



EMERGENCY
City of Cincinnati

DBS

AWB

An Ordinance No. 38

- 2021

AMENDING the official zoning map of the City of Cincinnati to rezone the real property located at 4164 Dane Avenue in the Northside neighborhood from the MG, "Manufacturing General," zoning district to Planned Development District No. 91, "Northside Scholar House."

WHEREAS, Dane Property, LLC ("Owner") owns the real property located at 4164 Dane Avenue in the Northside neighborhood ("Property"), which property is comprised of five parcels totaling approximately 3.95 acres; and

WHEREAS, the Property currently contains a warehouse and a very large concrete slab that together are currently used as a pallet repair and paper recycling facility; and

WHEREAS, Urban Sites ("Petitioner"), with the consent of the Owner, is seeking to develop the Property as the "Northside Scholar House," which would entail the construction of a three-story multi-family building with 45-55 dwelling units and a preschool at the southwest corner of the Property along Knowlton Street and Dane Avenue and a surface parking lot with 45-60 parking spaces to the north of the building ("Project"); and

WHEREAS, the Project would house a living-learning program that provides housing and rental subsidies to low-income single parents enrolled full-time at local universities in order to help them obtain four-year degrees and better economic outcomes; and

WHEREAS, the Petitioner has sufficient control over the Property to affect the proposed plan, and rezoning the Property from the MG, "Manufacturing General," zoning district to Planned Development District No. 91, "Northside Scholar House," would permit the construction of the Project and assist with the Petitioner's pursuit of Low-Income Housing Tax Credits from the Ohio Housing Finance Agency; and

WHEREAS, the Petitioner has submitted a concept plan and development program statement for the Project, which concept plan and development program statement 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, in addition to providing use and development regulations for the Project, the development program statement would permit the Property to continue to be used and developed consistent with the provisions of the MG, "Manufacturing General," zoning district to permit the current operations on the Property to continue as legally conforming uses while the Petitioner pursues the development of the Project; and

WHEREAS, on January 15, 2021, the City Planning Commission approved the rezoning of the Property from the MG, "Manufacturing General," zoning district to Planned Development

District No. 91, "Northside Scholar House," upon a finding that: (i) the Petitioner's concept plan and development program statement are consistent with applicable plans and policies and are compatible with surrounding development; (ii) the concept plan and development program enhance the potential for superior urban design by allowing residential and preschool uses through coordinated development of five parcels and by allowing the flexibility for the continued use of the Property as a manufacturing site pending its redevelopment; (iii) deviations from the base district regulations applicable to the property at the time of the Petitioner's application are justified by compensating benefits of the concept plan and development program statement; and (iv) the concept plan and development program statement include adequate provisions for utility services, refuse collection, open space, landscaping and buffering, pedestrian circulation, traffic circulation, building design, and building location; and

WHEREAS, a committee of the 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 general public's health, safety, morals, and welfare; and

WHEREAS, the Project is consistent with the "Live" Initiative Area of *Plan Cincinnati* (2012), which includes the goal to "provide a full spectrum of housing options and improve housing quality and affordability" (page 164) and relies on the strategy of "[t]arget[ing] investment to geographic areas where there is already economic activity" (p.115); and

WHEREAS, the Project is further consistent with the *Northside Comprehensive Land Use Plan (2014)*, including its aim to "[f]ocus revitalization on existing centers of activity" (p. 46) and its guiding geographic principle to "[m]aximize industrial reinvestment in existing industrial areas" (p. 50); and

WHEREAS, the Council considers the establishment of Planned Development District No. 91, "Northside Scholar House," to be in the best interests of the City and the general public's health, safety, morals, and 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 the Cincinnati Planning Commission's findings that the planned development proposed by the petitioner Urban Sites for the real property located at 4164 Dane Avenue in the Northside neighborhood ("Property") conforms to the requirements of Cincinnati Municipal Code Sections 1429-05, 1429-09, and 1429-11.

Section 2. That the shape and area of the City's official zoning map in the location of the Property, which real property is identified on the map attached hereto as Exhibit "A" and made a part hereof, and which real property is more particularly described on Exhibit "B", attached hereto

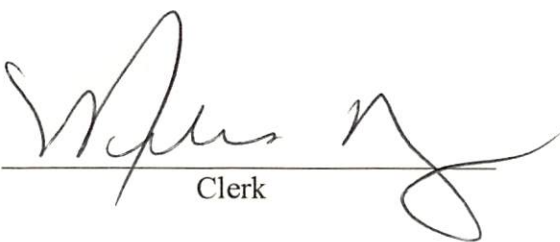
and made a part hereof, is hereby amended from the MG, "Manufacturing General," zoning district to Planned Development District No. 91, "Northside Scholar House" ("PD-91").

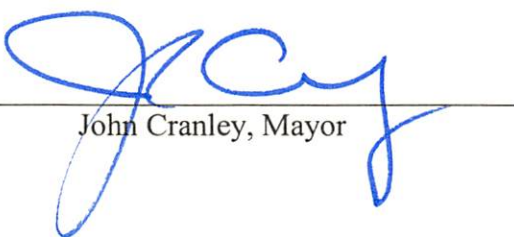
Section 3. That the development program statement, attached hereto as Exhibit "C" and made a part hereof, and the concept plan, attached hereto as Exhibit "D" and made a part hereof, are hereby approved. The approved development program statement and concept plan, which include the incorporation of the provisions of Cincinnati Municipal Code Chapter 1413, "Manufacturing Districts," in addition to other more specific provisions, shall govern the use and development of the Property during the effective period of the PD-91.

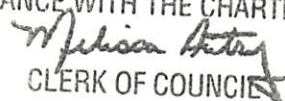
Section 4. That, should PD-91 lapse pursuant to provisions of Cincinnati Municipal Code Chapter 1429, "Planned Development Districts," the Property shall revert to the MG, "Manufacturing General," zoning district in effect immediately prior to the effective date of PD-91.

Section 5. 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 make timely application to the Ohio Housing Finance Agency for the upcoming round of Low-Income Housing Tax Credit award before the February 11, 2021 deadline.

Passed: February 3, 2021

Attest: 
Clerk


John Cranley, Mayor

I HEREBY CERTIFY THAT ORDINANCE NO 38-2021
WAS PUBLISHED IN THE CITY BULLETIN
IN ACCORDANCE WITH THE CHARTER ON 2-16-2021

CLERK OF COUNCIL