

February 8, 2023

To: Mayor and Members of City Council
From: Sheryl M. M. Long, City Manager *WJ*
Subject: Emergency Ordinance – Planned Development #97, Queen City Hills

202300556

Transmitted is an Emergency Ordinance captioned:

AMENDING the official zoning map of the City of Cincinnati to rezone certain real property in the area generally bound by East Martin Luther King Jr. Drive to the north, Reading Road to the east, Maxwell Avenue to the south, and Vernon Place to the west in the Avondale neighborhood from the CC-A, “Commercial Community – Auto-Oriented,” CC-P, “Commercial Community – Pedestrian,” and OG, “Office General,” zoning districts to Planned Development District No. 97, “Queen City Hills.”

The City Planning Commission recommended approval of the zone change at its February 3, 2023 meeting.

Summary:

Queen City Hills, the developer, proposes the redevelopment of one of the four corridor quadrant areas at Reading Road and E. Martin Luther King Jr. Drive in Avondale. It is approximately 5.85 acres in size and contains 15 parcels. The proposed Concept Plan and Development Program Statement is for the redevelopment into a large-scale, mixed-use development, referred to as the “Biotech Cincinnati Life Science Research Park for Innovation Corridor.” Major site components include a commercial development lab, a research lab and office space, street level retail space along E. Martin Luther King Jr. Drive, a structured parking garage and podium, a large public plaza, and multi-family housing.

The development team has been actively engaged with the Avondale Community Council regarding this project since 2019. Throughout 2019 and 2020, the development team met with Uptown Consortium and WEB Ventures monthly to discuss development goals. The development team has worked hard to ensure that the proposed project meets the Uptown District Design Guidelines, a set of development principles created through an intense community engagement process led by Uptown Consortium.

The City Planning Commission recommended the following on February 3, 2023, to City Council:

1. **ACCEPT** the Concept Plan and Development Program Statement as submitted; and
2. **ADOPT** the Department of City Planning and Engagement Findings as detailed in the report; and
3. **APPROVE** the proposed zone change from Commercial Community – Auto-oriented (CC-A), Commercial Community-Pedestrian (CC-P), and Office General (OG) to Planned Development (PD), including a Concept Plan and Development Program Statement, at the southwest quadrant of the intersection of Reading Road and E. Martin Luther King Jr. Drive in Avondale.

cc: Katherine Keough-Jurs, FAICP, Director, Department of City Planning and Engagement *KJ*

February 8, 2023

To: Chelsey Pettyjohn, Office of the Clerk of Council

From: Katherine Keough-Jurs, FAICP, Director, Department of City Planning & Engagement *KKJ*

Copies to: Stacey Hoffman, Senior City Planner, Department of City Planning & Engagement

Subject: Scheduling of Emergency Ordinance – Planned Development #97, Queen City Hills

The above referenced Emergency Ordinance is requested to be scheduled for the Equitable Growth and Housing Committee on February 28, 2023. This item requires a public hearing following a required 14-day notification period by mail and in the City Bulletin.

Included in this submission are the following items:

- 1) The transmittal letter to the Mayor and City Council;
- 2) A copy of the City Planning Commission staff report dated February 3, 2023;
- 3) The Emergency Ordinance (Transmitted by Law);
- 4) Mailing labels for the notice of the public hearing; and
- 5) A copy of the mailing labels for your file.

February 8, 2023

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

Dear Members of Council:

We are transmitting herewith an Emergency Ordinance captioned as follows:

AMENDING the official zoning map of the City of Cincinnati to rezone certain real property in the area generally bound by East Martin Luther King Jr. Drive to the north, Reading Road to the east, Maxwell Avenue to the south, and Vernon Place to the west in the Avondale neighborhood from the CC-A, “Commercial Community – Auto-Oriented,” CC-P, “Commercial Community – Pedestrian,” and OG, “Office General,” zoning districts to Planned Development District No. 97, “Queen City Hills.”

The City Planning Commission recommended approval of the zone change at its February 3, 2023 meeting.

