



# City of Cincinnati

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## An Ordinance No. 34

- 2020

**APPROVING** a major amendment to the concept plan and development program statement governing Planned Development No. 78, “Firehouse Row,” to include certain adjacent properties, thereby approving the rezoning of those properties from the T4N.SF, “Transect Zone 4 Neighborhood Small Footprint,” and T4N.SF-O, “Transect Zone 4 Neighborhood Small Footprint – Open” transect zones to Planned Development District No. 78, “Firehouse Row,” in order to facilitate the construction of two new multi-family buildings.

WHEREAS, Milhaus Properties LLC (or an affiliate thereof) (“Milhaus”) owns or controls certain real property in the Walnut Hills neighborhood generally located at the intersections of E. McMillan Street, Concord Street, and Wayne Street, which property is zoned Planned Development District No. 78 (“PD-78”), “Firehouse Row,” pursuant to Ordinance No. 136-2017; and

WHEREAS, the current concept plan and development program statement for PD-78 provides for the construction of a four-story mixed-used building with residential units and retail/commercial space, two three-story multi-family buildings, and on-site parking; and

WHEREAS, Milhaus owns or controls certain real property adjacent to PD-78 in the Walnut Hills neighborhood within the area generally bounded by E. McMillan Street, Hemlock Street, William Howard Taft Road, and Chatham Street (“PD-78 Expansion Properties”), which properties are currently located in the T4N.SF, “Transect Zone 4 Neighborhood Small Footprint,” and T4N.SF-O, “Transect Zone 4 Neighborhood Small Footprint – Open” transect zones; and

WHEREAS, Milhaus has petitioned the City to approve a major amendment to the PD-78 concept plan and development program statement to enlarge PD-78 to include the PD-78 Expansion Properties, and to provide for the construction of two new multi-family buildings and additional surface parking spaces on those properties; and

WHEREAS, the enlargement of PD-78 will enhance the planned development by improving existing vacant parcels with complimentary residential development; and

WHEREAS, at a special meeting on December 18, 2020, the City Planning Commission recommended approval of the enlargement of PD-78 and the related major amendment to the PD-78 concept plan and development program statement; and

WHEREAS, a committee of Council held a public hearing on the enlargement of PD-78 and the related major amendment to the PD-78 concept plan and development program statement following due and proper notice pursuant to Cincinnati Municipal Code Section 111-1, and the committee approved the enlargement and major amendment, finding it in the interest of the general public’s health, safety, morals, and general welfare; and

WHEREAS, the enlargement of PD-78 and the proposed amendment to the PD-78 concept plan and development program statement are consistent with *Plan Cincinnati* (2012), including its “Live” initiative with the goal to “[c]reate a more livable community,” (p. 156) and to “[p]rovide a full spectrum of housing options and improve housing quality and affordability” (p. 164); and

WHEREAS, the enlargement of PD-78 and the proposed amendment to the PD-78 concept plan and development program statement are consistent with the *Walnut Hills Reinvestment Plan* (2017), which calls for investment and development around Peebles Corner stating “future investment should continue to enhance the retail environment and parking access and increase the number of higher-density residential units” (p. 54) and which further specifically calls for a second phase of the Firehouse Row development (p. 58-59); and

WHEREAS, Council considers the enlargement of PD-78 and the related major amendment to the PD-78 concept plan and development program statement to be in the best interest 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 shape and area of the City of Cincinnati’s official zoning map in the location of the real property commonly known as 2508-2520 Hemlock Street, 750-758 East McMillan Street, 2507-2517 Stanton Avenue, and 2521-2525 Chatham Street in the area generally bounded by E. McMillian Street to the south, Hemlock Street to the west, William Howard Taft Road to the north, and Chatham Street to the east (“PD-78 Expansion Properties”), depicted on the map attached hereto as Exhibit “A” and incorporated by reference, and being more particularly described on the legal description contained in Exhibit “B” attached hereto and incorporated by reference, is hereby amended from the T4N.SF, “Transect Zone 4 Neighborhood Small Footprint,” and T4N.SF-O, “Transect Zone 4 Neighborhood Small Footprint – Open,” transect zones to Planned Development District No. 78 (“PD-78”), “Firehouse Row.”

Section 2. That the concept plan and development program statement for PD-78 are hereby amended by appending to them the concept plan and development program statement, attached hereto as Exhibit “C” and incorporated herein by reference.

Section 3. That, to the extent the concept plan and development program statement for

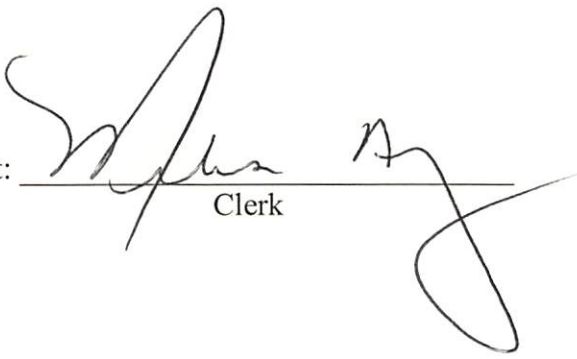
PD-78 are not amended herein, they shall remain in full force and effect.

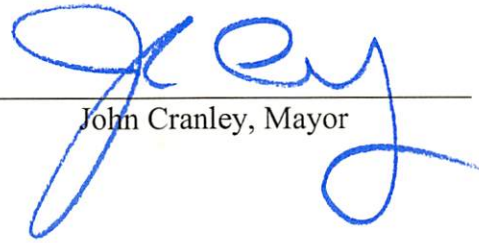
Section 4. That the use and development of the real property designated PD-78, including the PD-78 Expansion Properties, shall be governed by the concept plan and development program statement for PD-78, as amended herein, for so long as PD-78 remains effective.

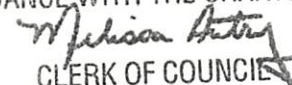
Section 5. That should the approval of PD-78 lapse pursuant to Cincinnati Municipal Code Chapter 1429, "Planned Development Districts," the PD-78 Expansion Properties shall revert to the T4N.SF, "Transect Zone 4 Neighborhood Small Footprint," and T4N.SF-O, "Transect Zone 4 Neighborhood Small Footprint – Open," transect zones in effect immediately prior to the effective date of this ordinance.

Section 6. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: February 3, 2020

Attest:   
Clerk

  
John Cranley, Mayor

I HEREBY CERTIFY THAT ORDINANCE NO 34-2021  
WAS PUBLISHED IN THE CITY BULLETIN  
IN ACCORDANCE WITH THE CHARTER ON 2-16-2021  
  
CLERK OF COUNCIL