Production” classified under Industry, Manufacturing and Processing. The new designation as T5 Main Street will allow the Applicant to establish an “Eating or Drinking” establishment at the Property. This new use is certainly of no greater impact upon the surrounding neighborhood than those currently permitted, including use as a daycare center, bed and breakfast, meeting facility and/or manufacturing for artisan production.

The zone change would continue to promote a diverse mix of uses as laid out in the Form-Based Code and Madisonville’s Quality of Life Plan which states as its goal to (i) create a walkable, pedestrian-friendly, mixed-use neighborhood business district at Madison & Whetsel, using a newly; (ii) Increase economic vitality in Madisonville by promoting the neighborhood as a great place to locate businesses; and (iii) Support small business development and a variety of housing choices.

The new use with the zone change as an owner occupied small ethnic and artisanal restaurant will transform the Property from a blighted building to a thriving business that will attract customers and provide a gathering place for the neighborhood. This use is in keeping with the Madisonville neighborhood plan and will serve as a dining option to the numerous new residences coming to the corner of Madison Road and Whetsel Avenue.

In addition, the request for a zone change (or change of use) is not a rare event in Madisonville given the changing nature of the area and the rapid development changes that have occurred in the preceding five years. Among recent such requests include (i) a use variance obtained by the Ackerman Group for Phase III Variances at Madison and Whetsel granting a use variance at the ground level of Madison Road to allow flexibility for office use, and (ii) a zone change was made at the request of Madison and Stewart, LLC a PLK Communities LLC company, in order to build the Jameson development at Madison Road and Stewart Avenue.

The Property, as it is, abuts the Main Street T5 Zone District; the very next building over is zoned T5 Main Street and the empty parking lot in between the Property and the church is also owned by the church but zoned T4. The current form-based code was implemented in 2013 and the parcels immediately adjacent to the Property (4814 and 4810 Whetsel Avenue) were owned by

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one owner at the time but for some reason the parcels were split in zoning designation, with the building designated as T5 and the empty parking lot designated as T4. The zoning needs of the Property are unique to it, given the building's location on the border of T5 Main Street development and on the burgeoning development that has been occurring in Madisonville over the past five years at which the Property sits at the edge. In addition, the subject Property is surrounded by commercial properties across the street.

The new use of the Property as an owner occupied "mom and pop" small ethnic restaurant will blend well with the surrounding development in the community. The requested zone change is compatible with the predominant and prevailing land use, building and structure patterns of the neighborhood surrounding the Property and will not have a material net cumulative adverse impact on the neighborhood.

Applicant's intended use will transform this Property which was historically a nuisance to the surrounding neighborhood into an owner occupied artisanal ethnic restaurant. This will be in keeping with the rapid, changing and exciting development occurring in the Madisonville area and add to the beautification of the surrounding area as well as have a positive impact upon the options available to the community to dine and gather.

Conclusion

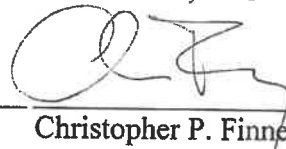
As stated herein, the Zone Change as requested herein is supported by the Madisonville Community Council, the Madisonville Community Urban Redevelopment Corporation and the Madisonville Business Chamber. It is in keeping with the changing development where it abuts the commercial and residential T5 Main Street Zone.

Further, the zone change will not alter the essential character of the area and will not result in a use or development on the subject property that would be materially detrimental to the public welfare or materially injurious to the enjoyment, use, development value of property or improvements permitted in the vicinity. Quite to the contrary, the change requested will transform a historically nuisance Property into a thriving business providing a place for the community to gather and dine.

Thank you,

FINNEY LAW FIRM, LLC

By: _____



Christopher P. Finney

CPF/kdr

cc: Julie M. Gugino, Esq.
Mr. Bryan J. Kim



Date: June 19th, 2020

To: Red Sesame
c/o BJ Kim
4450 Eastgate Blvd
Cincinnati, OH 45245

RE: Zoning Change Request for 4804 Whetsel

Dear Mr. Kim:

The Madisonville Community Council (MCC) is writing to you today to share our support of the Zone Change Request as presented at the virtual Madisonville Community Council General Body meeting on June 18th, 2020. The requests, approved on June 18th, 2020 is listed:

- Zone Change Request for the property at 4804 Whetsel to be re-zoned from a T4 to a T5MS-O.

We look forward to the continued progress as on the property on Whetsel and we welcome you to your new home and new business location in Madisonville! Thank you for choosing Madisonville!

Should you, Mr. Kim, or City of Cincinnati Planning Commission have any additional needs to discuss this further, please feel free to contact me directly at 513-227-4352.

Sincerely,

Kate Botos
Madisonville Community Council President

Officers

President
Kate Botos

Vice President
Kim Eppens

Treasurer
Joan Willis

Recording Secretary
Charlie Foster



June 22, 2020

City of Cincinnati
Zoning Department
805 Central Avenue
Cincinnati OH 45202

Dear Cincinnati Zoning Department -

I am writing to express The Madisonville Business Chamber's (MBC) support for Mr. BJ Kim and Red Sesame Korean BBQ for their request to change zoning at 4804 Whetzel Avenue in Madisonville, Ohio. Mr. Kim is the owner of the property and his vision is to reside above his business at this address, which requires a change from T4 to T5.

Per the Madisonville Quality of Life Plan, the community desired a diverse and inclusive presence of "Mom and Pop" businesses to occupy the Business District. The owner is visible within the community, is a member of The Madisonville Business Chamber and will be a great addition. Red Sesame will be a great addition that compliments Millie's Place, The Cheesecakeery and Bad Tom Smith Brewing. MBC members voted 100% to support Mr. Kim in requesting the needed changes to move forward with zoning changes required.

Sincerely,


Terri Henry, President
The Madisonville Business Chamber



6111 Madison Road | Cincinnati, OH 45227
(513) 271-2495 | www.mcurc.org

September 14, 2020

City of Cincinnati
Zoning
805 Centera Ave
Cincinnati, OH 45202

Dear Planning and Zoning Staff,

I am writing on behalf of MCURC to express our support for Mr. BJ Kim and Red Sesame Korean BBQ for their change of zoning request at 4804 Whetsel Avenue in the Madisonville neighborhood of Cincinnati, OH. Mr. Kim has shared plans and a timeline for construction with our organization, and explained his plan is to use the second floor as a personal residence and the first floor as his restaurant. For Mr. Kim to house his business on the first floor, and his residence above, it will require a zone change from T4 to T5-SSO.

In an effort to worked towards the goals of our Quality of Life Plan, we seek to support a diverse array of small businesses throughout our business district. Though we are aware of the reasons for our Form Based Code and the permitted uses, we are left with limited opportunities for new business. We do not make it a practice to support zone changes unless there is a well supported reason, but due to Mr. Kim's community support, support by contiguous property owners, and his location being across the street from commercial properties it makes sense to support his request. Mr. Kim's business will be a welcomed asset to our community.

Thank you,

Elishia Chamberlain, MPA
Executive Director

MCURC is a 501(c)(3) nonprofit community development corporation.
Our mission is to advance comprehensive community development to improve the quality of life for all.

Exhibit B

----- Forwarded message -----

From: **Madisonville Community Council President** <president@ourmadisonville.com>

Date: Mon, Jan 11, 2021 at 3:40 PM

Subject: Re: 4804 whetsel zone change (MCC, MBC, MCURC)

To: Elishia Chamberlain <elishia@mcirc.org>

Cc: BJ KIM <byoungjoon13@gmail.com>, Weaver, James <James.Weaver@cincinnati-oh.gov>, Keough-Jurs, Katherine <Katherine.Keough-Jurs@cincinnati-oh.gov>, Madisonville Business Chamber <mba45227@gmail.com>, Peppers, Alex <Alex.Peppers@cincinnati-oh.gov>

Good afternoon,

The Madisonville Community Council voted to support Mr. Kim's request for a Zone Change back in June of 2020 (see attached letter of support). As the current President of the Madisonville Community Council (2 consecutive terms running from Jan. 2018-Dec.2021), I can assure you that this letter of support is still valid. Only a vote to overturn would render the letter invalid, which has not happened.

Furthermore, there is no one outside of myself and our Communications Chair (social media only) that is authorized to speak on behalf of the Madisonville Community Council in any official capacity. As recent events have shown, our democratic process is sacred and anyone, purporting to circumvent the neighborhood's elected officials in an effort to undermine the organization the City of Cincinnati recognizes as the voice of the neighborhood, will be subject to legal consequence as deemed appropriate by our legal team.

Madisonville is eager to welcome Mr. Kim, both as a resident and as a business owner. If the ongoing residential chatter is any indication, providing that the City of Cincinnati approves the zone change, Red Sesame will be another bright spot in solving our food desert crisis in Madisonville.

Thank you,

Kate Botos
(513) 227-4352
Madisonville Community Council - President



What is Madisonville's Quality-of-Life Plan?

The 2010 Madisonville Quality-of-Life Plan is a guiding document that outlines community goals and specific actions needed to reach those goals. It is the result of a neighborhood-driven process which engaged hundreds of leaders who shared great ideas and dedicated countless hours of hard work towards strategy development and action steps. The plan captures our energy for making Madisonville a better place to live, work, and play. It presents a shared vision with goals the neighborhood would like to accomplish in the coming years and specifies who, what, when, and where these accomplishments will take place. Our Quality-of-Life Plan was created by residents and community leaders with a stake in Madisonville's future who are committed to working together towards their common vision. Next opportunity, this plan is a dynamic tool for neighborhood progress. It will not sit on a shelf, but instead will inform the ongoing strategic decisions of neighborhood leaders.



MADISONVILLE

Background

Madisonville is a Cincinnati neighborhood located northeast of downtown along the I-75 corridor at Red Bank Road. Madisonville is surrounded by Hyde Park, Oakley, Mariemont, Madeira, Indian Hill, and Fairfax. Madison Road, a major east-west connector, originates in Madisonville and carries 20,000 cars per day through the neighborhood business district.

Nearly 10,000 people live in Madisonville. Madisonville is home to many long-time residents who remember a vibrant business district and nearby manufacturing plants, and a large number of newcomers, drawn to the neighborhood for its affordable housing stock, family-friendly feel, central location, and diverse population.