Summary:

Queen City Hills, the developer, proposes the redevelopment of one of the four corridor quadrant areas at Reading Road and E. Martin Luther King Jr. Drive in Avondale. It is approximately 5.85 acres in size and contains 15 parcels. The proposed Concept Plan and Development Program Statement is for the redevelopment into a large-scale, mixed-use development, referred to as the “Biotech Cincinnati Life Science Research Park for Innovation Corridor.” Major site components include a commercial development lab, a research lab and office space, street level retail space along E. Martin Luther King Jr. Drive, a structured parking garage and podium, a large public plaza, and multi-family housing.

The development team has been actively engaged with the Avondale Community Council regarding this project since 2019. Throughout 2019 and 2020, the development team met with Uptown Consortium and WEB Ventures monthly to discuss development goals. The development team has worked hard to ensure that the proposed project meets the Uptown District Design Guidelines, a set of development principles created through an intense community engagement process led by Uptown Consortium.

The City Planning Commission recommended the following on February 3, 2023, to City Council:

1. **ACCEPT** the Concept Plan and Development Program Statement as submitted; and
2. **ADOPT** the Department of City Planning and Engagement Findings as detailed in the report; and
3. **APPROVE** the proposed zone change from Commercial Community – Auto-oriented (CC-A), Commercial Community-Pedestrian (CC-P), and Office General (OG) to Planned Development (PD), including a Concept Plan and Development Program Statement, at the southwest quadrant of the intersection of Reading Road and E. Martin Luther King Jr. Drive in Avondale.

Motion to Approve: Mr. Weber
Seconded: Ms. Kearney

Ayes: Ms. Kearney
Mr. Samad
Mr. Stallworth
Mr. Weber

THE CITY PLANNING COMMISSION



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

SUBJECT: A report and recommendation on a proposed zone change from Commercial Community – Auto-oriented (CC-A), Commercial Community-Pedestrian (CC-P), and Office General (OG) to Planned Development (PD), including a Concept Plan and Development Program Statement, at the southwest quadrant of the intersection of Reading Road and E. Martin Luther King Jr. Drive in Avondale.

GENERAL INFORMATION:

Location: 15 parcels at the southwest corner of E. Martin Luther King Jr. Drive and Reading Road, generally bound by E. Martin Luther King Jr. Drive to the north, Reading Road to the east, Maxwell Avenue to the south, and Vernon Place to the west (Exhibit 1)

Petitioner: **Bayer Becker**
1404 Race Street, Suite 204
Cincinnati, OH 45202

Developer: **Queen City Hills, LLC**
324 W. 9th Street
Cincinnati, OH 45202

Property Owners: **Central Clinic**
311 Albert Sabin Way
Cincinnati, OH 45229

Central Community Health Board
532 Maxwell Avenue
Cincinnati, OH 45219

City of Cincinnati
801 Plum Street
Cincinnati, OH 45202

SGA Enterprises, Inc.
233 Anderson Road
Fort Mitchell, KY 41017

YWCA Development Corp.
898 Walnut Street
Cincinnati, OH 45202

Uptown Transportation Authority
3440 Burnet Avenue, Suite 130
Cincinnati, OH 45229

EXHIBITS:

Provided in addition to this report are the following attachments:

- Exhibit 1: Location Map
- Exhibit 2: Zone Change Application
- Exhibit 3: Development Program Statement
 - Appendix A Site Plan
 - Appendix B Renderings
 - Appendix C Property Control Letters
 - Appendix D Project Schedule
 - Appendix E Geotech Report Summary (Full file available upon request)
 - Appendix F Hazmat Report Summary (Full file available upon request)
 - Appendix G Coordinated Site Review Letter (CPRE220071)
 - Appendix H Rezoning Map
 - Appendix I Rezoning Legal Description
 - Appendix J Uptown Innovation District Design Guidelines
 - Appendix K Traffic Counts
 - Appendix L Conditional Availability of Sewers
 - Appendix M Coordinated Report Summary (Full file available upon request)
 - Appendix N Major Subdivision Plan
 - Appendix O Streetscape Design Standards

BACKGROUND:

The subject property represents one of the four corridor quadrant areas at Reading Road and E. Martin Luther King Jr. Drive. It is approximately 5.85 acres in size and contains 15 parcels generally bound by E. Martin Luther King Jr. Drive to the north, Reading Road to the east, Maxwell Avenue to the south, and Vernon Place to the west in the Avondale neighborhood. The consolidated site is a vacant and cleared lot; any remaining buildings will be demolished to accommodate the proposed project. Much of the site is currently zoned Office General (OG), with the eastern portion of the site zoned Commercial Community-Pedestrian (CC-P), and the northwest corner zoned Commercial Community-Auto-oriented (CC-A). Additionally, a portion of the existing Vernon Place right-of-way (between Maxwell Avenue and E. Martin Luther King Jr. Drive) is proposed to be vacated and included in the new Planned Development.

