



EMERGENCY

City of Cincinnati

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An Ordinance No. 321 - 2022

AMENDING the official zoning map of the City of Cincinnati to rezone certain real property in the CUF neighborhood located at 115, 119, and 125 W. McMillan Avenue and 124, 126, 128, 132, 136, 138, and 142 Lyon Street from CC-M, “Commercial Community–Mixed,” and RMX, “Residential Mixed,” zoning districts to Planned Development District No. 95, “Gateway Lofts.”

WHEREAS, Moerlein Properties LLC (“Developer”) owns or controls certain real property located at 115, 119, and 125 W. McMillan Avenue and 124, 126, 128, 132, 136, 138, and 142 Lyon Street in the CUF neighborhood (“Property”); and

WHEREAS, the Property currently contains a surface parking lot along W. McMillan Avenue and six vacant residential buildings, three with three units and three with two units, along Lyon Street; and

WHEREAS, the Developer seeks to develop the Property by constructing two buildings (five-stories tall and four-stories tall) on top of a two-story parking garage (containing 114 parking spaces on the lower level and 113 spaces on the upper level), which buildings will contain 103 units ranging from one-bedroom to five-bedroom units with a total of 365 beds, residential amenities, and 3,900 square feet of ground-floor space along W. McMillan that is convertible to commercial space available for retail or other public uses, and nine three-bedroom townhouses along Lyon Street, five of which will have lower-level one-bedroom flats underneath (“Project”); and

WHEREAS, the Developer has sufficient control over the Property to complete the Project and has submitted a petition to rezone the Property from the CC-M, “Commercial Community–Mixed,” and RMX, “Residential Mixed,” zoning districts to Planned Development District No. 95, “Gateway Lofts,” to permit the construction of the Project; and

WHEREAS, the Developer has submitted a concept plan and development program statement for the Project, supplemented by a letter from the Developer, dated September 15, 2022, which concept plan and development program statement, as supplemented, describe the land use and development regulations that will govern the Project, and which documents otherwise meet the requirements of Cincinnati Municipal Code Section 1429-09; and

WHEREAS, on September 16, 2022, the City Planning Commission approved the rezoning of the Property from the CC-M, “Commercial Community–Mixed,” and RMX, “Residential Mixed,” zoning districts to Planned Development District No. 95, “Gateway Lofts,” upon finding that: (i) the Developer’s concept plan and development program statement, as supplemented by the letter from the Developer, dated September 15, 2022, are consistent with applicable plans and policies and are compatible with surrounding development; (ii) the concept plan and development program, as supplemented, 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; (iii) deviations from the base district regulations applicable to the Property at the time of the Developer's application are justified by compensating benefits of the concept plan and development program statement, as supplemented; and (iv) the concept plan and development program statement, as supplemented, include adequate provisions for utility services, refuse collection, open space, landscaping and buffering, pedestrian circulation, traffic circulation, building design, and building location; and

WHEREAS, additionally, though the Property is less than the minimum required area under the Cincinnati Municipal Code Section 1429-05(a), the City Planning Commission recommended approval of the Planned Development, finding that special site characteristics exist and the proposed land uses justify development of the Property as a planned development; and

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

WHEREAS, the Project is consistent with the "Live" Initiative Area of *Plan Cincinnati* (2012), including the goals to "[p]rovide a full spectrum of housing options, and improve housing quality and affordability" (page 164) and "[p]rovide quality healthy housing for all income levels" (page 165), and is also consistent with the "Compete" Initiative Area, including the goal to "[t]arget investment to geographic areas where there is already economic activity" (page 115); and

WHEREAS, the Project is further consistent with the *University Area Impact Solutions Study* (2016) as the Project is located in an area designated as a "Future Development Opportunity" (page 50); and

WHEREAS, Council considers the establishment of Planned Development District No. 95, "Gateway Lofts," to be in the best interests of the City and 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 Council hereby adopts as its own independent findings the Department of City Planning and Engagement's and the City Planning Commission's findings that the planned development proposed by Moerlein Properties LLC for the real property located at 115, 119, and 125 W. McMillan Avenue and 124, 126, 128, 132, 136, 138, and 142 Lyon Street in the CUF neighborhood ("Property"), which area contains approximately 1.34 acres, conforms to the

requirements of Cincinnati Municipal Code Sections 1429-05, 1429-09, and 1429-11, except as set forth below.

Section 2. That, although it contains less than the minimum acreage requirement established by Cincinnati Municipal Code Section 1429-05, the Council finds that approval of the proposed planned development is appropriate because it will facilitate the remediation of the Property's special site characteristics, namely a surface parking lot and six vacant residential buildings, and it will facilitate the establishment of uses that are consistent with the CUF neighborhood's plans.

Section 3. That the shape and area of the City's official zoning map in the location of the Property is hereby amended from the CC-M, "Commercial Community-Mixed," and RMX, "Residential Mixed," zoning districts to Planned Development District No. 95, "Gateway Lofts." The Property is identified on the map attached hereto as Exhibit "A" and made a part hereof, and it is more particularly described on Exhibit "B," attached hereto and made a part hereof.


Section 4. That the development program statement, attached hereto as Exhibit "C" and made a part hereof, and the concept plan, attached hereto as Exhibit "D" and made a part hereof, each as supplemented by the letter from the owner of the Property, dated September 15, 2022, attached hereto as Exhibit "E" and made a part hereof, are hereby approved. The approved development program statement and concept plan, as supplemented, shall govern the use and development of the Property during the effective period of Planned Development District No. 95, "Gateway Lofts."

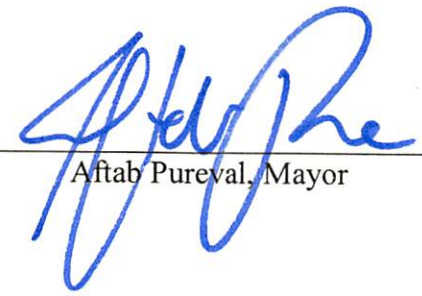
Section 5. That, should Planned Development District No. 95, "Gateway Lofts," lapse pursuant to provisions of Cincinnati Municipal Code Chapter 1429, "Planned Development Districts," the Property shall revert to the CC-M, "Commercial Community-Mixed," and RMX,

“Residential Mixed,” zoning districts in effect immediately prior to the effective date of Planned Development District No. 95, “Gateway Lofts.”

Section 6. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is the immediate need to allow the petitioner to complete the development and provide additional student housing options prior to the start of the 2024 fall academic term at the University of Cincinnati and to secure time-sensitive financing.

Passed: October 12, 2022

Attest:   
Clerk

  
Aftab Pureval, Mayor

I HEREBY CERTIFY THAT ORDINANCE NO. 321-2022  
WAS PUBLISHED IN THE CITY BULLETIN  
IN ACCORDANCE WITH THE CHARTER ON 10-25-2022  
Melissa Antley  
CLERK OF COUNCIL