

Date: January 31, 2024

To: Mayor and Members of City Council
From: Sheryl M. M. Long, City Manager
Subject: Liquor License – New

202400395

FINAL RECOMMENDATION REPORT

OBJECTIONS: Building and Inspections

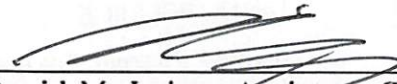
This is a report on a communication from the State of Ohio, Division of Liquor Control, advising of a permit application for the following:

APPLICATION: 2530349
PERMIT TYPE: NEW
CLASS: C1 C2
NAME: ETC PRODUCE WALNUT HILLS LLC
DBA: NONE
954 MC MILLAN AVE
CINCINNATI, OH 45206

On January 3, 2024, Walnut Hills Area Council was notified of this application and do not object.



Police Department Approval



David M. Laing, Assistant City Prosecutor
Law Department - Recommendation
 Objection No Objection

MUST BE RECEIVED BY OHIO DIVISION OF LIQUOR CONTROL BY: March 1, 2024

Date Filed at Vice: 1/3/24

**CINCINNATI DIVISION OF POLICE
RENEWAL, TRANSFER OR ISSUANCE
OF LIQUOR LICENSES**

Renewal
New X
Transfer
Location
Ownership
Stock

District: 2
Application No: 2530349

APPLICANT ETC PRODUCE WALNUT
DBA HILLS LLC TRANSFER FROM
PERMIT LOCATION NONE LISTED DBA
PERMIT TYPE 954 MCMILLAN AVE PERMIT LOCATION
C1 C2 PERMIT #

If the Applicant is a corporation or business entity list the individuals involved. If additional space is needed, List and attach on a separate page.

| | |
|---|---|
| 1. Name <u>ESTEVAN CHAVEZ</u> | 2. Name <u>TONCIA CHRISTINA CHAVEZ</u> |
| Office Held _____ | Office Held _____ |
| Social Security No. <u>298-86-7886</u> | Social Security No. <u>602-42-4481</u> |
| CTLNO: <u>2162580</u> | CTLNO: <u>NONE</u> |
| DOB <u>5/5/81</u> | DOB <u>11/21/84</u> |
| Address <u>477 BEAR CREEK RD</u> | Address <u>477 BEAR CREEK RD</u> |
| Telephone No. <u>FELICITY, OH 45120</u> | Telephone No. <u>FELICITY, OH 45120</u> |
| | <u>502-386-1279</u> |
| 3. Name _____ | 4. Name _____ |
| Office Held _____ | Office Held _____ |
| Social Security No. _____ | Social Security No. _____ |
| CTLNO: _____ | CTLNO: _____ |
| DOB _____ | DOB _____ |
| Address _____ | Address _____ |
| Telephone No. _____ | Telephone No. _____ |

Criminal Records Check: Local BCI & III
Record If Record, See Attached
No Record Checked by: J. ESPITIA

RECOMMENDATIONS

No Objection Objection, see attached form 17 for Summary

SIGNATURE [Signature] SIGNATURE _____
District Commander Date

SIGNATURE [Signature] Central Vice Control Sect. Commander Date
Police Department Approval LTC4 Date 1/25/24

Date: January 12, 2024
To: Colonel Teresa A. Theetge, Police Chief
From: PO Perry Locke, District Two Neighborhood Liaison Unit
Copies to:
Subject: **RENEWAL, TRANSFER OR ISSUANCE OF LIQUOR LICENSES**

PATROL BUREAU MEMO #: 24-005

DISTRICT INVESTIGATING LIQUOR PERMIT PREMISE: District Two

PERMIT #: None

TYPE OF PERMIT APPLIED FOR: New

PERMIT NAME & ADDRESS:

| | |
|-----------------|---------------------------------------|
| Name: | ETC Produce Walnut Hills LLC |
| Address: | 954 E McMillan St CINCINNATI OH 45206 |

APPLICANTS NAME(S): STEPHANIE WEBSTER

INSPECTION / INVESTIGATION INFORMATION:

| | |
|------------------|-------------|
| Officer: | Perry Locke |
| Date: | 1/12/2024 |
| Findings: | None |

