## Honorable City Planning Commission Cincinnati, Ohio

SUBJECT: A report and recommendation on the extension of Interim Development Control (IDC) Overlay District No. 87, Summit Road for a period of six months.

### **BACKGROUND:**

On July 3, 2019, City Manager Patrick A. Duhaney forwarded a request from Vice Mayor Christopher Smitherman requesting the Department of City Planning to place an IDC Overlay District in Roselawn on Summit Road west of the Roselawn Neighborhood Business District.

Pursuant to Section 1431-01 of the Cincinnati Zoning Code, the purpose of the Interim Development Control (IDC) Overlay District is to temporarily regulate the establishment of uses, construction of new buildings and demolition or alteration of existing structures in areas where potential development could be detrimental or have adverse impacts on the implementation of approved amendments to the Cincinnati Zoning Code, approved or adopted plans, or current planning, land use or zoning studies.

The City Planning Commission recommended approval of an emergency three-month IDC to Cincinnati City Council on August 2, 2019. Cincinnati City Council approved the establishment of IDC No. 87 on August 7, 2019. The City Planning Commission recommended approval of a nine-month extension of the IDC to Cincinnati City Council on September 20, 2019. Cincinnati City Council approved the nine-month extension of IDC No. 87 on October 16, 2019. The approved IDC No. 87 allows for the review of building permits for new construction, demolition of existing structures, exterior or interior alterations or additions to existing structures, and changes in use by the Department of City Planning and the City Planning Commission while the IDC is in place.

The subject area for the IDC Overlay District is along Summit Road from the Roselawn Neighborhood Business District to Summit East Apartments at 1581 Summit Road. The properties are currently zoned Residential Multi-Family (RM-2.0 and RM-0.7). In the RM-0.7 zoning district, there is one property containing a 143-unit structure (Summit East Apartments). In the RM-2.0 zoning district, there are 15 two-family structures, 23 four-family structures, two five-unit structures, one six-unit structure, one 15-unit structure (the former Chabad House), and one office building which is a legal non-conforming use in the district. Two of the four-unit properties and one 15-unit property are classified by the Hamilton County Auditor as "Charities, Hospitals, & Retirement Homes". Another four-unit building is owned by the Hamilton County Mental Health Board.

#### ATTACHMENTS:

Provided in addition to this report are:

- Exhibit A Location Map
- Exhibit B IDC Review Criteria
- Exhibit C Existing Conditions Map
- Exhibit D Results of the Zoning Study and Potential Options

### CRITERIA FOR EXTENDING AN IDC OVERLAY DISTRICT

Pursuant to Section 1431-13 of the Cincinnati Zoning Code, Council may extend the duration of an IDC Overlay District by an additional six months, provided that an IDC Overlay District may not remain in effect for more than two years from the date it was first established if notice has been given and a public hearing held in accordance with Section 111-1, Hearings on Zoning Amendments, of the Municipal Code and on finding that:

(a) Complex Study. The study of the proposed amendment to the Cincinnati Zoning Code or map that would affect the allowable land uses within the IDC Overlay District has proven to be extraordinarily complex by reason of unusual geographic, physical or social conditions in the district:

- (b) Study Incomplete. The City Planning Commission has not yet completed the consideration of the proposed Cincinnati Zoning Code map amendments that would affect the allowable land uses within the IDC Overlay District; and
- (c) Inconsistent Uses. There is a prospect of change in use, construction of new structures or alteration or demolition of existing structures that would be inconsistent with preliminary objectives or findings for the area approved by the City Planning Commission.

## REGULATIONS AND GUIDELINES FOR THE IDC:

The area within the boundary of IDC Overlay District No. 87 is the officially recognized boundary of the zoning study in Roselawn as shown on the attached map in Exhibit A.

According to §1431-15, the City Planning Commission has the duty to review applications in an established IDC Overlay District and has been designated as the administrative reviewer for the IDC Overlay District.

The following permits are subject to review by the City Planning Commission:

• Building permits for new construction, demolition of existing structures, exterior or interior alterations or additions to existing structures, and changes in use.

## **ANALYSIS:**

The IDC is currently set to expire on August 7, 2020 unless City Council approves an extension of IDC Overlay District No. 87 for an additional six months before that time expires. In order to do so, City Council must receive an affirmative recommendation from the City Planning Commission to make this extension. An additional six months would leave IDC Overlay District No. 87 in effect until March 7, 2021 (if approved by City Council).