Recently recognized as a 40-year Stable and Integrated Hidden Treasure, Madisonville has a rich history of cultural and racial diversity. Madisonville boasts a strong faith-based community, five established schools, a beautiful and historic housing stock, and numerous opportunities for residential, commercial, and retail development. In addition, due to its convenient location, Madisonville is home to several major employers.

The affordable and attractive housing stock along quiet tree-lined streets makes Madisonville a desirable place to call home. A new recreation center, pool, public library, and two parks serve as anchors of community life. Madisonville is home to many key institutions and community organizations; with their help and commitment to the neighborhood, we know Madisonville's future is bright.

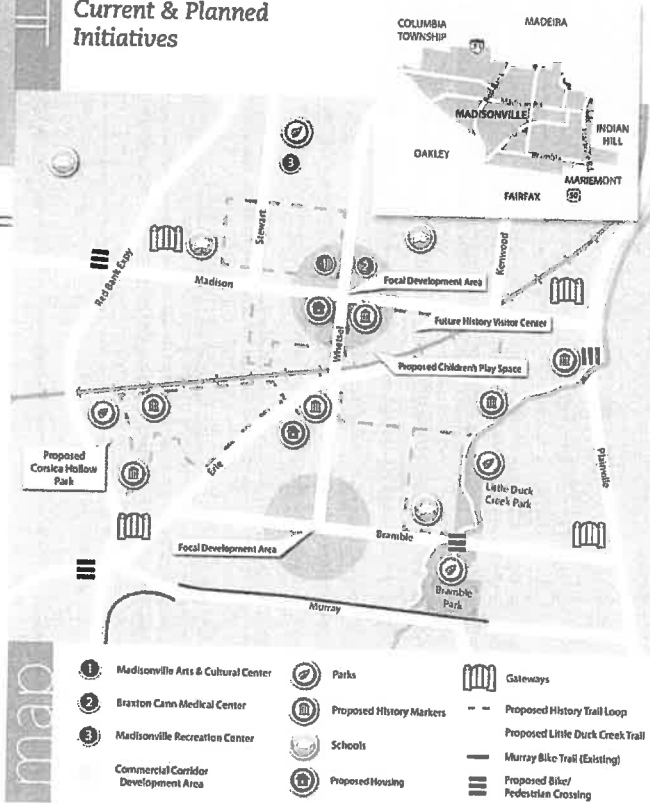
Opportunity

A number of factors have converged over the last few years to suggest Madisonville is ripe for growth and future development, including:

- The City of Cincinnati's adoption of the Growth & Opportunity (GO) Cincinnati Report, citing Madisonville as one of the Go Cincinnati neighborhoods with targeted areas for economic development
- Acquisition of key property in the neighborhood business district in preparation for future development
- The adoption of a form-based code to best capture the community's character in future new construction
- A tax increment financing (TIF) district, which is earning dollars for public improvements
- Two recently constructed public schools
- A strong local housing market attracting new investors
- Inclusive transportation projects planned for both the Madison Road Business District and Red Bank Commercial Corridor.
- Pending from LIJSC and Place Matters

With these and other major investments in Madisonville, it was essential that the community organize to make important and strategic decisions for the future. Madisonville is primed to set an example for other local initiatives, as well as provide lessons for national best practices in their community engagement and roll out of the Quality-of-Life Plan.

Current & Planned Initiatives



Goals & Strategies

ECONOMIC DEVELOPMENT

Create and expand economic and housing development opportunities.

- Create a walkable, pedestrian-friendly, mixed-use neighborhood business district at Madison & Whetsel, using a newly adopted form-based code to guide development.
- Increase economic vitality in Madisonville by promoting the neighborhood as a great place to locate businesses.
- Support small business development and a variety of housing choices.

HEALTH & WELLNESS

Support the health and well-being of all Madisonville residents.

- Improve community access to health care and preventive health services with the creation of a new and expanded Health Center.
- Increase availability of healthy food options.
- Promote walking, biking, hiking, and other outdoor physical activities, including the development of the Little Duck Creek Trail.

THE BUILT ENVIRONMENT

Ensure an attractive physical environment, demonstrating quality, care, and pride.

- Encourage the use of front-yard and community gardening (including clean-up days).
- Encourage and advocate for maintenance of infrastructure and street-scapes.
- Showcase our gateways and green spaces.

COMMUNITY ENGAGEMENT

Strengthen communication and build resident leadership.

- Increase neighborhood-level interaction and collaboration, by developing ongoing communication tools.
- Empower residents to be active participants in local decision-making and action, by supporting the development of active block clubs.
- Expand relationships with community partners and engage new stakeholders.

ARTS & CULTURE

Value and celebrate the arts, architecture, history, culture and diversity of Madisonville.

- Develop a cultural district and community arts facility, including the opening of the Madisonville Arts & Cultural Center.
- Increase opportunities for neighborhood creativity and innovation.
- Establish permanent touchstones for Madisonville's history and culture, such as markers along a new history trail.

EDUCATION & YOUTH

Support children and youth to learn, grow and succeed.

- Strengthen school/community relationships and increase enrollment at the community's public elementary school.
- Ensure that all young children in Madisonville are prepared for school by enrolling all Madisonville children in high-quality preschool or home-visitation programs.
- Expand opportunities for youth involvement in the community, including the development of a Madisonville Youth Council.



"Madisonville's effort is well positioned to demonstrate the value of a bottom-up approach to community development in Greater Cincinnati and Northern Kentucky." -Cincinnati Herald Newspaper

"This is a comfortable, friendly neighborhood, filled with deep social connections and a great sense of place" -Sara Sheets, Program Director, MCURC

"I believe in Madisonville and I believe we can have the neighborhood that we all want: a thriving business district, good schools, safe streets. And I have come to learn that the answer to what we want is in this room. We can make Madisonville the neighborhood we all want and desire - if we work together." -Bob Igoe, Community Council President

Vision

Madisonville is a diverse community with a deep sense of pride and appreciation for its rich history. The people of Madisonville recognize complex and abiding social, cultural, faith-based, and familial connections. Successful development and community restoration will succeed when the past is recognized and the future is embraced. Long-time residents and newcomers will

come together and make neighborhood restoration happen.

The vision for Madisonville includes quiet, tree-lined streets with colorful gardens surrounding a safe, clean, and active business district where residents and visitors meet, shop, dine, play, live, connect, and entertain. High-quality schools, cultural organizations, health-based institutions, and employment centers are valued and nurtured.

A thriving local economy, public amenities, cultural assets, recreational opportunities, plentiful green spaces, and a variety of housing options, and a supportive social network are the keys to Madisonville's renewal. Residents believe the neighborhood is "The Soul of the City Since 1849" and have the vision, the will, and the plan to unlock Madisonville's future.

How We Made Our Plan

When Madisonville received word in 2011 that it was selected as a recipient of a planning grant from LISDC, the convening agency, MCURC, immediately began working with the Madisonville Community Council and Weed and Seed Sustained, Inc. to establish a Steering Committee to guide the planning process. Residents, business, church, and organizational leaders came together to plan the engagement strategy. From fall 2011 to winter 2012, the team conducted nearly 100 interviews of existing leaders to discover their thoughts about Madisonville, to listen to their ideas, and to recruit new leadership. The results were compiled and analyzed by

the University of Cincinnati Community Design Center, which also provided existing conditions, demographics and a review of previous plans with key recommendations.

After the one-on-one conversations, the Steering Committee brought everyone together to hear ideas and begin making plans for the future. On April 19, 2012, nearly 200 residents and leaders of neighborhood-based organizations, institutions and businesses joined together to create a common vision for the future of Madisonville.

The ideas expressed during the visioning event fell into six categories. Over the summer months, the Steering Committee convened six working

sessions to develop specific strategies for improving the quality of life in Madisonville. Each session had a specific agenda, benchmarks for a successful planning process, and meaningful leadership responsibilities. The groups were also charged with identifying lead agencies or "champions" for each action to ensure accountability and productivity. The neighborhood coined a name for the process - "Madisonville 100met" - in an effort to express the positive growth the community was experiencing. By the end of the summer, over 2,000 hours of formal meeting time was spent. Group co-chairs, key volunteers, and staff spent even more time in between sessions working on their strategies.



Highlights

The Madisonville Arts & Cultural Center

The Madisonville Arts & Cultural Center (MACC) will become a key anchor for community life and a unique, creativity-fostering engine for Madisonville's economic development in the years ahead. It will become Madisonville's cultural center and a place where a variety of music, dance, poetry, spoken word, historical exhibits, visual and culinary arts will be promoted and celebrated. It will be an architecturally significant and environmentally friendly place where Madisonville residents and visitors will gather and enjoy a rich cultural life in the heart of a diverse, urban neighborhood. The MACC will work towards incorporating public art and historical markers and trails throughout the neighborhood, in collaboration with neighborhood-based and city-wide organizations.

School-Community Organizing

During our recent work, we were stunned to learn that only 20% of kindergarten-to-grade-6 children living in Madisonville and Madison Place attend John P. Parker School, our neighborhood public elementary school. The rest of the K-6 students attend other schools throughout the region. We believe this flight from the neighborhood school has a direct impact on community life, the housing market, and the overall stability of the neighborhood.

In light of John P. Parker's recent academic successes, the time is right to begin an organized campaign to recruit more families to attend our neighborhood school. Partnering with the school will help us to increase enrollment and better connect school and civic life. We envision John P. Parker as an academically rich school where families in Madisonville and beyond choose to enroll their children.