COMMUNITY COUNCIL NOTIFIED:

| | | |
|----------------|----------------|--|
| Name 1: | Date: | Notified by: phone |
| Phone: | E-mail: | |
| Name 2: | Date: | Notified by: (select from menu) |
| Phone: | E-mail: | |

DISPOSITION OF THE COMMUNITY COUNCIL:

NO OBJECTIONS
 OBJECTION: Attached Letter with Community Council Letterhead

DISPOSITION OF THE DISTRICT:

NO OBJECTIONS OBJECTION: If objection checked, a narrative is required below

REASON FOR OBJECTION:

Business is currently under construction.



PEL

JSS SAC

CHAPT. W. W. D. CAO
1/12/24

No objection
- MO/STCA
1/25/24

City of Cincinnati



November 17, 2023

To: Teresa Theetge, Interim Police Chief
From: Eugene Lackey, Division Manager, Permits & Inspections
Submit: 954 McMillan Ave - **Liquor License Application**

Investigations discloses that the Liquor License be DISAPPROVED

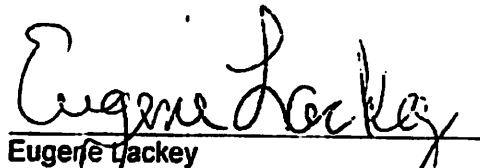
Retail alcohol sales in proposed grocery store requires Conditional Use approval in a zoning hearing
Permit 2023P07960 - not approved

The above location meets building and zoning requirements, and the application is approved from those standpoints.

Application No: 2530349

Permit Type: NEW C1 C2

Name: ETC PRODUCE WALNUT HILLS LLC
954 McMillan Ave
Cincinnati, Ohio 4520


Eugene Lackey
Division Manager
Department of Buildings & Inspections

EL/tjl



January 17, 2024

ETC PRODUCE WALNUT HILLS LLC
954 McMillan Ave
Cincinnati, Ohio 4520

Dear Applicant:

This Department was recently required to recommend approval or disapproval of your Liquor License Application at 954 McMillan Ave


Investigation discloses that the application is DISAPPROVED.

**Retail alcohol sales in proposed grocery store requires Conditional Use approval in a zoning hearing
Permit 2023P07960 - not approved**

A copy of this correspondence is being sent this date to the Police Department apprising them of these requirements.

If you need additional information regarding this matter, please contact the building Inspector, David Finke at 513-615-8337 Monday thru Friday

Sincerely,



Eugene Lackey
Division Manager
Department of Buildings and Inspections

EL/tjl



Address: 954 McMillan Ave
 No: 2377
 Date: 1/5/24
 Due Date: 1/19/24
 Inspector: **David Finke**
 License Type: **LIQUOR**

