

Honorable City Planning Commission  
Cincinnati, Ohio

February 16, 2024

**SUBJECT:** A report and recommendation on a proposed zone change from Residential Mixed (RMX) to a Planned Development (PD), including a Concept Plan and Development Program Statement, located at 3060 Durrell Avenue in Evanston.

**GENERAL INFORMATION:**

**Location:** 3060 Durrell Avenue, Cincinnati, OH 45207

**Petitioner:** Kingsley and Company  
**Petitioner's Address:** P.O. Box 19967, Cincinnati, OH 45219

**Owner:** 3060 Durrell Investors, LLC,  
**Owner's Address:** P.O. Box 19967, Cincinnati, OH 45219

**Request:** To change the zoning of the property from Residential Mixed (RMX) to a Planned Development (PD) to allow for the construction of a four-story multi-family development of 240 apartments consisting of market rate and affordable housing units, including 248 parking spaces with some in an underground private garage, and other amenities such as a swimming pool and pool house, coworking spaces, cabanas, a fire pit area, ample greenspace, a dog park and other amenities.

**EXHIBITS:**

Provided in addition to this report are the following attachments:

- Exhibit A - Zoning Map
- Exhibit B – Zone Change Application
- Exhibit C – Legal Description
- Exhibit D – Existing Conditions Plat
- Exhibit E – Development Program Statement
- Exhibit F – Concept Plan
- Exhibit G – Proposed Renderings
- Exhibit H – Coordinated Site Review Letter
- Exhibit I – Community Engagement Summary
- Exhibit J – Correspondence

**BACKGROUND:**

The petitioner, Kingsley and Company, submitted an application for a proposed zone change to a Planned Development, including a Concept Plan and Development Program Statement, to develop a mixed income, multi-family development located at 3060 Durrell Avenue in Evanston. The current Residential – Mixed (RMX) zoning does not permit the proposed multi-family development.

The subject property is situated directly off Victory Parkway, between Durrell Avenue and Woodburn Avenue, and is approximately 4.51 acres. The proposed rezoning extends to the street centerlines and includes portions of the right-of-way along Durrell Avenue, Merrimac Street, and Woodburn Avenue bringing the rezoning proposal to a total of 5.24 acres. The site currently is home to the former Hoffman School and Hoffman Playground. The subject site borders the Walnut Hills neighborhood boundary and is near the East Walnut Hills neighborhood.

On June 2, 2023 the City Planning Commission reviewed a proposal to designate the Hoffman School as a local historic landmark. The City Planning Commission recommended denial of the designation of the Hoffman School and on June 26, 2023 City Council denied the designation. The school will be demolished to make room for the proposed multi-family development.

The applicant received approval on January 19, 2024, through the City’s subdivision process, to subdivide the site into two separate parcels to accommodate both proposed buildings on their own properties respectively. The western parcel along Victory Parkway and Durrell Avenue is 1.912 acres and the eastern parcel along Woodburn Avenue is 2.60 acres.

**ADJACENT LAND USE AND ZONING:**

The subject property is currently zoned Residential Mixed (RMX). The existing zoning and land use surrounding the subject site is as follows:

**North:**

Zoning: Commercial Neighborhood – Pedestrian (CN-P) and Residential Mixed (RMX)  
Use: Commercial garage, multi-family apartment buildings and single-family dwellings.

**East:**

Zoning: Single Family Residential (SF-4) and Residential Mixed (RMX)  
Use: Multi-family apartment buildings and single-family dwellings.

**South:**

Zoning: Planned Development #72, Residential Mixed (RMX) and Park and Recreation (PR)  
Use: Multi-family apartment buildings and single-family dwellings.

**West:**

Zoning: Single Family Residential (SF-4) and Residential Mixed (RMX)  
Use: Walnut Hills Cemetery and the Victory Parkway U.S. Navy Reserve.

**PROPOSED DEVELOPMENT:**

The proposed Concept Plan and Development Program Statement is for the redevelopment of the existing site into a multi-family development consisting of two apartment buildings with a total of 240 market-rate and affordable units, ranging from studio apartments to three-bedroom apartments (Exhibit F). The development is entitled “*The Mingo*,” named after Reverend Peterson Mingo and Regina Mingo who are members of Christ Temple Full Gospel Baptist Church. The Church is the most recent owner of the building and has operated within it for years.