As described in the above section, Criteria for Extension of an IDC Overlay District, City Council may extend an IDC Overlay District for a period of six months if the City Planning Commission gives them an affirmative recommendation on the finding that:

- a) Complex Study. The City Planning Commission is studying proposed Cincinnati Zoning Code or map amendments that would affect the area within the IDC District;

  The study may result in proposed amendments to the City's Zoning Code and/or Zoning Map. A Zoning Map amendment would only affect the area within the boundary of the IDC Overlay District while a Zoning Code amendment would make changes city-wide. Any changes to the City's Zoning Code and/or Zoning Map need to be requested by the community. A Zoning Code/Zoning Map amendment is typically a three-to-six-month process due to notification requirements. This process was interrupted by COVID-19, which affected implementation of any potential action based on the results of the study.
- b) Study Incomplete. The study is not yet completed, but may reasonably be expected to be completed and Cincinnati Zoning Code amendments enacted within the six-month extension; and The initial study is complete, but the Department of City Planning staff is still in the process of working with Roselawn on any proposed changes, which was interrupted by measures required due to COVID-19. If approved, the six-month extension would allow for more time for additional conversations with Roselawn leadership and to implement any next steps.

c) Inconsistent Uses. There is a prospect of changes in use, construction of new structures or alteration or demolition of existing structures that would be inconsistent with preliminary objectives or findings for the area approved by the City Planning Commission.

The primary reason the IDC Overlay District was initially established over the city Planning.

The primary reason the IDC Overlay District was initially established was to study potential new construction, demolition of existing structures, exterior or interior alterations or additions to existing structures, and changes in use. Any changes to the Zoning Code or Zoning Map are expected to be completed if the IDC Overlay District if extended for an additional six-months. To date, staff has not received any permits within this IDC Overlay District for review.

The Department of City Planning will continue to work with Roselawn to study the appropriate land uses for this area and if any changes to the City's Zoning Code and/or Zoning Map are necessary. Changes to the Zoning Map would only affect the area within the IDC, while changes to the Zoning Code would require additional notification and review from every city neighborhood.

## **PUBLIC COMMENT:**

Department of City Planning staff reached out to Roselawn leadership in March of 2020 and again in June of 2020 to discuss potential outcomes based on the results of the study. Department of City Planning staff sent notice of the proposed extension to all affected property owners of record within the boundary of the IDC Overlay District as well as to the Roselawn Community Council on July 1, 2020. Staff has not received any correspondence to-date.

## **CONSISTENCY WITH PLANS:**

Plan Cincinnati (2012) does not specifically address the concerns related to the establishment of IDC Overlay District No. 87, Summit Road in Roselawn, but conducting a zoning study is consistent with an Action Step within the Live Initiative Area to "Support and stabilize our neighborhoods" (page 160).

### **RECOMMENDATION:**

The staff of the Department of City Planning recommends that the City Planning Commission take the following actions:

- 1) ADOPT the Department of City Planning's staff findings that the proposed IDC Overlay District is in compliance with Cincinnati Zoning Code Section 1431-13, Extension of IDC Overlay Districts, as discussed on pages 2 3 of this report; and,
- 2) RECOMMEND that City Council extend Interim Development Control (IDC) Overlay District No. 87 Summit Road in Roselawn, for a period of six months, finding it to be in the interest of the general public's health, safety, and welfare during the course of the Department of City Planning's study.

Respectfully submitted:

James Weaver, AICP, Senior City Planner

Department of City Planning

Approved:

Katherine Keough-Jurs, AICP, Director

Department of City Planning

AMBERLAWNAY GG-A CCHM IDC Boundary Legend Exhibit A: Proposed 6-month extension of IDC-87: Summit Road in Roselawn SF-6 AEADING AD NEW BEDFORD AV RM:2:0 REENLAND PL NORTHWOOD-DR Property Location Springfield Township CG-A

### EXHIBIT B

## Regulations and Application Review Guidelines for Interim Development Control Overlay District No. 87, Summit Road in Roselawn and

## Designation of Administrative Reviewer

## Section I. Applications Subject to Review:

1. Building permits for new construction, demolition of existing structures, exterior alterations or additions to existing structures and changes in use.

## Section II. Designated Administrative Reviewer:

Council designates the Department of City Planning as the staff reviewing authority for Interim Development Control Overlay District No. 87, Summit Road in Roselawn.

## Section III. Application Review Guidelines:

In addition to any other necessary reviews and approvals as required by the Cincinnati Zoning Code and any other applicable laws, any application subject to review in Section I above shall be reviewed by the City Planning Commission to determine whether the application conforms to all applicable laws, ordinances, and regulations and is in the public interest.

In determining whether the application is in the public interest, the City Planning Commission shall consider those factors listed below that are relevant to the application. The application's failure to conform to any single factor is not necessarily a sufficient basis for denial.