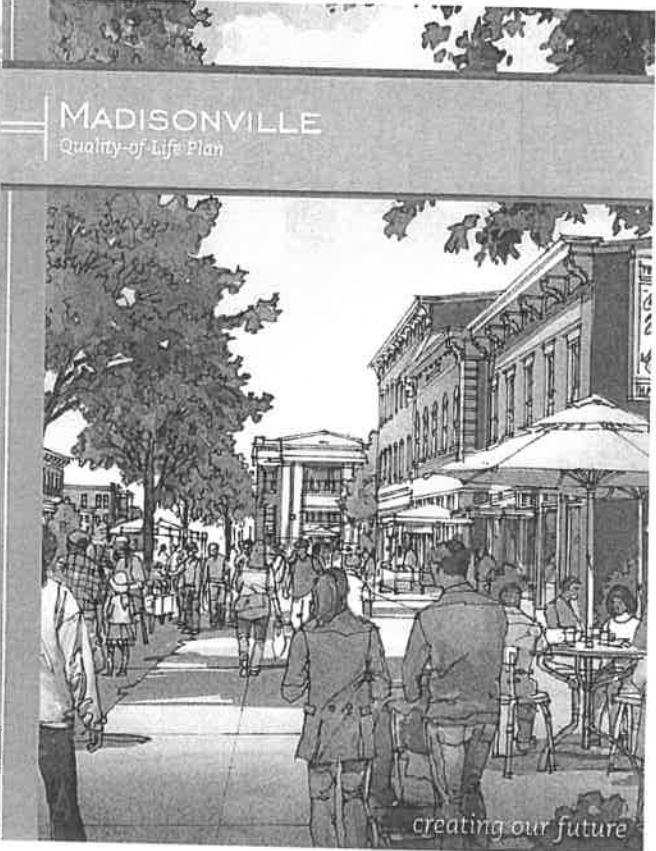
Key Partners

LISDC In 2010, Madisonville was chosen to receive funding from the Local Initiatives Support Corporation (LISDC) to help with quality-of-life planning. Madisonville was selected based on community need, opportunity and capacity. LISDC's mission is to help community residents transform distressed neighborhoods into great places to work, play, do business and raise children. They achieve this goal by providing funds and technical assistance so that neighborhoods can expand investment in housing and other real estate, increase family income and wealth, stimulate economic development, improve education and youth programming, enhance safety and health and support healthy lifestyles. LISDC does this work by helping communities build platforms on which they can pursue a citizen-led, asset-based comprehensive quality-of-life plan.

ArtsWave

- Frank Retail Group, Kathleen Norris, VP, Urban Focus
- Community Development Corporations Association of Greater Cincinnati
- Cincinnati Parks
- Cincinnati Publics District Two
- Cincinnati Public Schools
- City of Cincinnati Departments
 - Economic Development
 - Community Development
 - Transportation and Engineering
 - Health
 - Planning and Building
 - Public Services
- Civic Center Center
- Glasgowville
- John P. Parker School
- Keep Cincinnati Beautiful
- Lighthouse Community School
- LISC Greater Cincinnati & Northern Kentucky
- Madisonville Historical Society
- Madisonville Mission Ministries
- Madisonville Public Library
- Madisonville Recreation Center
- Madisonville Youth Council
- Madisonville Community Council
- Madisonville Community Urban Redevelopment Corporation
- National Underground Railroad Freedom Center
- Queen City Bible
- Shroder High School
- The Children's Home of Cincinnati
- Weed and Seed Sustained, Inc.

MCURC The Madisonville Community Urban Redevelopment Corporation (MCURC) is a non-profit community development corporation. For 25 years MCURC related to volunteer-driven organization, primarily focused on redevelopment of the neighborhood business district. In order to reconnect with its mission as a community-based development corporation, MCURC initiated an organizing and planning process to develop a vision and plan for the future. This work began in the fall of 2011 with broad participation and strong support from the entire community. For more information about MCURC, visit their website at www.mcurc.org.





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°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°28'30" WEST, 12.00 FEET TO A POINT; THENCE LEAVING THE CENTERLINE OF WARD STREET (AS NOW IMPROVED), NORTH 88°31'30" WEST, 141.00 FEET TO A POINT; THENCE SOUTH 01°28'30" WEST, 66.00 FEET TO A POINT; THENCE NORTH 88°31'30" WEST, 24.00 FEET TO A POINT; THENCE NORTH 01°28'30" EAST, 4.00 FEET TO A POINT; THENCE NORTH 88°31'30" WEST, 177.00 FEET TO A POINT IN THE CENTERLINE OF WHETSEL AVENUE; THENCE ALONG THE CENTERLINE OF WHETSEL AVENUE, NORTH 01°28'30" EAST, 128.00 FEET TO A POINT; THENCE LEAVING THE CENTERLINE OF WHETSEL AVENUE, SOUTH 88°31'30" EAST, 177.80 FEET TO A POINT; THENCE SOUTH 01°28'30" WEST, 54.00 FEET TO A POINT; THENCE SOUTH 88°31'30" EAST, 164.20 FEET TO THE PLACE OF BEGINNING.

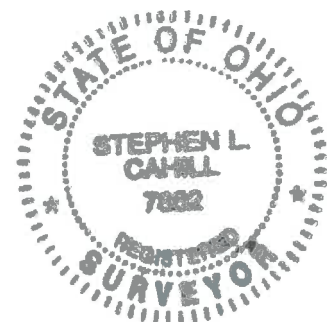
THUS CONTAINING 0.5996 ACRES OF LAND AND BEING SUBJECT TO THE RIGHT OF WAY OF WHETSEL AVENUE AND THE RIGHT OF WAY OF WARD STREET AND ALL EASEMENTS AND RESTRICTIONS OF RECORD.

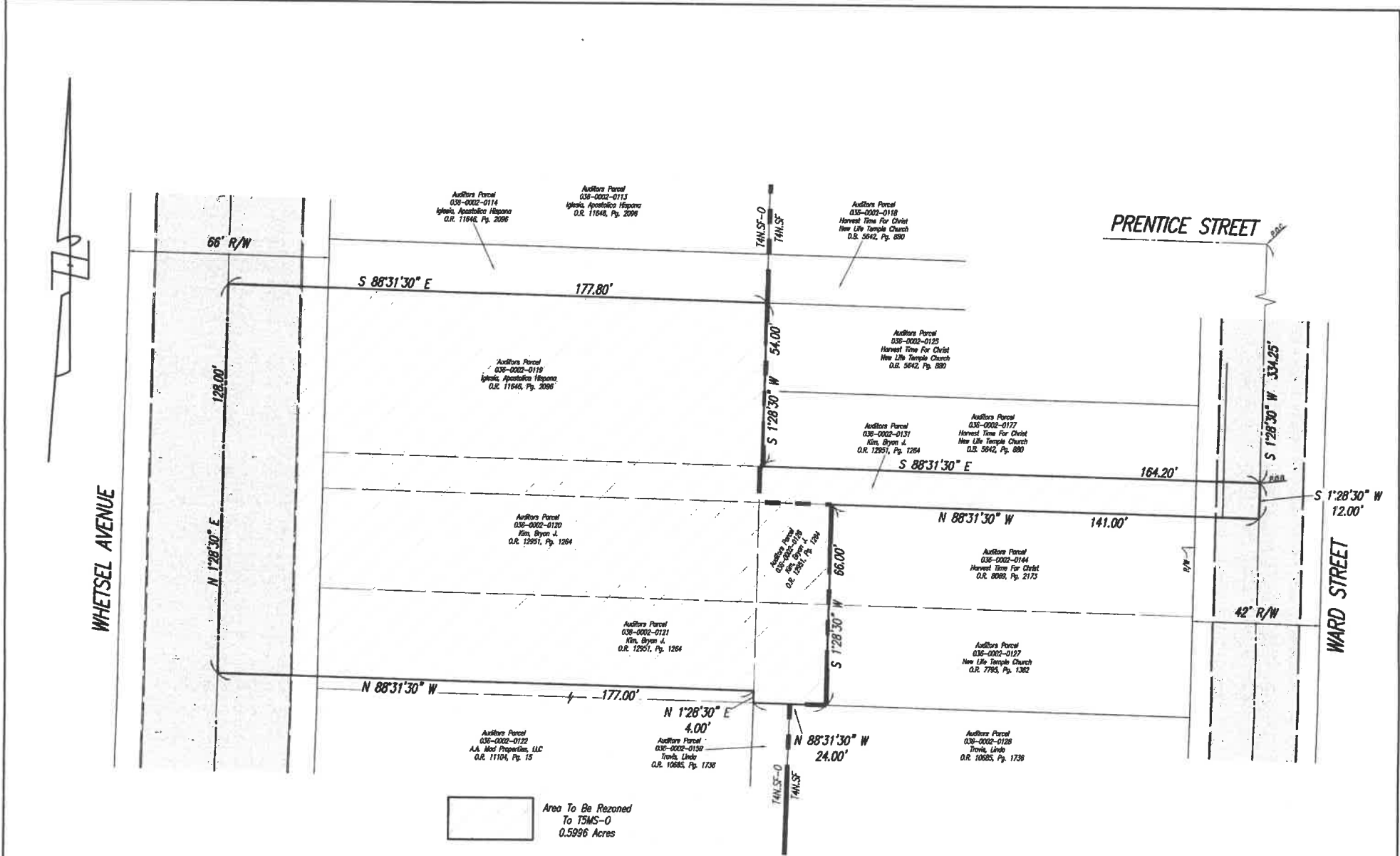
I HEREBY CERTIFY THAT THE DESCRIPTION OF THE PROPERTY PROPOSED TO BE DEVELOPED IS A COMPLETE, PROPER AND LEGAL DESCRIPTION THEREOF.


STEPHEN L. CAHILL
OHIO REGISTERED SURVEYOR #7862

FILE:19-0181.LD1-0.5996AC

8111 Cheviot Road • Suite 200 • Cincinnati, Ohio 45247
Phone: (513) 385-5757 • Fax: (513) 245-5161
www.abercrombie-associates.com





ZONE CHANGE PLAT

SECTION-16, TOWN-4, F.RANGE-2
 MIAMI PURCHASE, CITY OF CINCINNATI
 HAMILTON COUNTY, OHIO

Ae Abercrombie & Associates, Inc.
 Civil Engineering • Surveying
 8111 Cheviot Road, Suite 200 • Cincinnati, Ohio 45247
 513-386-5757 • www.abercrombie-associates.com

REVISIONS			
4-5-21			
SCALE	DATE	JOB.NO.	DRAWN
1" = 20'	9-1-20	19-0181	R.B.
DWG.: 19-ZONE			1



April 15, 2020

Mr. Jason Williams
Phoenix Architecture
9467 Kenwood Road
Cincinnati, Ohio 45242

Re: 4804 Whetsel Avenue | Red Sesame (P) – (CPRE200035) Initial Comments and Recommendations

Dear Mr. Williams,

This Preliminary Design Review letter informs you that our Advisory-TEAM has reviewed your proposed project at **4804 Whetsel Avenue** in the Community of Madisonville. We hope that the information provided below will help you move forward with your project. Please see our initial feedback listed below. Thank you for developing within the City of Cincinnati.