**Buildings**

The Planned Development will consist of two separate buildings with one facing Woodburn Avenue and the other facing Victory Parkway and Durrell Avenue. The Woodburn Building is proposed as a four-story apartment building with frontage along Woodburn Avenue and will house approximately 133 of the proposed units. The building will have a height of 48-feet. The apartments will range from studio to three-bedroom apartments. The Durrell Building is proposed as a four-story apartment building with frontage along Durrell Avenue and Merrimac Street and will accommodate the other 107 units ranging from one-bedroom apartments to three-bedroom apartments. This four-story building will have an overall height of 60-feet and will be built upon a one-level underground parking podium.

## **Parking**

The Woodburn Building will have a surface parking lot with 96 spaces at the entrance on Woodburn Avenue, with access to the proposed underground private garage for the Durrell Building. The Durrell Building will be constructed on a one-level underground parking garage containing 70 covered parking spaces and will have a surface parking lot with 82 spaces with an entry off Merrimac Street. The entire development has a ratio of 1.03 parking spaces per unit with approximately 248 off-street parking spaces, including handicap accessible and van spaces and EV parking. The proposed parking will be in compliance with Sections 1425-25 “Off Street Parking and Loading Dimensions” and 1425-29 “Parking Lot Land Use” of the Cincinnati Municipal Code.

## **Amenities**

The proposal includes a swimming pool with a pool deck, pool house, cabanas, a firepit, corn hole areas, patios, and greenspace. It will also feature business/co-working spaces and a dog park along Woodburn Avenue. More details, including site plans, building plans, and elevations will be submitted with the Final Development Plan.

## **Open Space, Landscaping, and Buffering**

The site will dedicate approximately one acre of open space (22% of the site), with landscaping, amenity spaces, and a dog park. A detailed landscaping plan will be submitted with the Final Development Plan. Both buildings will also have solar panels on the rooftop. Fencing, walls, refuse and storage areas will be in compliance with the associated sections of the Cincinnati Municipal Code per §1421-33 “Fences and Walls” and §1421-35 “Refuse and Storage Areas.”

## **Schedule**

The development will be constructed in two phases, with the Woodburn building being Phase I and the Durrell building being Phase II. Phase I is expected to take approximately 18 months to complete and Phase II will start four to six months after commencing construction of Phase I (Exhibit E). The expected construction start date is intended for September of 2024, pending the Final Development Plan process and approvals.

## **BASIC REQUIREMENTS OF A PLANNED DEVELOPMENT DISTRICT:**

Per §1429-05 of the Cincinnati Zoning Code, *Basic Requirements*, PD Districts and developments located 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 5.24 contiguous acres. The site itself is 4.51 acres.

- b. ***Ownership*** – *Evidence that the applicant 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, Kingsley and Company, owns both properties (Exhibit E).

- c. ***Multiple buildings on a lot*** – *More than one building is permitted on a lot.*

The submitted Concept Plan and Development Program Statement indicate one building on each lot.

- 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.*

The subject site is not located within the 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.*

The property is not 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 Statement*, a petition to rezone a property to PD must include a Concept Plan and Development Program Statement (Exhibit F and Exhibit G). 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 submitted Concept Plan and Development Program Statement includes sufficient information regarding proposed uses, building locations, site description, street and parking access, pedestrian circulation system, and open space and landscaping (Exhibit E). A geotechnical report will need to be submitted which will provide recommendations regarding earthwork, design, and construction of the project.

- b. **Ownership** – *Evidence that the applicant 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, Kingsley and Company, owns both properties (Exhibit E).

- 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.*

This proposed development will be constructed in two phases. The first phase will take approximately 18-months to construct with expected constructions starting in September 2024. (Exhibit E).