ADJACENT LAND USE AND ZONING:

The existing zoning and land use surrounding the subject site is as follows:

North:

Zoning: Institutional-Residential (IR)
Existing Use: Parking lot for University of Cincinnati (UC) Medical Center

East:

Zoning: Planned Development (PD); Commercial Community-Pedestrian (CC-P)
Existing Use: UC Digital Futures Building; fast food restaurant and retail

South:

Zoning: Office General (OG); Commercial Community-Pedestrian (CC-P)
Existing Use: Bank and small office buildings; fast food restaurant and retail

West:

Zoning: Office General (OG); Commercial Community – Auto-oriented (CC-A)
Existing Use: Small office buildings; fast food restaurants

PROPOSED DEVELOPMENT:

The proposed Concept Plan and Development Program Statement is for the redevelopment of the 5.85-acre site into a large-scale, mixed-use development, referred to as the “Biotech Cincinnati Life Science Research Park for Innovation Corridor.” Major site components include a commercial development lab, a research lab and office space, street level retail space along E. Martin Luther King Jr. Drive, a structured parking garage and podium, a large public plaza, and multi-family housing.

Phasing

The petitioner anticipates the development occurring under the following phasing program:

Phase 1: Full site preparation, including utility infrastructure, deep foundations, rough grading, and retaining walls.

Phase 2A: Construction of the commercial development lab, parking garage, and retail component. It is anticipated that the application for a Final Development Plan for the deep foundations of the garage would occur within approximately 60 days. An application for a Final Development Plan for Building 1 and the garage would follow within approximately 180 days.

Phase 2B: Construction of the research lab and office center.

Phase 3: Construction of multi-family housing and amenity deck with associated upper parking garage podium.

Future Uses

The petitioner has outlined the following to be permitted in the proposed Planned Development:

Component	Uses	Square Footage	Height
Commercial Development Lab	Research, manufacturing of medical-use products, shipping	Up to 350,000 sq. ft.	Max. 175-feet above grade
Research Lab and Office Center	Office space, co-working space, and/or commercial lab	Up to 225,000 sq. ft.	Max. 175-feet above grade
Retail Space	Food service, convenience market, personal services, retail sales, banking and financial institutions	Up to 25,000 sq. ft.	Max. 35-feet above grade
Structured Parking Garage, Podium, and Public Plaza	Private and public parking; rooftop plazas over parking	850-1250 parking spaces	Max. 50-feet above grade
Multi-family Housing Development	Apartments and dwellings with communal facilities and services. Could include rowhomes, multi-family dwellings, and loft dwellings.	120-400 units	Max. 125-feet above grade

BASIC REQUIREMENTS OF A PLANNED DEVELOPMENT DISTRICT:

Per §1429-05 of the Cincinnati Zoning Code, *Basic Requirements*, PD Districts and development within PD Districts must comply with the following:

- a. **Minimum Area** – *The minimum area of a PD must be two contiguous acres.*
 The proposed zone change area is approximately 7.80 contiguous acres, of which 5.85 acres will be developed.
- b. **Ownership** – *Evidence that the petitioner has sufficient control over the tract of land to affect the proposed plan, including a list of all ownership and beneficial interests in the tract of land and the proposed development are required.*
 The petitioner has provided a list of all properties included in the requested zone change area with the current property owners. The proposed zone change area includes a total of 15 properties, all of which are under the control of or will be under the control of Queen City Hills, LLC prior to permitting. Each property owner has authorized the inclusion of their property in the rezoning application (Appendix C).
- c. **Multiple buildings on a lot** – *More than one building is permitted on a lot.*
 The submitted Concept Plan and Development Program Statement indicates multiple buildings on the consolidated parcel.