| ZONING | | | | |
|--|--|--|--|--|
| Zoning | T5MS | | | |
| Permitted | Limited | Limitations | Legal Non-Conforming | Additional Notes |
| Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> | Yes <input type="checkbox"/> No <input type="checkbox"/> | | Yes <input type="checkbox"/> No <input type="checkbox"/> | Retail alcohol sales in proposed grocery store requires Conditional Use approval in a zoning hearing |
| INSPECTIONS | | | | |
| PMCE Orders | Order # | Type of Construction | Accessed Property? | Called owner for entry? |
| Yes <input type="checkbox"/> No <input type="checkbox"/> | | | Yes <input type="checkbox"/> No <input type="checkbox"/> | Yes <input type="checkbox"/> No <input type="checkbox"/> |
| Area Dimensions Length: _____ Width: _____ Area: _____ sq. ft. | | | | |
| Last Approved or Permitted Use | | Other Uses in the Building: | | Prior Use of Area: |
| Story of Proposed Use: | | | | |
| INSPECTIONS | | | | |
| Type of Construction | Number of Exits | | Acceptable <input type="checkbox"/> Not Acceptable <input type="checkbox"/> | |
| Electric | Hardware | Sanitary Facilities | HVAC | Exit Signs Emergency Lighting |
| Acceptable <input type="checkbox"/> Not Acceptable <input type="checkbox"/> N/A <input type="checkbox"/> | Acceptable <input type="checkbox"/> Not Acceptable <input type="checkbox"/> N/A <input type="checkbox"/> | Acceptable <input type="checkbox"/> Not Acceptable <input type="checkbox"/> N/A <input type="checkbox"/> | Acceptable <input type="checkbox"/> Not Acceptable <input type="checkbox"/> N/A <input type="checkbox"/> | Acceptable <input type="checkbox"/> Not Acceptable <input type="checkbox"/> N/A <input type="checkbox"/> |
| Sprinklers | Fire Alarms | | Plans Required | Orders being Written? |
| Yes <input type="checkbox"/> No <input type="checkbox"/> | Yes <input type="checkbox"/> No <input type="checkbox"/> | | Yes <input type="checkbox"/> No <input type="checkbox"/> | Yes <input type="checkbox"/> No <input type="checkbox"/> |
| Parking # of parking spaces | Cabaret Area devoted to (exclude service, mechanical and bath areas) | | | |
| Theater # of seats | Dancing (a) | | Entertainment (b) | Patron Seating (c) |
| Describe all unacceptable conditions identified: | <u>NO APPROVED PERMIT</u> <u>SEE E-2 TRAIL RECORD</u> | | | |

Sheldon, Henry Director
 Zoning Reviewed by DAVID FINKE
 Inspected By Greg Wiles
 Inspecting Supervisor

Date 1/12/24
 Date 1/16/24
 Date

APPROVED
 DISAPPROVED

PERMIT # IN ROUTE 202307960

Firke, David

From: Letcher, Teia
Sent: Thursday, January 11, 2024 5:23 PM
To: Finke, David
Cc: Wiles, Greg
Subject: FW: REVISED 2377-954 McMillan Ave-LIQUOR
Attachments: 2377-954 McMillan Ave-LIQUOR.pdf

Sorry, it was revised to DISAPPROVED. Please see zoning response below



Teia J. Letcher

Division Manager
City of Cincinnati Buildings & Inspections Department
805 Central Avenue, Suite 500
Cincinnati, Ohio 45202
W-513-352-2379 | F-513-352-2579 | C-513-926-1374
teia.lecher@cincinnati-oh.gov
www.cincinnati-oh.gov

"Your attitude determines your altitude - Don't be afraid to give your best to what seemingly are small jobs. Doing little things well is a step towards being trusted to do bigger and more important jobs." - Frisr Telly. II

From: Sheldon, Henry <henry.sheldon@cincinnati-oh.gov>
Sent: Thursday, January 11, 2024 10:04 AM
To: Letcher, Teia <Teia.Letcher@cincinnati-oh.gov>
Cc: Zoning Info <zoninginfo@cincinnati-oh.gov>
Subject: REVISED 2377-954 McMillan Ave-LIQUOR

Teia & Emily,

I have attached the revised Liquor License application.

The TSMS Form-Based Code zoning transect requires a Use Permit (Conditional Use approval) for General Retail sales of alcohol in the proposed new grocery store.

Courtney Zunis, the design professional with Platte Design that is the project lead for the grocery store project, has an adjudication letter from me, has discussed the zoning hearing process with me, and is preparing an application for the zoning relief.

I have left a voice message for the contact person for the liquor application, Estevan Chavez, explaining the situation and providing contact information for me and Ms. Zunis.

Thanks,

Tre



- ezTrak Home
- Review Records
- Contractors»
- Pay Online»
- ezLinks»
- Apply-Permits»
- Sign In
- ezTrak Registration

ezTrak Record Details

Detailed Information for Project/Case#:2023P07960 at 954 E Mcmillan st, Cinc

Please select the relevant tab below to view more information.

THIS PERMIT IS NOT READY FOR ISSUANCE

- General Information
- Approvals
- Inspections

Approvals:

Please click a heading below to display more detailed information.