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

The applicant team has been in contact with the City’s Department of Transportation and Engineering (DOTE), Metropolitan Sewer District (MSD), Stormwater Management Utility (SMU), and Greater Cincinnati Water Works (GCWW). The project has also gone through the

City's Coordinated Site Review process and will have to submit their Final Development Plan to be reviewed as well.

*e. **Density and Open Space** – Calculations of density and open space area.*

The Development Program Statement explains it will dedicate over one acre to open space. The density of the site is approximately 53 units per acre throughout the entire development site. For further detail, see the "Analysis" portion starting on page seven of the staff report.

*f. **Other Information** - Any other information requested by the Director of City Planning or the City Planning Commission.*

A signage plan will be submitted with the Final Development Plan and will follow the requirements of Section 1427 of the Cincinnati Zoning Code as a residential multi-family building.

**FINAL DEVELOPMENT PLAN:**

Pursuant to §1429-13 of the Cincinnati Zoning Code, a Final Development Plan shall be submitted to the City Planning Commission after approval of the Concept Plan and Planned Development designation by City Council. 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 requires significantly more detail than the Concept Plan. 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 development was reviewed through the Development Design Review of the Coordinated Site Review (CSR) process on October 6, 2023. The Department of City Planning and Engagement indicated the need for a zone change for the project to move forward, because the RMX zoning does not permit multi-family developments of more than three units. No immediate objections were voiced regarding the zone change or Concept Plan, however, the Department of Transportation and Engineering (DOTE) identified the requirement for a Traffic Impact Study and to work with the Department to remove the driveway access from the Durrell Avenue and Victory Parkway entrance. The CSR letter to the petitioner with City Department feedback is included as Exhibit H; it outlines additional requirements needed to be met before permits are obtained.

**PUBLIC COMMENT AND ENGAGEMENT:**

There were two public staff conferences held by the Department of City Planning and Engagement for the proposed Planned Development. The first staff conference was held on November 6, 2023 via Zoom with 47 people in attendance including City staff and members from the applicant team. The majority of the people in attendance had concerns regarding the scale of the overall development, that not enough off-street parking and greenspace had been provided, disappointment about the loss of the former Hoffman School that would be demolished for the project, decreasing property values, and increased traffic congestion.

The second public staff conference was held on January 8, 2024 via Zoom with 33 people in attendance including City staff and the applicant team. Many in attendance were appreciative of the revisions made as a result of concerns stated in the first staff conference but some of the previous concerns were restated, including the community's desire for more off-street parking, the height of the Durrell Building, and the overall scale of

the development. A summary of the applicant team’s additional engagement efforts may be found in Exhibit I.

Notices were sent to property owners within a 400-foot radius of the subject property and the Evanston Community Council for both public staff conferences and the February 16, 2024 City Planning Commission meeting. The East Walnut Hills Assembly and Walnut Hills Area Council were additionally notified of the public meetings due to their proximity to the proposed development. Correspondence received from community members may be found in Exhibit J.

**CONSISTENCY WITH PLANS:**

*Plan Cincinnati* (2012)

The zone change request is consistent with the Goal in the Live Initiative Area of *Plan Cincinnati* to “Provide a full spectrum of housing options, and improve housing quality and affordability” (p. 164) and the strategy to “Provide quality healthy housing for all income levels” (p. 165). This strategy aims to “Improve the quality and number of moderate to high-income rental and homeowner units” (p. 165). The proposed project will develop underutilized property into a residential community, providing new housing opportunities for the community and employees of nearby businesses and institutions.

This site’s location is within a Guiding Geographic Principle to “Focus revitalization on existing centers of activity” (p. 86). This adds to the overall goal of *Plan Cincinnati* to create walkable neighborhoods that contribute to neighborhood centers or neighborhood business districts. This location is in the Center of Activity for the Evanston 5 Points Neighborhood Business District which aims to target investment to geographic areas where there is already economic activity. The subject property is also near the East Walnut Hills Neighborhood Business District and other neighborhood assets. Lastly, there have been other residential projects, including both single-family and multi-family buildings, constructed along Woodburn Avenue the past few years, adding much needed housing units.