- d. **Historic Landmarks and Districts** – *Whenever a Planned Development application is filed for a property wholly or partially located within a historic landmark, historic district, or involving a historic structure, the Historic Conversation Board shall advise the City Planning Commission relating to approval of the Final Development Plan.*

No portion of the site is located within a historic district, nor does it contain any historic landmark.

- e. **Hillside Overlay Districts** – *Whenever a Planned Development application is filed for a property wholly or partially located within a Hillside Overlay District, the City Planning Commission shall approve the Final Development Plan.*

No portion of the site is located within a Hillside Overlay District.

- f. **Urban Design Overlay District** – *Whenever a Planned Development application is filed for a property wholly or partially located within an Urban Design Overlay District, the City Planning Commission shall approve the Final Development Plan.*

No portion of the site is located within an Urban Design Overlay District.

CONCEPT PLAN AND DEVELOPMENT PROGRAM STATEMENT:

According to §1429-09 of the Cincinnati Zoning Code, *Concept Plan and Development Program*, a petition to rezone a property to PD must include a Concept Plan and Development Program Statement (Exhibit 3). The purpose is to describe the proposed use or uses to be conducted in the PD District. The Concept Plan and Development Program Statement must include text or diagrams that specify:

- a. **Plan Elements** – *A survey of the tract to be developed, providing a metes and bounds description of the property and the survey of property lines and total acreage. Additionally, the plan should include the location in general terms, of land areas to be developed, including: type and description of proposed land uses, buildings and structures; street rights-of-way and driveways; parcel boundaries and proposed lots, including set back lines; building heights; pedestrian circulation systems and open space or other facilities; and proposed topography, drainage, landscaping and buffer plantings.*

The petitioner has submitted a Development Program Statement (Exhibit 3) that includes sufficient information regarding proposed uses, building locations, street rights-of-way, building set back lines, building heights, and pedestrian circulation systems. Preliminary geotechnical and environmental site assessments have also been provided as part of the application.

- b. **Ownership** – *Evidence that the petitioner has sufficient control over the tract of land to affect the proposed plan, including a list of all ownership and beneficial interests in the tract of land and the proposed development.*

The petitioner has provided a list of all properties included in the requested zone change area with the current property owners. The proposed zone change area includes a total of 15 properties, all of which are under the control of or will be under the control of Queen City Hills, LLC prior to permitting. Each property owner has authorized the inclusion of their property in the rezoning application (Appendix C).

- c. **Schedule** – *Time schedule of projected development, if the total site is to be developed in phases or if construction is to extend beyond a two-year time period.*

The petitioner has provided a phasing schedule for the Concept Plan. There are four (4) anticipated phases for the overall development and the petitioner intends to file separate Final Development Plans for each. The estimated time schedule provided as part of the Concept Plan and Development Program Statement is outlined in the *Proposed Development* section of this report.

- d. ***Preliminary Reviews*** – *A preliminary review of geo-technical, sewage, water, drainage and refuse collection.*

The proposed development was reviewed by departments during the Coordinated Site Review process, including the City’s Metropolitan Sewer District (MSD), Stormwater Management Utility (SMU), and Greater Cincinnati Water Works (GCWW). Additional plans will be submitted as part of the Final Development Plan.

- e. ***Density and Open Space*** – *Any other information requested by the Director of City Planning or the City Planning Commission*

The project includes up to 80,000 square feet of plaza/amenity space on two levels above the parking garage. This open space would account for over 25% of the project’s total 5.85-acre development area. The petitioner intends for the existing sidewalk widths to be maintained or widened for a minimum of 8-10 feet on all perimeters. Streetscape elements along Reading Road and E. Martin Luther King Jr. Drive will include viable trees to provide overhead shade, and site furnishing amenity space for potential outdoor engaging pedestrian zones and an extension of active retail/entertainment venues. Final details related to open space calculations, dimensions, and elements in the public right-of-way will be required at time of Final Development Plan submittal.

