



EMERGENCY

City of Cincinnati

An Ordinance No. 35

DBS

*AWB*

- 2021

**AMENDING** the official zoning map of the City of Cincinnati to rezone the real property located at 3628-3640 Madison Road and certain other adjacent properties in the Oakley neighborhood from the RMX, “Residential Mixed,” zoning district to the CG-A, “Commercial General Auto-Oriented,” zoning district to provide for the establishment of new commercial uses, including eating and drinking establishments.

WHEREAS, the Morelia Group, LLC (“Petitioner”), through its attorney Charles E. Baverman III, has petitioned to rezone the real property located at 3628-3640 Madison Road and certain other adjacent properties in the Oakley neighborhood (“Property”) from the RMX, “Residential Mixed,” zoning district to the CG-A, “Commercial General Auto-Oriented,” zoning district; and

WHEREAS, rezoning the Property to the CG-A, “Commercial General Auto-Oriented,” zoning district would allow the Petitioner to construct a new drive-thru restaurant and provide for the future development of an additional 14,000 square feet of commercial and restaurant space; and

WHEREAS, the adjacent property to the north and east of the Property are currently located in the CG-A, “Commercial General Auto-Oriented,” zoning district, and thus rezoning the Property to the same zoning district would allow it to be developed and operated in a manner that is consistent with the development of those adjacent properties; and

WHEREAS, the proposed zone change is consistent with the *Oakley Master Plan (2019)* and *Plan Cincinnati (2012)*, particularly the latter plan’s goal to “target investment to geographic areas where there is already economic activity” (page 141); and

WHEREAS, at its regularly scheduled meeting on December 18, 2020, 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 Property from the RMX, “Residential Mixed,” zoning district to the CG-A, “Commercial General Auto-Oriented,” zoning district; 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 rezoning the Property, finding it in the interest of the public’s health, safety, morals, and general welfare; and

WHEREAS, the Council resolves to rezone the Property from the RMX, “Residential Mixed,” zoning district to the CG-A, “Commercial General Auto-Oriented,” zoning district,

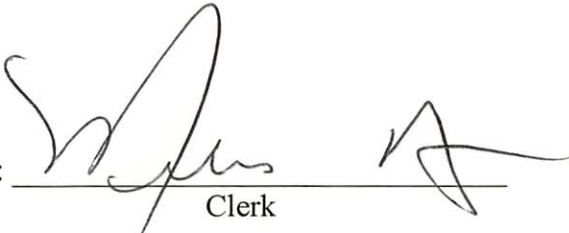
finding it to be in the interest of the public's health, safety, morals, and general welfare; now, therefore,

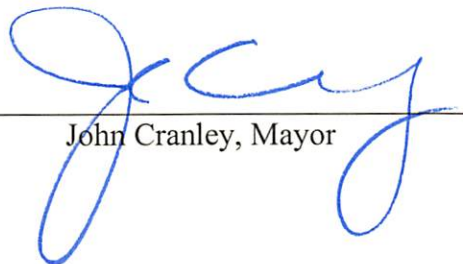
BE IT ORDAINED by the Council of the City of Cincinnati, State of Ohio:

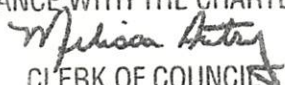
Section 1. That the shape and area of the City of Cincinnati's official zoning map in the location of the real property located at 3628-3640 Madison Road and certain other adjacent properties in the Oakley neighborhood, shown on the map attached hereto as Exhibit "A" and incorporated herein by reference, 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 RMX, "Residential Mixed," zoning district to the CG-A, "Commercial General Auto-Oriented," zoning district.

Section 2. 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 immediate need to allow the petitioner to proceed with its development plans so that the City may receive and enjoy the corresponding benefits at the earliest possible date.

Passed: February 3, 2021

Attest:   
Clerk

  
John Cranley, Mayor

I HEREBY CERTIFY THAT ORDINANCE NO 35-2021  
WAS PUBLISHED IN THE CITY BULLETIN  
IN ACCORDANCE WITH THE CHARTER ON 2-16-2021  
  
CLERK OF COUNCIL