*Evanston Work Plan* (2019)

The zone change is also consistent with Goal 1 to “Create a sustainable, mixed income neighborhood without displacement” (p. 40). This proposed Planned Development contributes to the strategies within the plan by welcoming new residents and providing a broad spectrum of housing choices in the neighborhood that vary in price and type. This project will also promote African American participation and minority contractor involvement in construction projects stated verbatim in the Plan.

**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 residential use is compatible with applicable plans (see “Consistency with Plans”) and the surrounding land use patterns. Adjacent land uses include multi- and single-family residential, and commercial. Three story multi-family and single-family homes are found north and south along Woodburn Avenue.

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 proposed Planned Development would permit a residential development on a site that has been underutilized. Additionally, the Concept Plan and Development Program Statement illustrates how the proposed project will accommodate residential and parking needs through the project overall, an underground garage and surface parking lots. The existing RMX zoning would only permit one to three units on a single lot, so the property would have to be subdivided into multiple lots to create more than three units overall. Also, the RMX zoning doesn't permit multi-family buildings of more than three units. The applicant team has designed a plan to maximize density appropriately, while creating open space and off-street parking spaces after taking in community feedback.

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 a productive use on what is currently a large site. The former Hoffman School is formerly home to the Christ Temple Full Gospel Baptist Church and a ballfield which will be demolished prior to construction. The proposed development is currently located in one zoning district, RMX, and within which the RMX district would not permit more than three units on a single lot. The PD zoning district allows the developer to be innovative in site development, combining quality site and building design, open space preservation, and increased community involvement through the Planned Development process.

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 and will be further detailed in the Final Development Plan.

**DIVERSITY AND ECONOMIC INCLUSION:**

Kingsley and Company, a certified Minority Business Enterprise and African American owned business, integrates innovative and inclusive practices into its real estate development and construction activities. They have a focus on revitalizing underserved and diverse neighborhoods in Cincinnati, such as Avondale, Paddock Hills, and Evanston. Kingsley and Company's approach to development aims to contribute to a more equitable and vibrant Cincinnati, one inclusive project at a time.

**ANALYSIS:**

A Planned Development would permit the construction of a multi-family development of more than three units on a single lot that is currently underutilized within the community. The applicant has received approval through the City Subdivision process to split the existing parcel into two lots so the Woodburn Building and Durrell Building will each be on their own lot respectively. For any development consisting of more than three units, a subdivision would be required to accommodate larger density with the current RMX zoning. The proposed Planned Development allows the applicant to provide the proposed density within two buildings with ample parking accommodation. The current zoning requires 1.5 off-street parking spaces for every unit, which would have required the applicant to provide 360 off-street parking spaces, 112 more than what is currently being proposed. The site is located along two Metro Bus routes and is within walking distance of the Evanston Five-Points Neighborhood Business District and existing retail, bars, and restaurants within the East Walnut Hills Neighborhood Business District and other neighborhood assets such as the Evanston Recreation Center, Walnut Hills Cemetery, Evanston Academy, Purcell Marian High School, and Scarborough Woods.

The development will provide a variety of studios to three-bedroom units at both affordable and market rate

prices which would be available for existing and new residents and employees. This proposed development adds much needed housing options to the Evanston neighborhood as well as the City of Cincinnati. The current zoning is the only residential multi-family zoning district within the Cincinnati Zoning Code that does not permit multi-family developments of more than three units.

The Zoning Code defines Multi-Family Dwellings as a building or group of buildings that contain three or more dwelling units (§ 1401-01-M8. - Multi-Family Dwelling). The RM-2.0 zoning district permits multi-family units at a ratio of 2,000 sq. ft. of lot space per unit. The RM-1.2 zoning district permits multi-family units at a ratio of 1,200 sq. ft. of lot space per unit, while the RM-0.7 zoning district permits 700 sq. ft. of lot space per unit. The chart below displays the permitted density of the other RM zoning districts compared to the proposed Planned Development.

