

AMENDING the official zoning map of the City of Cincinnati to rezone the real property located at 1001 Marshall Avenue in the Camp Washington and CUF neighborhoods from the MG, “Manufacturing General,” and CC-A, “Community Commercial–Auto-Oriented,” zoning districts to Planned Development District No. 92, “Marshall and Central Apartments.”

WHEREAS, Marshall at Central, LLC (“Owner”) owns the real property located at 1001 Marshall Avenue in the Camp Washington and CUF neighborhoods (“Property”), which property is comprised of five parcels totaling approximately 7.692 acres; and

WHEREAS, the western portion of the Property currently consists of a surface parking lot, and the eastern portion of the Property currently consists of vacant land and one commercial building; and

WHEREAS, the Owner, together with Fountain Residential Partners and Elevar Design Group (collectively, “Petitioners”), has petitioned to rezone the Property from the MG, “Manufacturing General,” and CC-A, “Community Commercial–Auto-Oriented,” zoning districts to Planned Development District No. 92 (“PD-92”) to facilitate the construction of three four-story multi-family buildings with a combined total of approximately 200,000 gross square feet, 136 dwelling units with 404 beds, 252 surface parking spaces, and a clubhouse with private commercial and recreational uses that will be marketed towards local college and hospital students (“Project”); and

WHEREAS, the Petitioners have 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, the Petitioners have sufficient control over the Property to affect its proposed plan and construct the Project; and

WHEREAS, the proposed Project is compatible with surrounding land uses, is in a desirable location for students and campus professionals, and is in close proximity to the University of Cincinnati and neighborhoods with complementary retail and entertainment uses; and

WHEREAS, on February 4, 2022, the City Planning Commission approved the rezoning of the Property from the MG, “Manufacturing General,” and CC-A, “Community Commercial–Auto-Oriented,” zoning districts to PD-92 upon finding that: (i) the Petitioners’ 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 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 Petitioners' 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 proposed rezoning 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 to "provide quality healthy housing for all income levels" (p.165); and

WHEREAS, the proposed rezoning is generally consistent with the *University Impact Area Solutions Study* (2016), which identified the Property as an area recommended for rezoning to a less auto-intensive zone (p. 50), and it is consistent with the *Camp Washington Neighborhood Plan* (2018), including its recommendation for "creation of more housing, both through adaptive reuse of industrial buildings and construction of new homes" (p. 39); and

WHEREAS, the Council considers the establishment of PD-92 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 Engagement and the Cincinnati Planning Commission's findings that the planned development proposed by Marshall at Central, LLC, Fountain Residential Partners, and Elevar Design Group for the real property located at 1001 Marshall Avenue in the Camp Washington and CUF neighborhoods ("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,” and CC-A, “Community Commercial–Auto-Oriented,” zoning districts to Planned Development District No. 92, “Marshall and Central Apartments” (“PD-92”).

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 1429, “Planned Development Districts,” in addition to other more specific provisions, shall govern the use and development of the Property during the effective period of the PD-92.

Section 4. That, should PD-92 lapse pursuant to provisions of Cincinnati Municipal Code Chapter 1429, “Planned Development Districts,” the Property shall revert to the MG, “Manufacturing General,” and CC-A, “Community Commercial–Auto-Oriented,” zoning districts in effect immediately prior to the effective date of PD-92.

Section 5. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: _____, 2022

Aftab Pureval, Mayor

Attest: _____
Clerk