FINAL DEVELOPMENT PLAN:

Pursuant to §1429-13 of the Cincinnati Zoning Code, a Final Development Plan must be filed for any portion of an approved Concept Plan that the petitioner wishes to develop; this plan must conform substantially to the approved Concept Plan and Development Program Statement. The Final Development Plan requirements anticipate changes from the Concept Plan by requiring significantly more detail. Approval of the Final Development Plan would allow the petitioner to obtain the necessary permits to proceed with development. The process allows the City Planning Commission to authorize staff to approve Minor Amendments that might be necessary and establishes the process for Major Amendments that must be reviewed and approved.

COORDINATED SITE REVIEW:

The proposed zone change and Concept Plan went through a Development Design Review as part of the City’s Coordinated Site Review process in December 2022. A Coordinated Site Review meeting with the petitioner was held on December 13, 2022 to allow the petitioner the opportunity to understand the comments outlined by each of the Departments. No objections were voiced in regard to the zone change or Concept Plan at this meeting. The petitioner has received a copy of the comments from each department from this review process (Appendix G).

Of note, the Department of Transportation and Engineering (DOTE) will require a Traffic Impact Study. The petitioner has coordinated with DOTE and agreed upon the scope of the study that is required. The traffic counts from November 2022 are included in Appendix K. Bayer Becker is currently working through the model for the study and will coordinate all findings with DOTE. The results of the study will help guide vehicular access to, from, through, and around the site for the Final Development Plans.

DIVERSITY AND ECONOMIC INCLUSION:

The developer, Queen City Hills, LLC, is proud to be the only minority developer in the Uptown Innovation Corridor. They are proactively working with Minority Business Enterprises (MBEs), Women Business Enterprises, and Small Business Enterprises (SBEs) for the proposed development. Additionally, the development team has continued working with WEB Ventures, a Cincinnati-based firm dedicated to ensuring diversity and inclusion in the Uptown Innovation Corridor.

PUBLIC COMMENT:

The development team has been actively engaged with the Avondale Community Council regarding this project since 2019. Throughout 2019 and 2020, the development team met with Uptown Consortium and WEB Ventures monthly to discuss development goals. The development team has worked hard to ensure that the proposed project meets the Uptown District Design Guidelines, a set of development principles created through an intense community engagement process led by Uptown Consortium (Appendix J). The guidelines were developed in partnership with the University of Cincinnati, Cincinnati Children’s Hospital Medical Center, UC Health, TriHealth, and the Cincinnati Zoo and Botanical Garden to establish a vision and framework for the corridor.

The Department of City Planning and Engagement held a virtual Public Staff Conference on the proposed zone change on January 12, 2023. Notices were sent to property owners within a 400-foot radius of the subject property, the Avondale Community Council (ACC), and the Avondale Development Corporation (ADC). Three community members, in addition to City staff and the development team, were in attendance. One public member asked about the traffic in the area and asked about pedestrian safety. The development team shared that the Traffic Impact Study was underway and that Uptown Consortium was working to ensure a safer environment for pedestrians and invited the community member to take part in those conversations.

CONSISTENCY WITH PLANS:

Plan Cincinnati (2012)

The proposed zone change, Concept Plan, and Development Program Statement is consistent with the Compete Initiative Area, particularly within the Goal to “Cultivate our position as the most vibrant and economically healthy part of our region (page 114), specifically “Focus development on the existing centers of activity” (page 116). The proposed development will transform the southwest quadrant of the Uptown Innovation Corridor.

Avondale QOL: Avondale’s Quality of Life Movement (2020)

The proposed zone change is consistent with the *Avondale QOL: Avondale’s Quality of Life Movement*, the neighborhood plan for the area. It is specifically consistent with the Future Land Use Map which identifies the area for mixed use/institutional. The proposed zone change would permit a mixed-use development at the E. Martin Luther King Jr. Drive and Reading Road intersection.

MLK Reading Road Corridor Study (2014)

The project location is identified as a gateway in the *MLK Reading Road Corridor Study*: “Establish mixed-use gateways along MLK at the intersections of Eden, Burnet and Reading” (p. 68). The proposed development implements this idea of a gateway at Reading Road and E. Martin Luther King Jr. Drive. Additionally, the plan recommends “Focusing new residential development within walking distance of existing neighborhood centers to bolster commercial demand” (p. 63). Later phases of the project include a multi-family housing component.