	<b>PD</b>	<b>RM-2.0</b>	<b>RM-1.2</b>	<b>RM-0.7</b>
	<i>Proposed Units</i>	<i>Max Permitted Units</i>	<i>Max Permitted Units</i>	<i>Max Permitted Units</i>
<b>Woodburn Building</b>	<b>133 units</b>	57 units	94 units	161 units
2.6 acres (113,256 sq. ft.)	851 sq. ft./unit 51 units/acre	2,000 sq. ft./unit	1,200 sq. ft./unit	700 sq. ft./unit
<b>Durrell Building</b>	<b>107 units</b>	42 units	69 units	119 units
1.91 acres (83,199 sq. ft.)	778 sq. ft./unit 56 units/acre	2,000 sq. ft./unit	1,200 sq. ft./unit	700 sq. ft./unit

The RM-0.7 zoning district would permit the developer to produce more units than being proposed (within the setback requirements) and would permit the applicant to only have to provide 240 off street parking spots. However, the RM-0.7 zoning district has no height restrictions for multi-family buildings. The Department of City Planning and Engagement believes that a Planned Development is the most appropriate zoning designation for this site as it provides assurance to the City and the community of the intended use and scale for the site. Any significant modification to this would constitute as a Major Amendment to the Concept Plan and require public engagement and a public hearing process. It also allows for continued public engagement through all phases of the development and eliminates further need for any zoning relief.

The applicant team revised the Concept Plan and Development Program Statement, considering the community’s feedback and concerns after the first public staff conference. The current submittal revised the overall unit count from 300 to 240 units, increased the off-street parking spaces to a total of 248 spaces, decreased the height of the Durrell Building from five stories to four stories for both buildings with increased greenspace and landscaping, and is now providing a dog park. The applicant also updated the proposed conceptual renderings to increase the aesthetic appeal. The final materials and color palettes will be provided as part of the Final Development Plan.

The impact on traffic and parking has also been considered by the developer as they have been in coordination with DOTE. Staff from the Department of City Planning and Engagement understands and acknowledges the concerns over the traffic congestion and need for parking, however the proposed development is adding much needed and desired residential units and amenities to the vibrant neighborhood. The applicant team has made multiple attempts to engage with the community and various City Departments to make them aware of the future development and to address concerns or comments and the team remains committed to working with the appropriate City Departments on their plans. The project will be reviewed through the Coordinated Site Review process when the Final Development Plan is submitted and will require another public staff conference and City Planning Commission approval.



**FINDINGS:**

It is the opinion of staff of the Department of City Planning and Engagement that the Concept Plan and Development Program Statement are in compliance with §1429-05 and §1429-09 and satisfies the criteria outlined in §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 Residential Mixed (RMX) to Planned Development (PD), including the Concept Plan and Development Program Statement, to allow for a multi-family development for the following reasons:

1. It is consistent with the goal in the Live Initiative Area of *Plan Cincinnati* to “Provide a full spectrum of housing options, and improve housing quality and affordability” (p. 164) and the strategy to “Provide quality healthy housing for all income levels” which aims to “Improve the quality and number of moderate to high-income rental and homeowner units” and is consistent with the *Evanston Work Plan* to “Create a sustainable, mixed income neighborhood without displacement.”
2. The PD zoning district requires a more extensive public process than a regular zone change which will allow community members to have additional engagement opportunities during the Final Development Plan process.
3. The PD zoning is appropriate given the property’s size and location within the Evanston neighborhood and close proximity to the Evanston Five Points Neighborhood Business District and the East Walnut Hills Neighborhood Business District. The zone change and Concept Plan are necessary to establish a well thought out PD that allows for the construction of the development for the four-story multi-family development of 240 apartments consisting of market rate and affordable housing units.

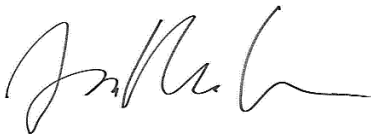
**RECOMMENDATION:**

The staff of the Department of City Planning and Engagement recommends 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 pages 3-9 of this report; and
3. **APPROVE** the proposed zone change from Residential Mixed (RMX) to a Planned Development (PD), including a Concept Plan and Development Program Statement, located at 3060 Durrell Avenue in Evanston.

Respectfully submitted:

Approved:



Jesse Urbancsik, Senior City Planner  
Department of City Planning and Engagement

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