City Planning Department

Immediate Requirements to move forward with project:

1. **This project will require a zone change, which the Department of City Planning would recommend the closest adjacent zoning district of T5MS-O, which allows eating and drinking establishments. In order to do so, the Department of City Planning would also recommend that the property adjacent to the north, the Iglesia Apostolica Hispanic Church parking lot, also be rezoned to T5MS-O for continuity of zoning. This can be done on the same application for one fee, but you will need to discuss with the property owner, and they would need to consent via signature on the application.**

Requirements to obtain Permits:

1. The zone change will need to be complete before permits can be issued.

Recommendations:

1. The Department of City Planning recommends contacting the Madisonville Community Council to discuss the project before formally applying for a zone change.

Contact:

- **Alex Peppers** | City Planning | 513-352-4855 | alex.peppers@cincinnati-oh.gov

Buildings & Inspections – Zoning

Immediate Requirements to move forward with project:

1. The current T4N.SF-O Zoning does not support the proposed eating and drinking establishment use. **If rezoning is not possible, a Use Variance will be required.**

Requirements to obtain Permits:

1. If a Use Variance is granted under the existing Zoning, parking for the proposed eating and drinking establishment will be required at a rate of one space per 500 gross sf (including the Outdoor Area). Under T5MS Zoning, no parking is required for service and retail uses under 5,000 sf.

2. Parking for the residential use is required at a rate of ½ space per studio or one-bedroom unit or 1 space per two-bedroom unit under the existing T4N.SF-O zoning or one space per 1500 sf under T5MS. Parking may be provided on-site or on a lot within 600' of the subject property through a covenant or easement.
3. The proposed Outdoor area will require an additional Use Variance under the existing T4N.SF-O zoning. Under T5MS, it may not exceed 50% of the size of the indoor area accessible to the public. If it exceeds 50% of the indoor area, a Use Permit is required from the Zoning Hearing Examiner under T5MS.
4. If any outdoor entertainment is proposed for the outdoor area, including ambient background music on speakers, a Use Permit will be required from the Zoning Hearing Examiner.
5. Please indicate the location of the refuse storage area on the plans. The area should not be located in the front yard and should be screened with screen fencing at least one-foot taller than the containers.
6. All parcels comprising the proposed development must be consolidated by Consolidation Plat prior to issuance of building permits.

Recommendations:

- None

Contact:

- **Doug Owen** | ZPE | 513-352-2441 | douglas.owen@cincinnati-oh.gov

Metropolitan Sewer District (MSD)

Immediate Requirements to move forward with project:

- None

Requirements to obtain Permits:

1. Your project may change flow to a sewer overflow. Please complete the Request for Availability of Sewer Service Form online. The link to the online form can be found at http://www.msdbg.org/customer_care/development_services/index.html
2. Your project will require a grease trap review. The application and instructions can be found at http://msdbg.org/customer_care/permits_and_records/index.html. Submit the application, plans, and menu to SewerUseApplications@cincinnati-oh.gov

Recommendations:

- None

Contact:

- **Jim Wood** | MSD | 513-352-4311 | jim.wood@cincinnati-oh.gov

Stormwater Management Utility (SMU)

Immediate requirements to move forward with project:

- None

Requirements to obtain Permits:

1. Add following note on Site Plan:
 - All downspouts to remain connected to the underground sewer system."

Recommendation:

- None

Contact:

- **Saidou Wane** | SMU | 513-591-7746 | saidou.wane@cincinnati-oh.gov

Water Works

Immediate requirements to move forward with project:

- None.

Requirements to obtain Permits:

1. The subject development property is receiving water service from existing 5/8-inch water service branch (H-950915), which is connected to existing 6-inch public water main in Whetsel Avenue. **Any new branch(es) should come from the 8" public water main on the west side of Whetsel Avenue.**
2. Any existing water service branch not to be used for this development, must be properly disconnected at the owner's / developer's expense. Owner would be required to fill out the online FOD form at <https://www.cincinnati-oh.gov/water/engineering-construction/forms-specifications/fod/> authorizing removal of the existing water service branch before any new water service can be sold.
3. Please note that there is a lead service line on this property 5/8" Lead Branch Number (H-950915) which is active. In accordance with CMC Chapter 401 Division M, this lead service line on your property must be replaced with copper service line. Please contact the GCWW Lead Service Line Replacement Coordinator Kathleen Frey at (513) 591-5068. Please call 513-651-5323 and/or refer to <http://www.cincinnati-oh.gov/water/lead-information/>.

Recommendations:

1. Owner(s)/Developer(s) will need to hire a Greater Cincinnati Water Works certified licensed and bonded plumber to perform the private water service branch design work and installation.
2. Owner(s)/Developer(s) must have a licensed plumber that is bonded and certified with GCWW and fill out the Online Branch application <https://www.cincinnati-oh.gov/water/engineering-construction/forms-specifications/> for water service.

Contact:

- **Bill Morris** | WaterWorks | 513-591-7858 | bill.morris@gcww.cincinnati-oh.gov

Fire Department

Immediate Requirements to move forward with project:

1. Confirm that the closest two hydrants have fire flows of at least 1000 GPM at 20 PSI.

Requirements to obtain Permits:

1. Closest hydrants are located at 4804 Whetsel Avenue, 4829 Whetsel Avenue and 4723 Whetsel Avenue.
2. If required, the Fire Department Connection is to be shown and is to be within 50' of a fire hydrant.

Recommendations:

- None

Contact:

- **Fred Prather** | Fire Dept. | 513-357-7595 | fred.prather@cincinnati-oh.gov

Office of Environmental Sustainability (OES)

Immediate Requirements to move forward with project:

- None

Requirements to obtain permits:

- None

Recommendations:

1. Due to the anticipated age of the existing site building, asbestos, lead based paint, and other hazardous building materials should be surveyed and, if needed, abatement should be conducted following all applicable regulations prior to renovations.
2. The development goal should be to earn at a minimum the LEED Certified rating level.
3. Rooftop solar should be considered in the design as a renewable energy source.
4. Onsite parking if applicable should be wired for electric vehicle charging.
5. The use of trees in the landscape design should be included to enhance urban forestry.
6. The use of non-impervious surfaces should be maximized to the extent practical.

Contact:

- **Howard Miller** | OES | 513-352-6999 | howard.miller@cincinnati-oh.gov

Police Department

Immediate Requirements to move forward with project:

- None at this time.

Requirements to obtain Permits:

- No Comments.

Recommendations:

- None

Contact:

- **Matt Hammer** | Police Dept. | 513-478-2257 | matt.hammer@cincinnati-oh.gov
- **Brandon Kyle** | Police Dept. | brandon.kyle@cincinnati-oh.gov

Health Department

Immediate Requirements to move forward with project:

- None

Requirements to obtain Permits:

1. A food facility plan review by the Cincinnati Health Department (CHD) will be required if future or current space (or tenant) is licensable (or is currently licensed) as a food service operation (FSO) or retail food establishment (RFE). If licensable, plumbing will not issue permits until CHD has completed the food facility review and approved the project.

Recommendations:

1. For assistance in determining whether facility is licensable as an FSO/RFE or not, please contact Trisha Blake.



Contact:

- **Trisha Blake** | Health Dept. | 513-352-2447 | trisha.blake@cincinnati-oh.gov

Department of Transportation & Engineering (DOT E)

Immediate Requirements to move forward with project:

- None

Requirements to obtain Permits:

1. There is currently no driveway on this property, it is all grass. It does not appear to be a proposed driveway, so the existing drive apron needs to be removed and replaced with full height curb and walk.
2. New stair handrail extension may not extend into the public right of way.
3. DOT E permit is required for all work in the right of way.
4. Addressing to be finalized by DOT E prior to submitting for building permit.
 - o The restaurant and apartments will each need an address; two addresses total. The current address 4804 Whetsel Avenue could go with either, if there is a preference. So, either 4802 or 4806 will need to be assigned. The restaurant needs to have the higher number as it is to the north of the door for the apartments.

Recommendations:

1. Per the Cincinnati Municipal Code, the adjacent property owner is responsible for the maintenance of the sidewalk. The applicant should consider repair or replacement of sub-standard sidewalk with the project.

Contact:

- **Morgan Kolks** | DOT E | 513-352-5285 | morgan.kolks@cincinnati-oh.gov

Buildings & Inspections – Buildings

Immediate Requirements to move forward with project:

1. The project must conform to accessibility requirements, including restrooms.
2. The outdoor dining area occupant load will be determined by area (SF).
3. The restaurant area must comply with all design loads.
4. The building requires suppression.
5. A wrecking permit is required to demolish the rear structure.

Requirements to obtain Permits:

- None

Recommendations:

- None

Contact:

- **Robert Martin** | B&I Plans Exam | 513-352-2456 | robert.martin@cincinnati-oh.gov



Department of Community & Economic Development (DCED)

Immediate Requirements to move forward with project:

- None

Requirements to obtain Permits:

- None

Recommendations:

- None

Contact:

- **Roy Hackworth** | DCED | 513-352-6119 | roy.hackworth@cincinnati-oh.gov

Law Department

Immediate Requirements to move forward with project:

1. No comments at this time.

Requirements to obtain Permits:

- None

Recommendations:

- None

Contact:

- **Charles Martinez** | Law | 513-352-3359 | charles.martinez@cincinnati-oh.gov

This letter is not intended as the City's final approval of your project, but rather as an initial review and consultation to provide feedback from the City's various departments and to better coordinate between the City and developer. We hope you find this process both forthcoming and helpful.

Sincerely,

A handwritten signature in blue ink, appearing to read "Rodney D. Ringer".