CITY PLANNING COMMISSION ACTION:

According to §1429-11(a) of the Cincinnati Zoning Code, the City Planning Commission may recommend approval or conditional approval, with restrictions on the establishment of a PD District on finding that all of the following circumstances apply:

1. *The PD Concept Plan and Development Program Statement are consistent with applicable plans and policies and is compatible with surrounding development;*

The proposed uses (laboratory, office, retail, multi-family housing, and parking) are compatible with applicable plans (see “Consistency with Plans” section above) and the surrounding land use patterns. Adjacent uses include auto-oriented businesses, institutional office buildings, and parking.

2. *The PD Concept Plan and Development Program Statement enhance the potential for superior urban design in comparison with the development under the base district regulations that would apply if the plan were not approved;*

The concept plan proposes a design that allows for a mix of uses. The site can be maximized by taking advantage of the entire area due to the proposed height and proximity of the buildings, planned multiple uses and complexities of the site.

3. *Deviations from the base district regulations applicable to the property at the time of the PD application are justified by compensating benefits of the PD Concept Plan and Development Program Statement;*

The proposed land use for this property provides productive use on what is now a mostly vacant site. The PD zoning district allows the developer to be innovative in site development, combining quality building design with practical common open space.

4. *The PD Concept Plan and Development Program Statement includes adequate provisions for utility services, refuse collection, open space, landscaping, pedestrian circulation and traffic circulation, building design and building location.*

All aspects are outlined in the Concept Plan and Development Program Statement as submitted or will be detailed in the Final Development Plan.

ANALYSIS:

The 5.85-acre proposed mixed-use development will reactivate currently vacant or underutilized properties into a mixed-use development and anchor the southwest corner of the E. Martin Luther King Jr. Drive and Reading Road intersection within the Innovation Corridor. The Planned Development allows for the coordinated development of fifteen (15) existing parcels.

While this is a development of significant scale, the petitioner has worked to engage with the community and various City Departments to address concerns and improve the quality of the development. The Department of City Planning and Engagement is of the opinion that Planned Development is an appropriate zoning designation for this site as it allows for continued public engagement through all phases of the development. A Planned Development also provides assurance to the City and the community of the intended uses and scale for the site, and any significant modification to this would

constitute as a Major Amendment to the Concept Plan and require public engagement and a public hearing process.

FINDINGS:

It is the opinion of staff of the Department of City Planning that the Concept Plan and Development Program Statement is in compliance with §1429-05 and §1429-11 (a) *City Planning Commission Action*. The proposal is consistent with the purpose of the Planned Development District Regulations.

CONCLUSIONS:

The staff of the Department of City Planning and Engagement supports the proposed zone change from Commercial Community – Auto-oriented (CC-A), Commercial Community-Pedestrian (CC-P), and Office General (OG) to Planned Development (PD) including the Concept Plan and Development Program Statement to allow for a mixed-use development for the following reasons:

1. The proposed development is consistent with comprehensive and neighborhood plans, including *Plan Cincinnati* (2012), *Avondale QOL: Avondale’s Quality of Life Movement* (2020), and the *MLK Reading Road Corridor Study* (2014).
2. The area to be rezoned will allow for the construction of the proposed mixed-use development at the setback, scale, and density outlined in the Concept Plan and Program Development Statement.
3. The PD zoning district is appropriate in this area and requires a more extensive public process than a regular zone change, which will allow community members to have additional opportunities to be heard during the Final Development Plans for the proposal.

RECOMMENDATION:

The staff of the Department of City Planning and Engagement recommends that the City Planning Commission take the following actions:

1. **ACCEPT** the Concept Plan and Development Program Statement as submitted; and
2. **ADOPT** the Department of City Planning and Engagement Findings as detailed on page 8 of this report; and
3. **APPROVE** the proposed zone change from Commercial Community – Auto-oriented (CC-A), Commercial Community-Pedestrian (CC-P), and Office General (OG) to Planned Development (PD), including a Concept Plan and Development Program Statement, at the southwest quadrant of the intersection of Reading Road and E. Martin Luther King Jr. Drive in Avondale.

Respectfully submitted:



Stacey Hoffman, Senior City Planner
Department of City Planning and Engagement

Approved:



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