Building Dept Plan Review - Not Approved (Required) ⓘ

Building Dept Zoning Review - Not Approved (Required) ⓘ

Health Dept Environmental Serv Review - Not Approved (Required) ⓘ

MSD Eng-Building Permit Review - Not Approved (Required) ⓘ

Contractor Registration (This approval is reviewed upon the completion of all other required approvals) - Not Approved (Required) ⓘ

BPE - Adding Inspectns NA - Task Not Completed (Optional)

BPE-Additional Inspections Req - Task Not Completed (Optional)

Engineering Changes - None Submitted (Optional)

Plans Scanned - Task Complete (Optional)

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PLATTE

ARCHITECTURE + DESIGN

1810 CAMPBELL STREET
SUITE 300
CINCINNATI, OH 45202

WWW.PLATTEDESIGN.COM
T: 513.871.1850
F: 513.871.1829

10/25/2023

John Schueler
Senior Building Plans Examiner
City of Cincinnati Buildings & Inspections
805 Central Ave Suite 500
Cincinnati, OH 45202

Re: **Response to Permit Comments**
954 E McMillan St, 2023P07980

Dear John Schueler:

Thank you for reviewing the submitted plans and applications for the project located at 954 E McMillan St. Below are our responses to each building comment in *blue*.

1. OBC 3404.1 and OBC 106.1.1 - Clarify or provide the following information:
 - a. Provide cut-sheet/technical data for all proposed heat generating cooking appliances. Information shall include the manufacturer, model numbers, size of appliance and minimum clearances. Include data for the proposed electric oven.
Cut sheets are included with this revision.
 - b. An HVAC permit application was not provided with this submittal. Please clarify what mechanical work is scheduled to be completed under this phase of construction.
An application is included with this revision.
2. OBC 1005.2 - Identify all door sizes and verify that the minimum width meet the minimum required for the new use and occupant load.
A door schedule has been added on A1.10.
3. OBC 1010.1.9 - Egress door shall be readily openable from the egress side without the use of a key, special knowledge or effort. Identify all doors, existing and proposed and specify their door hardware and egress functions (locking/unlocking).
A door schedule has been added on A1.10.
4. OBC 2603.3 - Provide cut-sheet/technical data for the proposed walk-in cooler/freezer that identifies the construction of the wall, floor and ceiling panels and their surface burning characteristics (flame-spread and smoke-development index).
Cut sheets are included with this revision.
5. OMC 507.2 and/or 507.3 - Open conveyer ovens shall be located beneath a Type I exhaust hood. Enclosed ovens at minimum, shall be located beneath Type II exhaust hood.
No conveyor ovens are included in this scope. The electric baking oven has an attached hood - cut sheets are included with this revision.
6. OMC 507.2.6 - All wall and ceiling construction within 18" of the proposed Type I kitchen hood shall be of non-combustible construction. This includes gypsum wall board.
Stainless steel cladding will be installed, a note has been added on A1.30.

Sincerely,

Courtney Zunis
Architect
courtney@plattadesign.com
(513)871-1850 x 1015

January 05, 2024



SUBJECT: Plan No.: 2023P07960 **Location:** 954 E MCMILLAN ST
Request: Commercial Alteration
Zoning District: T5MS

COURTNEY ZUNIS
1810 CAMPBELL ST SUITE 300
CINCINNATI OH 45202

Dear COURTNEY ZUNIS

I have received and reviewed the subject project for compliance with the Zoning Code of the City of Cincinnati, and it is being delayed for the following reason(s):

Per Sec. 1703-2.80(1), General Retail with alcoholic beverage sales requires Conditional Use approval from the Zoning Hearing Examiner. If the proposed grocery will sell alcohol, you will require zoning relief.

The Zoning Code is Title XIV of the Cincinnati Municipal Code. The Municipal Code can be accessed through a link on the City website at <https://www.cincinnati-oh.gov/council/references-resources/municipal-code>.

You may obtain a Zoning Hearing Application Form with instructions on the City website at <http://www.cincinnati-oh.gov/buildings/hearings-appeals/zoning-hearing-examiner/>. If you have any questions with regards to the submission of your Zoning Hearing application and documentation, please contact me.

Please submit your clarifications and/or corrections utilizing the same format as the initial submission.