Rodney D. Ringer
Development Manager

RDR: rdr



Date: June 19th, 2020

To: Red Sesame
c/o BJ Kim
4450 Eastgate Blvd
Cincinnati, OH 45245

RE: Zoning Change Request for 4804 Whetsel

Dear Mr. Kim:

The Madisonville Community Council (MCC) is writing to you today to share our support of the Zone Change Request as presented at the virtual Madisonville Community Council General Body meeting on June 18th, 2020. The requests, approved on June 18th, 2020 is listed:

- Zone Change Request for the property at 4804 Whetsel to be re-zoned from a T4 to a T5MS-O.

We look forward to the continued progress as on the property on Whetsel and we welcome you to your new home and new business location in Madisonville! Thank you for choosing Madisonville!

Should you, Mr. Kim, or City of Cincinnati Planning Commission have any additional needs to discuss this further, please feel free to contact me directly at 513-227-4352.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kate Botos', with a long horizontal flourish extending to the right.

Kate Botos
Madisonville Community Council President

Officers

President
Kate Botos

Vice President
Kim Eppens

Treasurer
Joan Willis

Recording Secretary
Charlie Foster



June 22, 2020

City of Cincinnati
Zoning Department
805 Central Avenue
Cincinnati OH 45202

Dear Cincinnati Zoning Department -

I am writing to express The Madisonville Business Chamber's (MBC) support for Mr. BJ Kim and Red Sesame Korean BBQ for their request to change zoning at 4804 Whetsel Avenue in Madisonville, Ohio. Mr. Kim is the owner of the property and his vision is to reside above his business at this address, which requires a change from T4 to T5.

Per the Madisonville Quality of Life Plan, the community desired a diverse and inclusive presence of "Mom and Pop" businesses to occupy the Business District. The owner is visible within the community, is a member of The Madisonville Business Chamber and will be a great addition. Red Sesame will be a great addition that compliments Millie's Place, The Cheesecakeery and Bad Tom Smith Brewing. MBC members voted 100% to support Mr. Kim in requesting the needed changes to move forward with zoning changes required.

Sincerely,


Terri Henry, President
The Madisonville Business Chamber



6111 Madison Road | Cincinnati, OH 45227
(513) 271-2495 | www.mcurc.org

September 14, 2020

City of Cincinnati
Zoning
805 Centera Ave
Cincinnati, OH 45202

Dear Planning and Zoning Staff,

I am writing on behalf of MCURC to express our support for Mr. BJ Kim and Red Sesame Korean BBQ for their change of zoning request at 4804 Whetsel Avenue in the Madisonville neighborhood of Cincinnati, OH. Mr. Kim has shared plans and a timeline for construction with our organization, and explained his plan is to use the second floor as a personal residence and the first floor as his restaurant. For Mr. Kim to house his business on the first floor, and his residence above, it will require a zone change from T4 to T5-SSO.

In an effort to work towards the goals of our Quality of Life Plan, we seek to support a diverse array of small businesses throughout our business district. Though we are aware of the reasons for our Form Based Code and the permitted uses, we are left with limited opportunities for new business. We do not make it a practice to support zone changes unless there is a well supported reason, but due to Mr. Kim's community support, support by contiguous property owners, and his location being across the street from commercial properties it makes sense to support his request. Mr. Kim's business will be a welcomed asset to our community.

Thank you,

Elishia Chamberlain, MPA
Executive Director

MCURC is a 501(c)(3) nonprofit community development corporation. Our mission is to advance comprehensive community development to improve the quality of life for all.



Iglesia Apostólica Hispana.

4814 Whetsel Ave

Cincinnati Ohio 45227

Cincinnati Ohio marzo 14- 2021

A Quien Interese:

Por medio de la presente carta y en acuerdo con los líderes de la Iglesia Apostólica Hispana y ellos son: Bertilia Bartolón, Rodrigo Vásquez, Lorena Vásquez, Brayan Méndez, y ministra Dora Hernández, y el Pastor Elmer Hernández, a la solicitud del Vecino de cambio de zona del Parqueo de nuestra Iglesia hacemos saber que, si cambiaremos de zona, pero con la restricción que el parqueo es y será uso exclusivo para la Iglesia, no para el Restaurante o negocios cercanos.

Y así también tenemos planes para poner cerca, para evitar inconvenientes en el futuro.

Atentamente,

Pastor Elmer Hernández



Ministra Dora Hernández



Bertilia Bartolón



Rodrigo Vásquez



Lorena Vásquez



Brayan Méndez





N7 Consulting Services, LLC

1105 Central Expressway, Suite 100
Cincinnati, Ohio 45202
Phone: 513-261-1105
www.n7consulting.com

[TO WHOM IT MAY CONCERN:
OFFICIAL TRANSLATION A WRITTEN AGREEMENT]

Image
Hispanic Apostolic Church

Cincinnati Ohio March 14-2021

To whom it may concern:

Through this letter in agreement of the leaders of The Hispanic Apostolic Church who are: Bertilia Bartolón, Rodrigo Vásquez, Lorena Vásquez, Brayán Méndez, Minister Dora Hernandez, and Pastor Elmer Hernandez, to request of the neighbor a change of zoning of the parking space of our church. We advise, we will be proceeding with the changing of zone, but with the restriction that the parking space is and will be exclusive for the church, not for restaurants or neighboring businesses.

And also, we have plans to erect a fence to avoid inconveniences in the future.
Sincerely,

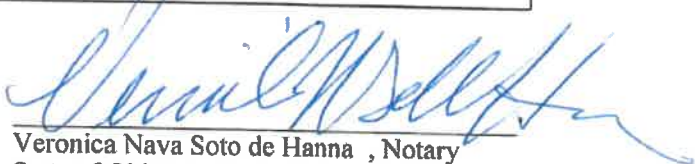
Pastor Elmer Hernández	[Signature]
Minister Dora Hernández	[Signature]
Bertilia Bartolón	[Signature]
Rodrigo Vásquez	[Signature]
Lorena Vásquez	[Signature]
Brayan Méndez	[Signature]

This certifies that I am competent to translate the document presented and am qualified as a translator from Spanish to English.

Joseph Nava, Esq has duly identified himself before me and I certify his signature as a notary of the State of Ohio on March 19th, 2021.



Gabriela Barbosa Gonzalez - Interpreter



Veronica Nava Soto de Hanna, Notary
State of Ohio My Commission expires August 14, 2022

<Notary Seal>



Veronica Nava Soto DeHanna
Notary Public, State of Ohio
My Commission Expires 08-14-2022

Member American Translators Association, Member No. 214448, National Association of Hispanic Business Owners & Translators No. 6497
Partner, MALDEF, Member, Cincinnati Chamber of Commerce; N7 is a Certified Minority Business Enterprise of Ohio, City of Cincinnati

AEM SERVICES LLC
2998 WEST MARKET ST
AKRON OH 44333

BALTIMORE & OHIO RAILROAD
COMPANY
500 WATER ST
JACKSONVILLE FL 32202

CARPENTER JAMES JR
4810 MATHIS ST
CINCINNATI OH 45227

DEWEY NICHOLAS & LAURYN
5807 PEABODY AVE
CINCINNATI OH 45227

ELLIS LAUREN
4723 WARD ST
CINCINNATI OH 45227

GAITHER PAMELA C
972 WINDSOR
CINCINNATI OH 45206

GASSETT ELMER
5805 PRENTICE ST
CINCINNATI OH 45227-2311

GENTRY ALVIN I & BILLIE M
4733 WHETSEL AVE
CINCINNATI OH 45227-2352

HAMILTON COUNTY LAND
REUTILIZATION CORPORATION
3 EAST FOURTH STREET SUITE 300
CINCINNATI OH 45202

HAMILTON COUNTY LIBRARY
800 VINE ST
CINCINNATI OH 45202

HAMILTON DENNIS J
7740 ROCK HILL LN
CINCINNATI OH 45243-4043

HARRISON ALESHA @6
5538 DAVIS PL
CINCINNATI OH 45227

HARVEST TIME FOR CHRIST NEW LIFE
TEMPLE CHURCH
4836 WARD ST
CINCINNATI OH 45227

HENSON ANGIE BYERS & MILDRED
BYERS
6004 PRENTICE ST
CINCINNATI OH 45227-2343

HINES PATRICIA
5807 PRENTICE ST
CINCINNATI OH 45227-2311

IGLESIA APOSTOLICA HISPANA CHURCH
1935 HARRISON AVE
CINCINNATI OH 45214

JMB BROTHERS PROPERTY
MANAGEMENT LLC
5411 TOMPKINS AVE
CINCINNATI OH 45227

JOHNSON MANAGEMENT &
DEVELOPMENT LLC
6746 ROLLAWAY RD
CINCINNATI OH 45236

KIM BRYAN J
4804 WHETSEL AVE
CINCINNATI OH 45227

KUBLEY NICHOLAS CAIRNS & LEIGH
ASHLEY NEWSOME KUBLEY
5805 PEABODY AVE
CINCINNATI OH 45227

LACEY TIMOTHY C
P O BOX 498008
CINCINNATI OH 45249

LOGAN 223 LLC
4734 WHETSEL AVE
CINCINNATI OH 45227

LOGAN 223 LLC
5812 ROE ST
CINCINNATI OH 45227

LOWERY MARY A
PO BOX 2714
CINCINNATI OH 45201

MAD PROPERTIES LLC
12009 STILLWOOD DR
CINCINNATI OH 45249

MAD PROPERTIES LLC
4905 WHETSEL FL 3
CINCINNATI OH 45227

MADISONVILLE PHASE III LLC
5801 MADISON RD
CINCINNATI OH 45227

MITCHELL RACHEL PIERCE & WILLIAM B
4810 RAVENNA AVE
CINCINNATI OH 45227

NEW LIFE TEMPLE CHURCH
4821 WARD ST
CINCINNATI OH 45227

PACIFIC URBAN PROPERTIES LLC
1894 E GALBRAITH RD
CINCINNATI OH 45215

QUADRUN ENTERPRISES
3434 DARWIN PL
CINCINNATI OH 45211

REID CARON DENISE
4722 WARD ST
CINCINNATI OH 45227-2324

S MACK CONSTRUCTION LLC
7440 BRILL RD
CINCINNATI OH 45243

STARGEL WILLARD R III @5
5800 PEABODY AVE C/O MEREDITH
STARGEL HARDEN
CINCINNATI OH 45227-2310

STUBBS ALAN R & MICHAEL A
5804 PEABODY AVE
CINCINNATI OH 45227

TOMESAL JOSEPH ET AL TRS
4730 WHETSEL AVE
CINCINNATI OH 45227-2328

TRAVIS LINDA
487 WARD ST #1
CINCINNATI OH 45227

VODA CHRISTOPHER
1133 HAWKSTONE DR
CINCINNATI OH 45230

WILKINSON PHEETTA G TR
4315 HOMER AVE
CINCINNATI OH 45227

WILLIAMS MARTHA A
4815 WHETSEL AVE
CINCINNATI OH 45227

WRIGHT THOMAS LEE & KIMOTHIE A
5801 PEABODY AVE
CINCINNATI OH 45227-2309

ZAND PROPERTIES LLC
P O BOX 176474
FT MITCHELL KY 41017

Madisonville Community Council
P.O. Box 9514
CINCINNATI OH 45209

April 21, 2021



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

Dear Members of Council:

We are transmitting herewith an Ordinance captioned as follows:

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.

Summary:

The applicant, B.J. Kim is requesting a zone change from the existing T4 Neighborhood Small Footprint (T4N.SF) and T4 Neighborhood Small Footprint – Open (T4N.SF-O) zoning districts to the T5 Main Street – Open (T5MS-O) zoning district to permit the use of a restaurant on the first floor with Mr. Kim living on the floors above.

A restaurant is considered an eating and drinking establishment, which is not a permitted use in the T4N.SF zoning district. The area requested to be rezoned is approximately 0.5996 acres. The property is situated on the east side of Whetsel Avenue a block south of Madison Road.

The Iglesia Apostolica Hispana Church building is zoned T5MS-O, but their parking lot at 4810 Whetsel Avenue is zoned T4N.SF-O, putting one property in-between 4804 Whetsel Avenue and the desired zoning district. After much debate between the applicant and the church, the church membership agreed to consent to rezoning their parking lot to T5MS-O with the condition that their parking lot could not be used to serve the restaurant. The applicant agreed to this condition, as the parking lot is private property owned by the church.

The zone change is consistent with both *Plan Cincinnati (2012)* and with the future vision of Madisonville.

The City Planning Commission voted to approve the zone change at their April 16, 2021 meeting.

Motion to Approve: Ms. Sesler

Ayes:

Mr. Juech
Mr. Smitherman
Ms. McKinney
Mr. Stallworth
Ms. Sesler
Mr. Samad

Seconded: Ms. McKinney

THE CITY PLANNING COMMISSION

Katherine Keough-Jurs, AICP, Director
Department of City Planning

KKJ: jmw

Encl.: Staff Report, Ordinance

May 11, 2021

To: Mayor and Members of City Council

From: Paula Boggs Muething, City Manager

202101655

Subject: Presentation – Amending the Community Council Map for Clifton and CUF

Attached is the presentation for modifying the boundaries of the areas that the Clifton Town Meeting Community Council and the CUF Community Council are considered to represent for the purposes of Cincinnati Municipal Code Sections 111-1 and 111-5 for the Economic Growth & Zoning Committee.

cc: Katherine Keough-Jurs, AICP, Director
Department of City Planning



PROPOSED CHANGES TO THE CLIFTON AND CUF COMMUNITY COUNCIL MAP BOUNDARIES

Economic Growth & Zoning Committee | May 11, 2021

TYPES OF NEIGHBORHOOD BOUNDARIES

- **Community Council**
 - Based on map or legal description in official neighborhood bylaws
 - Primarily for notification purposes
 - Contains “Overlap Areas” where multiple neighborhoods represent the same area
 - When projects that require notification are in one of these areas, all neighborhoods claiming that area are notified
- **Statistical Neighborhood Approximations (SNA)**
 - Based on Census Tracts and/or Block Groups
 - Used for demographic purposes using Census data (population, economics, etc.)
 - Do not have “Overlap Areas”

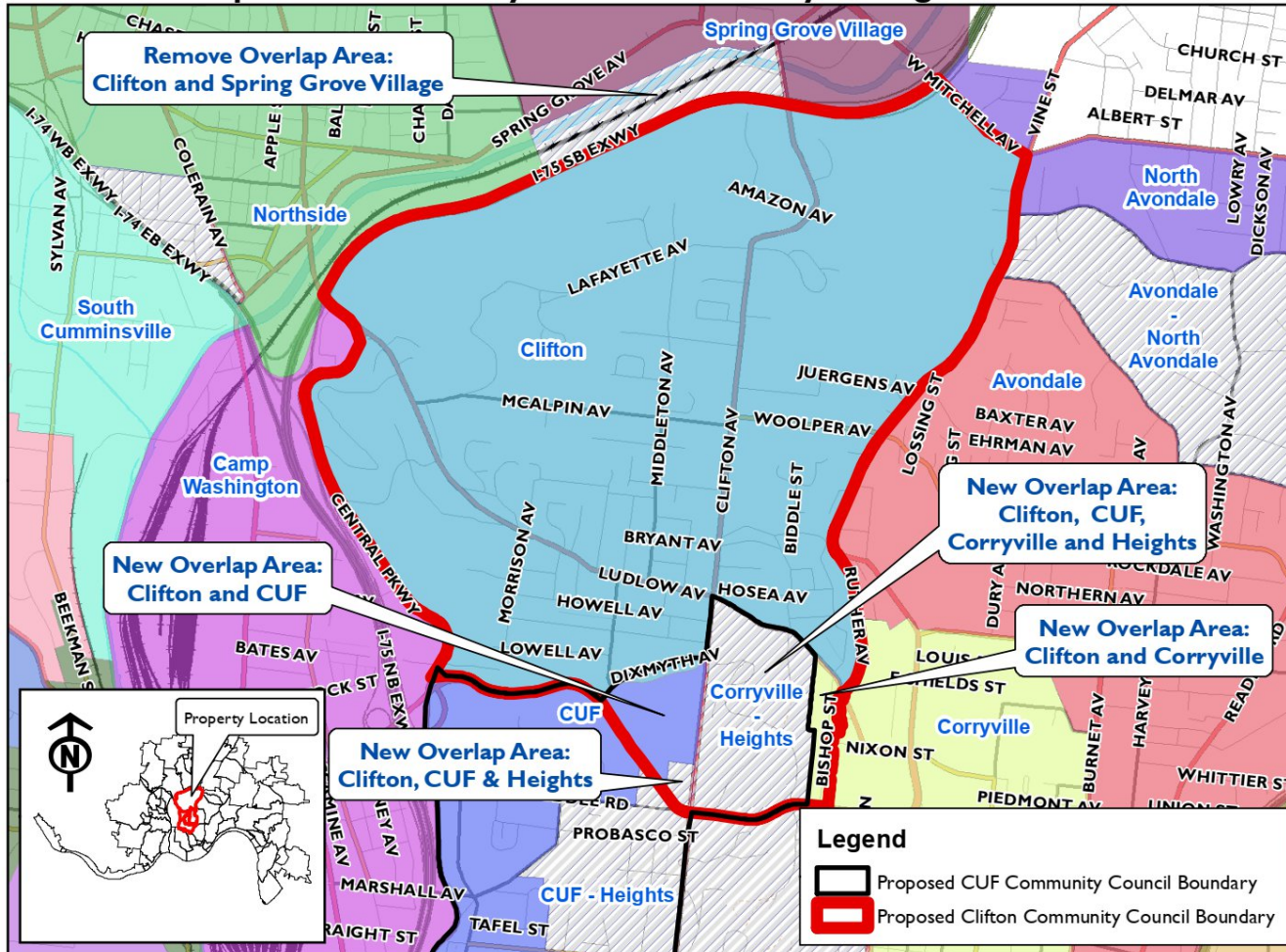
MUNICIPAL CODE REQUIREMENTS

- Section 111-1 - Hearings on Zoning Regulations
- Section 111-5 - Notice and Hearings on Notwithstanding Ordinances
- A map showing the boundaries for notification is on file with the Clerk of Council
- City Staff uses the Community Council map when notifying the appropriate Community Council of a zone change, zoning hearing, or notwithstanding ordinance

BACKGROUND

- **February 3, 2021** - City Council adopted Motion 202100232 from Councilmembers Kearney and Landsman via Clifton Town Meeting
 - Amend the boundaries of Clifton to include Burnet Woods, both sides of Bishop Street, and the area north of West Martin Luther King Jr. Drive between Clifton Avenue and Dixmyth Avenue
 - During the engagement process, CUF wanted to make sure Burnet Woods was included in their boundary as well