- If submitted via paper, you must submit four (4) sets of revised paper plans, at Buildings and Inspections 805 Central Avenue, Suite 500
- If submitted digitally, you must submit a disc containing the revisions and two (2) sets of revised paper plans, at Buildings and Inspections 805 Central Avenue, Suite 500
- If submitted electronically, you must send an email to ccpbpermitcenter@cincinnati-oh.gov requesting a link to upload revised plans

I will be happy to assist you with any Zoning questions or concerns you may have. Please call me at (513) 352-2422 with questions or to make an appointment.

Sincerely,

A handwritten signature in black ink, appearing to read "H Sheldon".

Henry Sheldon
Zoning Plans Examiner
(513) 352-2422

*Check the status of your permit via the web by using the following link:
<http://cagis.hamilton-co.org/opal/apd.aspx?QSPerm=2023P07960>



BUILDING PERMIT APPLICATION

| | | |
|---------------------|----------------------------------|---------------------------------------|
| For Office Use Only | Digital <input type="checkbox"/> | Building Permit No: 23-7960 |
|---------------------|----------------------------------|---------------------------------------|

Part A - Identification

| | |
|---|---|
| Project Address 954 E McMillan St | Tenant/Floor/Suite/Unit/Lot Suite A |
|---|---|

| Owner Information as Listed with HC Auditor | Contractor Information (REQUIRED) | Cont. Reg./Exp. Date |
|---|-------------------------------------|----------------------|
| Name Paramount Launch LLC | Name Model Construction | |
| Address 1826 Race Street | Address 1826 Race Street | |
| Contact Phone (513) 559-0048 | Contact Phone (513) 559-0048 | |

| Primary Contact on Project (REQUIRED) | | |
|--|--|-------------|
| Name Courtney Zunis (Platte Design) | Contact Phone (513)871-1850x1015 | Contact Fax |
| Address 1810 Campbell St Suite 300 | Email Address courtney@plattedesign.com | |

Part B - Primary Use of the Main Building on Property (Select from the following Uses only) (See Use Guide for Details)

| Current Use | Use Group | # Dwell Units | ASSEMBLY A-1 A-2 A-3 A-4 A-5 | BUSINESS B | EDUCATION E | FACTORY F-1 F-2 |
|----------------------------|------------|---------------|--|----------------------------------|-----------------|--------------------|
| Assembly (whitebox) | A-2 | 0 | | | | |
| Proposed Use | Use Group | # Dwell Units | HIGH HAZARD H-1 H-2 H-3 H-4 H-5 | INSTITUTIONAL I-1 I-2 I-3 I-4 | MERCANTILE M | |
| Mercantile | M | 0 | RESIDENTIAL 123 Fam R-1 R-2 R-3 R-4 | STORAGE S-1 S-2 | UTILITY U | VACANT LAND VAC |

Part C - Description or Scope of Work & Costs:

| | | | | | |
|--|--|---|---|---|--|
| Describe the proposed work in detail: Interior renovation of existing whitebox tenant space in the Paramount Launch development. Tenant space is the west half of the first floor. Proposed tenant is a grocery store. | | | Fair Market Value of Labor & Materials for this Application (Do not include cost of electrical or any work covered by a separate application) \$ 200000 | | |
| New Building <input type="checkbox"/> | Addition <input type="checkbox"/> | Square Footage of the building or area of work? 3324 sf | Is it a Change of Use? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | | |
| Alteration <input checked="" type="checkbox"/> | Repair <input type="checkbox"/> | | Is it a Historic Bldg? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | | |
| Deck/Porch <input type="checkbox"/> | Fence <input type="checkbox"/> | | Tent <input type="checkbox"/> | If Temporary Structure Start Date _____ End Date _____ | |
| Certificate of Occupancy/Use <input type="checkbox"/> | | | Square Footage of work area? | Associated Building Permit# | |
| Alarm <input type="checkbox"/> | New <input type="checkbox"/> | | | | |
| Sprinkler/Suppression <input type="checkbox"/> | Modify Existing <input type="checkbox"/> | | | | |
| Quantity of Excavation _____ C.Y. | | Disposal Site _____ | Quantity of Fill _____ C.Y. | | Borrow Site _____ |
| Length _____ | Avg Height _____ | Max Height _____ | Type of Illumination? | Ground Sign | Does copy pertain to business conducted on property? |
| | | | Yes No | Yes No | Yes No |
| Length _____ | Width _____ | # of Stories _____ | Please describe type of permit | | |
| | | Depth of Basement _____ | | | |
| Vacant Building Maintenance License <input type="checkbox"/> | Certificate of Inspection <input type="checkbox"/> | Total # of Sheets in one set of drawings (Including Specifications) 30 | Is there a Notice of Violation or Adjudication Order? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | | |
| | | Violation Number: _____ | | | |