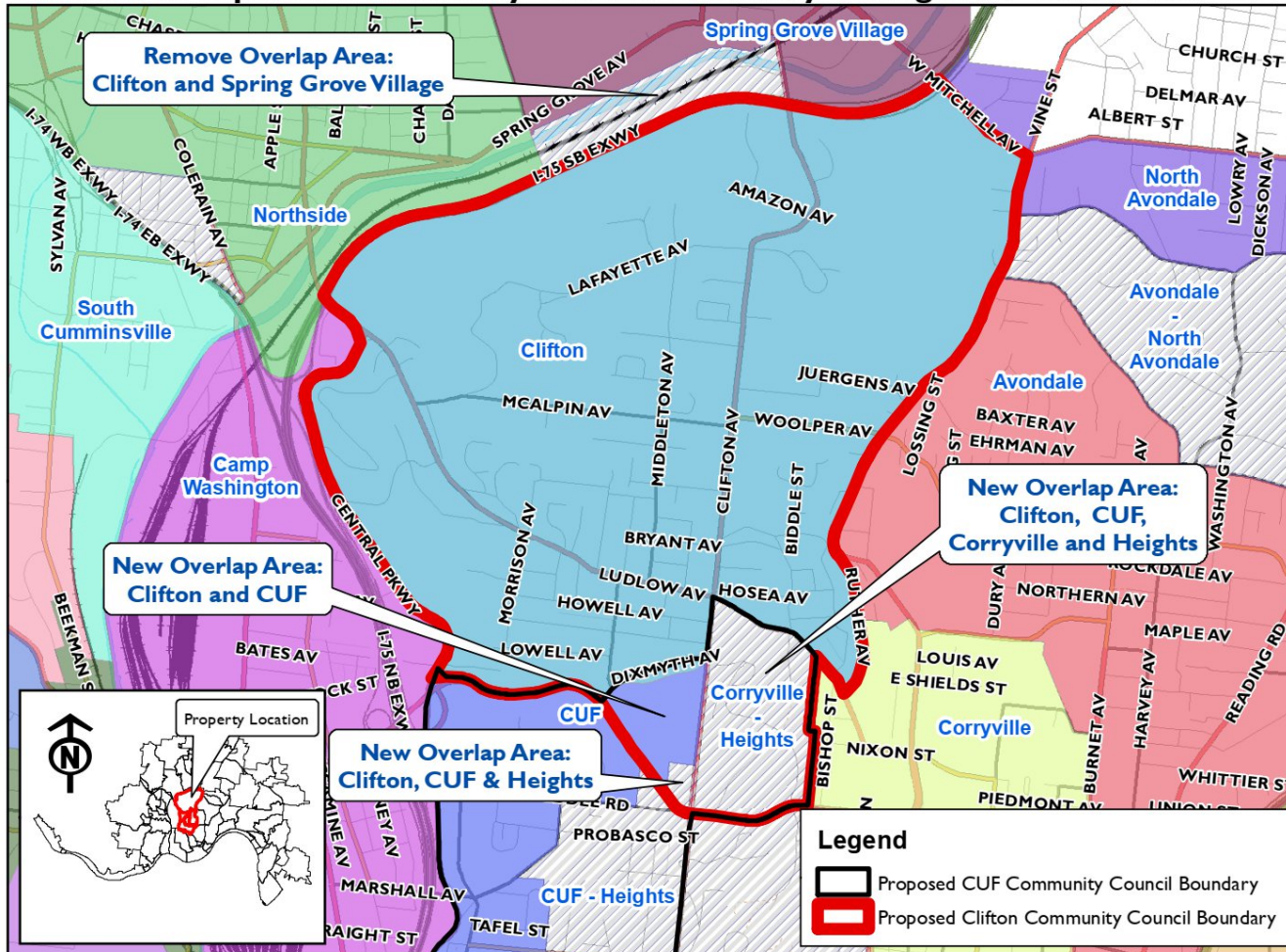
PROPOSED BOUNDARY



PUBLIC COMMENT

- Clifton, Corryville and CUF have all been engaged in this process
 - The Heights is inactive
- All three neighborhoods agree that Burnet Woods is important to all three neighborhoods and that all should be notified
- CUF and Clifton agree that the area south of Dixmyth Avenue is an "Overlap Area"
- At the City Planning Commission meeting, Corryville objected to both sides of Bishop Street being an "Overlap Area" with Clifton

CITY PLANNING COMMISSION RECOMMENDED BOUNDARY



CONSISTENCY WITH *PLAN CINCINNATI* (2012)

COLLABORATE INITIATIVE AREA

- Goal 1: “Work in synergy with the Cincinnati Community”
- Action Step: “Improve City-Community communication channels”

ANALYSIS

- According to Article VII, Section 3 of the Charter of the City of Cincinnati:
 - “The powers and duties of the commission shall be to make plans and maps of the whole or any portion of the city and of any land outside the city which, in the opinion of the commission, bears a relation to the planning of the city, and to make changes in additions to and extensions of such plans or maps when it deems same advisable.”
- Clifton, CUF and Corryville agree to the presented boundaries as new “Overlap Areas”
 - However, Clifton still wishes to include Bishop Street within their boundary as an “Overlap Area” - which Corryville objected to
 - The Heights is inactive

RECOMMENDATION

The City Planning Commission recommends that City Council take the following action:

APPROVE the proposed amendment to the boundaries of Clifton and CUF for the Community Council Boundary Map which is used for compliance with the notice requirements of Municipal Code Sections 111-1 and 111-5

May 11, 2021

To: Mayor and Members of City Council

From: Paula Boggs Muething, City Manager

202101656

Subject: Presentation – Zone Change for 4804-4810 Whetsel Avenue

Attached is the presentation for a zone change at 4804-4810 Whetsel Avenue for the Economic Growth & Zoning Committee.

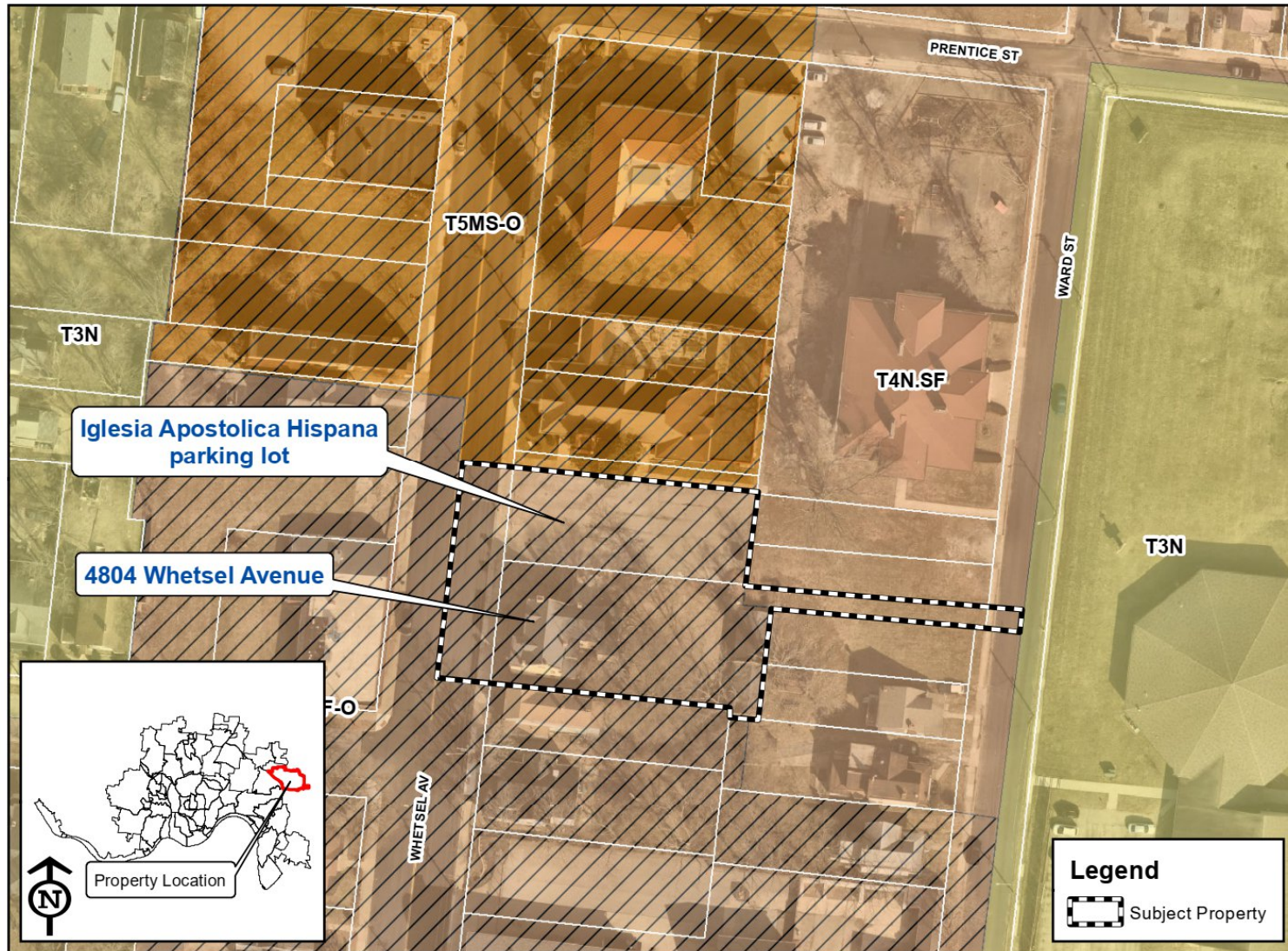
cc: Katherine Keough-Jurs, AICP, Director
Department of City Planning



PROPOSED ZONE CHANGES AT 4804-4810 WHETSEL AVENUE IN MADISONVILLE

City Planning Commission | April 16, 2021

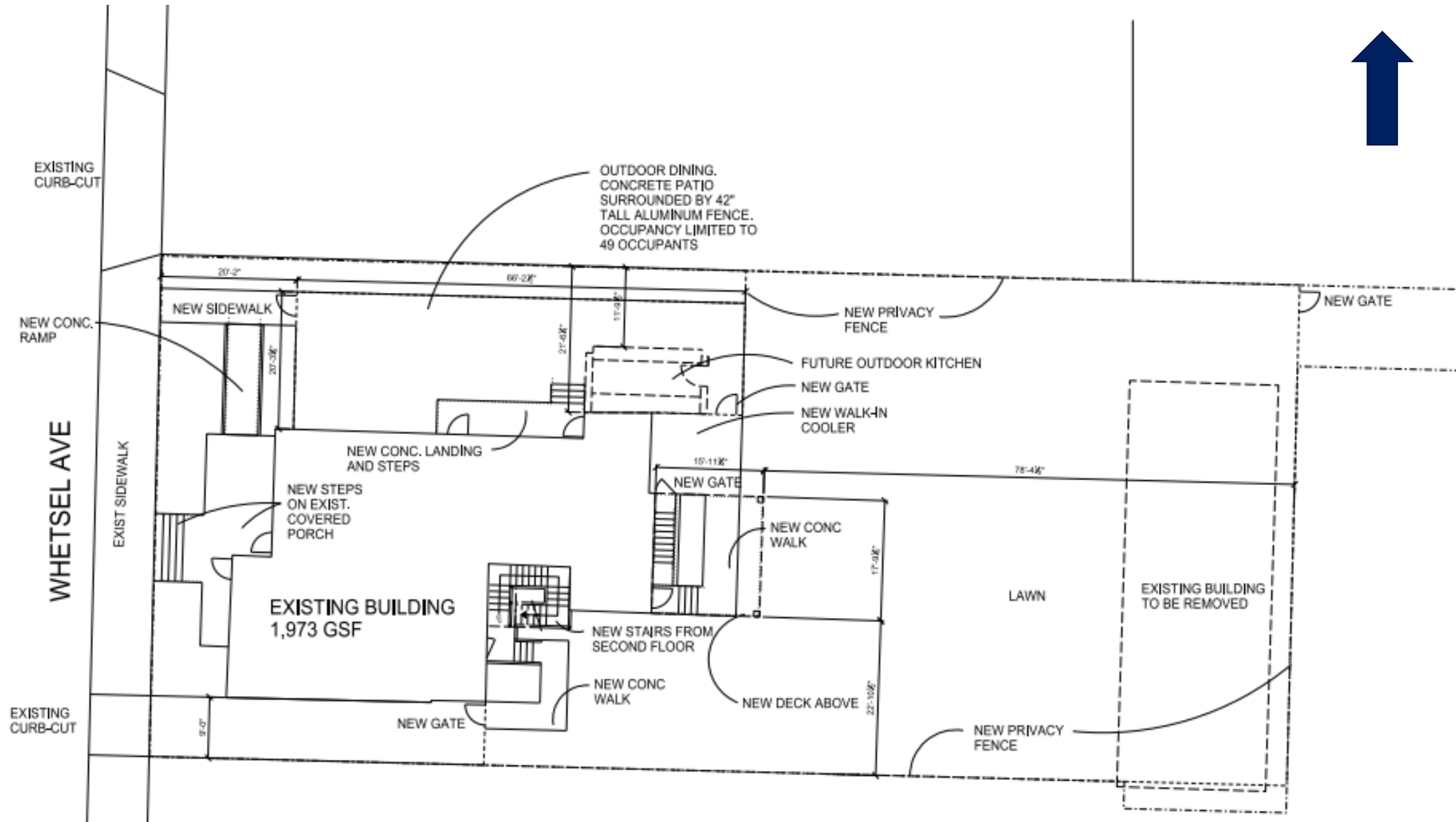
Ex.A - Proposed Zone Change from T4N.SF and T4N.SF-O to T5MS-O at 4804 Whetsel Av. in Madisonville

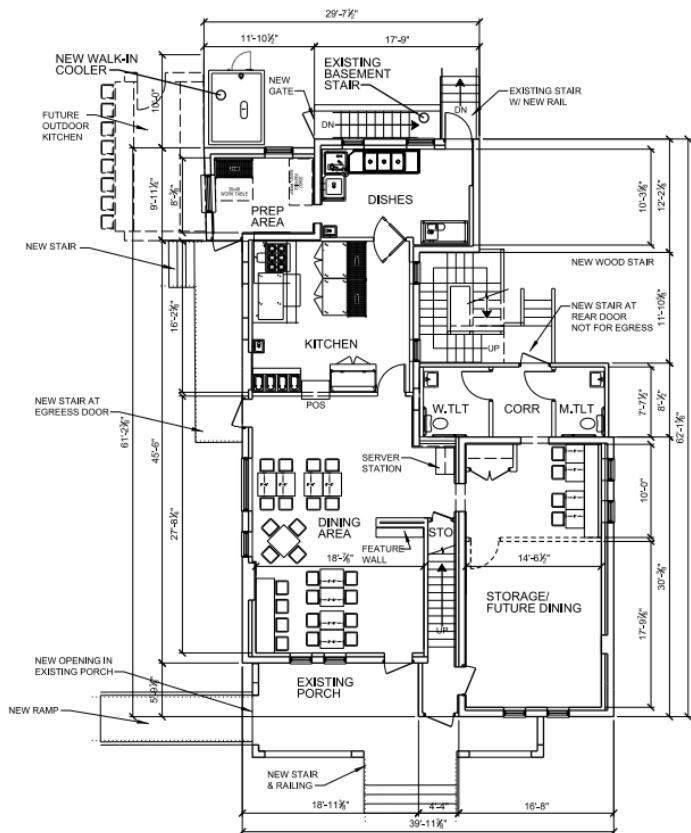


BACKGROUND

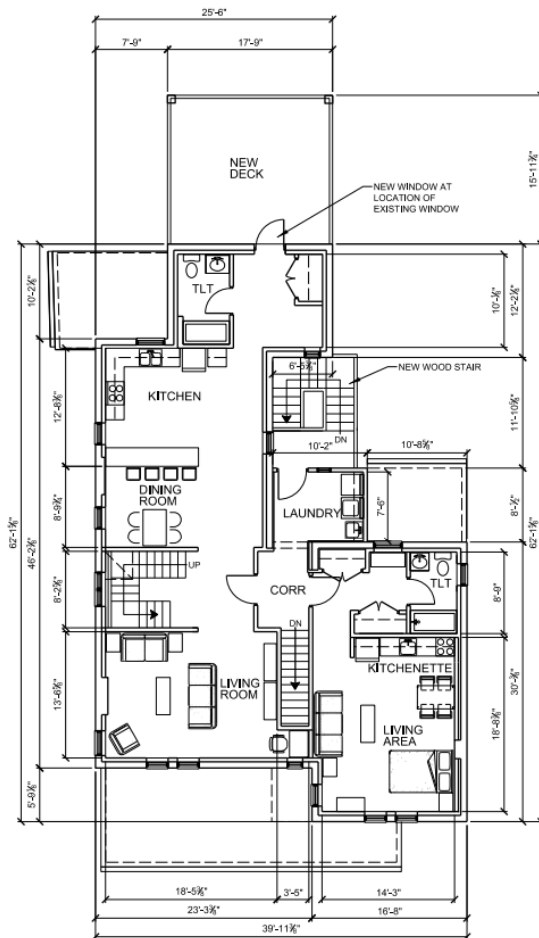
- B.J. Kim purchased the property located at 4804 Whetsel Avenue in 2015, which was a vacant four-family home
 - Desire to convert the property into a restaurant
- Zoned T4N.SF-O and T4N.SF, which does not permit restaurants
- One property at 4810 Whetsel Avenue was between the proposed restaurant and the desired T5MS-O zoning district



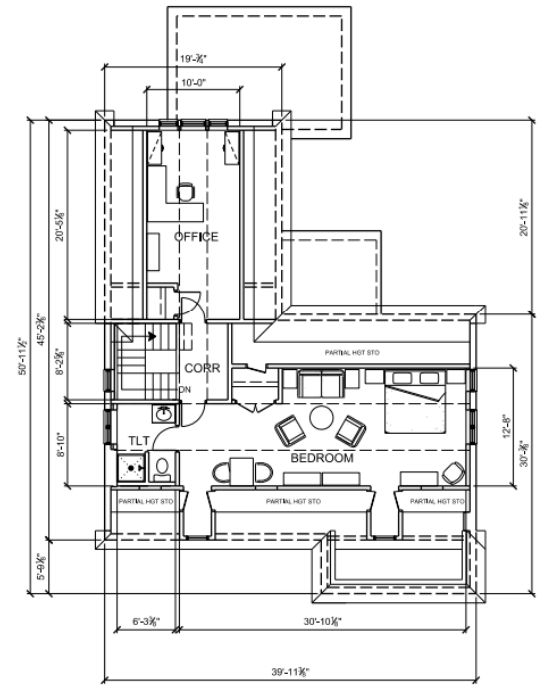




01
A101
1st FLOOR PLAN
SCALE: 1/8" = 1'-0"
N
S
W
E



02
A101
2nd FLOOR PLAN
SCALE: 1/8" = 1'-0"
N
S
W
E



03
A101
3rd FLOOR PLAN
SCALE: 1/8" = 1'-0"
N
S
W
E

BACKGROUND

- The Iglesia Apostolica Hispana Church is the property owner to the north
 - The church building is zoned T5MS-O
 - Their parking lot (4810 Whetsel Avenue) is zoned T4N.SF-O
- In order to rezone 4804 Whetsel Avenue, 4810 Whetsel Avenue needed to be rezoned as well
 - Required consent from the Iglesia Apostolica Hispana Church

PUBLIC COMMENT

- Notices sent to property owners within a 400-foot radius, Madisonville Community Council (MCC), and the Madisonville Community Urban Redevelopment Corporation (MCURC)
- Virtual Staff Conference held on February 18, 2021
 - Members of the applicant team, MCC, MCURC, and City Staff
 - Leadership of the Iglesia Apostolica Hispana Church
 - Questions as to what the request was
 - Concerns of unauthorized use of their parking lot
 - Another adjoining property owner in support
- Letters of Support from MCC, MCURC and Madisonville Chamber

PUBLIC COMMENT

- After the public staff conference, the Iglesia Apostolica Hispana Church asked for some time to consider the proposal
- On March 14, 2021, the Church agreed to allow their property to be rezoned (Exhibit F)
 - Condition that their parking lot not be used for any restaurant purpose
 - The applicant agreed to this condition, as the parking lot is private church property

COORDINATED SITE REVIEW

CPRE200035: Preliminary Design Review

- Plans for new restaurant
- Only major condition was that the project needed a zone change
 - Needed Church consent to rezone their property for staff to support a zone change

CONSISTENCY WITH *PLAN CINCINNATI* (2012)

COMPETE INITIATIVE AREA

- **Goal 2:** "Cultivate our position as the most vibrant and healthiest part of our region."
- **Strategy:** "Target investment to geographic areas where there is already economic activity"

ANALYSIS

The proposed zone change would:

- Allow for the applicant to construct his restaurant at this site
- Put a formerly vacant building back into productive use
- Add a small neighborhood restaurant to the Madisonville NBD
- Bring the entire Church property into one consistent zoning district

CONCLUSIONS

- The proposed zone change request is adjacent to the desired T5MS-O zoning district. It is supported by the Madisonville Community Council and Madisonville Community Urban Redevelopment Corporation
- The proposed zone change is consistent with Plan Cincinnati, as it adds a popular restaurant within the existing Madisonville neighborhood business district

RECOMMENDATION

The staff of the Department of City Planning recommends that the City Planning Commission take the following action:

APPROVE the proposed zone change from T4 Neighborhood Small Footprint (T4N.SF) and T4 Neighborhood Small Footprint - Open (T4N.SF-O) to T5 Main Street - Open (T5MS-O) at 4804-4810 Whetsel Avenue in Madisonville.