Part D - Authorizations

The owner or agent of this building and the undersigned do hereby certify that the information and statements given on this application, drawings and inspections are true and correct to the best of their knowledge. The undersigned further certifies their authorization to grant consent and does hereby grant consent to the inspection of the described premises at any time when work on those premises is ongoing by employees of the City of Cincinnati.

| | | | |
|---|---------------------|----------------------|-----------------|
| Applicant's Signature <i>Courtney Zunis</i> | Date 8/29/23 | | |
| FOR OFFICE USE ONLY | Inspector's Notes | Application Exp Date | Permit Exp Date |

City of Cincinnati Council



Melissa Autry, CMC
Clerk of Council

Office of the Clerk

January 3, 2024

801 Plum Street, Suite 308
Cincinnati, Ohio 45202
Phone (513) 352-3246
Fax (513) 352-2578

OHIO DIVISION OF LIQUOR CONTROL
LICENSING SECTION
NEW PERMIT SECTION
6606 TUSSING ROAD
P O BOX 4005
REYNOLDSBURG, OH 43068-9005

Dear Ohio Division of Liquor Control:

The Council of the City of Cincinnati, State of Ohio, is requesting a 30 day extension on the below cited liquor permit application:

Application No.: 2530349
Permit Type: NEW C1 C2
Name: ETC PRODUCE WALNUT HILLS LLC
954 MCMILLAN AVE
CINCINNATI, OHIO 45206

Pursuant to R.C. 4303.26(A), City of Cincinnati City Council, through its Clerk of Council (collectively, hereinafter "the City"), respectfully requests an additional 30 days in which to respond to the Ohio Division of Liquor Control regarding whether the City will request a hearing on the subject liquor permit application. The City makes such time extension request for good cause and not for unnecessary delay. Specifically, the City requires additional time for each of its various departments and the applicable community council to review and investigate the liquor application by performing all necessary inspections and research including, but not limited to, permit applicant interviews, site premises inspections, background investigations, and historical investigations regarding the history of the permit premises and the subject location. Moreover, such extension of time would provide the applicable community council an opportunity to meet, vote, and respond back to the City by the deadline. Therefore, the City requires such time extension in order to perform its due diligence in this matter. The City respectfully requests this time extension in good faith, for good cause, and not for unnecessary delay.

Please fax the confirmation back to us as soon as possible at (513)352-2578.

Thank you for your prompt attention.

Sincerely,

Melissa Autry, CMC
Clerk of Council

City of Cincinnati Council



Melissa Autry, CMC
Clerk of Council

Office of the Clerk

801 Plum Street, Suite 308
Cincinnati, Ohio 45202
Phone (513) 352-3246
Fax (513) 352-2578

For City Bulletin

Liquor Permit Application

From the Department of Liquor Control advising of permit application for the following:

Application No.: 2530349
Permit Type: NEW C1 C2
Name: ETC PRODUCE WALNUT HILLS LLC
954 MCMILLAN AVE
CINCINNATI OH 45206

Pursuant to Section 4303.261 of the Ohio Revised Code, Council must notify the Department of Liquor Control within thirty days if there is an objection to the above permit.

Notice of Application was received by the Clerk of Council's Office

01/03/24

MELISSA AUTRY, CMC Clerk of Council

The last day for the State to receive an objection is

02/02/24