- a) Zoning. The proposed work conforms to the underlying zone district regulations and is in harmony with the general purposes and intent of the Cincinnati Zoning Code.
- b) Guidelines. The proposed work conforms to any guidelines adopted or approved by Council for the district in which the proposed work is located.
- c) Plans. The proposed work conforms to a comprehensive plan, any applicable urban design or other plan officially adopted by Council, and any applicable community plan approved by the City Planning Commission.
- d) Traffic. Streets or other means of access to the proposed development are suitable and adequate to carry anticipated traffic and will not overload the adjacent streets and the internal circulation system is properly designed.
- e) Buffering. Appropriate buffering is provided to protect adjacent uses or properties from light, noise and visual impacts.

- f) Landscaping. Landscaping meets the requirements of the Cincinnati Zoning Code.
- g) Hours of Operation. Operating hours are compatible with adjacent land uses.
- h) Neighborhood Compatibility. The proposed work is compatible with the predominant or prevailing land use, building and structure patterns of the neighborhood surrounding the proposed development and will not have a material net cumulative adverse impact on the neighborhood.
- i) Proposed Zoning Amendments. The proposed work is consistent with any proposed amendment to the zoning code then under consideration by the City Planning Commission or Council.
- j) Adverse Effects. Any adverse effect on the access to the property by fire, police, or other public services; access to light and air from adjoining properties; traffic conditions; or the development, usefulness or value of neighboring land and buildings.
- k) Blight. The elimination or avoidance of blight.
- 1) Economic Benefits. The promotion of the Cincinnati economy.
- m) Job Creation. The creation of jobs both permanently and during construction.
- n) Tax Valuation. Any increase in the real property tax duplicate.
- o) Private Benefits. The economic and other private benefits to the owner or applicant.
- p) Public Benefits. The public peace, health, safety or general welfare.

Exhibit C: Existing Land Uses within IDC-87: Summit Road in Roselawn



#### Exhibit D

#### Weaver, James

From:

Weaver, James

Sent: To: Wednesday, March 18, 2020 9:03 AM Carol Smith (iams3141@gmail.com)

Cc:

Kevin Laudat: rlm44@fuse.net

Subject:

Summit Road IDC

Attachments:

IDC 87 Zoning Study.pdf; Summit IDC Zoning Map 8-1-19.pdf

#### Carol,

I wanted to talk to you about the Summit Road IDC. Most of the area is zoned low-density multi-family (RM-2.0 and light brown) with the Summit East Apartments zoned high density multi-family (RM-0.7 and dark brown).

We've done a zoning study on the property based on the existing land uses that are out there, which is the "IDC 87 Zoning Study" attachment. Based on the existing uses, the zoning is probably appropriate for this area if we don't want to make anything non-conforming.

If you're looking to limit institutional uses, such as Talbert House on a smaller scale, rezoning the property to RMX (residential mix of 1-3 family homes) is an option. Rezoning the light brown area currently zoned RM-2.0 to RMX would make everything but the yellow parcels on the IDC 87 Zoning Study Map a nonconforming use. This means that these existing uses and buildings could continue as they are indefinitely, but any new uses in this area would have to be 1-3 family residential. This could potentially be a fight with these property owners, as you probably know. If I remember correctly there were very few land uses that became nonconforming (besides the Valley and a gas station) when we rezoned your business district to CC-P from an auto-oriented zoning district.

Think about it and let me know what the RCC wants to do and let me know if you have any questions or thoughts.

Stay healthy and safe out there.

James Weaver, AICP | Senior City Planner

City of Cincinnati | Department of City Planning
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The 2020 Census opens on March 12th! It's EASY, IMPORTANT, and SAFE. Find out more and take the pledge to participate: <a href="https://www.greatercincycounts.com/pledge">www.greatercincycounts.com/pledge</a>

## **EMERGENCY**

## City of Cincinnati

DBS AWG

# An Ordinance No.

- 2020

**EXTENDING** Interim Development Control District No. 87, "Summit Road in Roselawn," in the Roselawn neighborhood as an interim development control district for a period of six months pursuant to Chapter 1431, "Interim Development Control Overlay Districts," of the Cincinnati Zoning Code.

WHEREAS, the City Planning Commission and the Department of City Planning are conducting a zoning study of certain portions of the Roselawn neighborhood to address concerns about the potential for new land development with the potential to impact adversely the health and general welfare of the area; and

WHEREAS, the Council established Interim Development Control District No. 87, "Summit Road in Roselawn" ("IDC District No. 87") effective as of August 7, 2019, and continuing for a period of three months thereafter, in order to protect the area while the City Planning Commission and the Department of City Planning conduct their study and consider proposed changes that would affect the allowable land uses within the district; and

WHEREAS, the Council subsequently extended IDC District No. 87 for a period of nine months, and it expires on August 7, 2020; and

WHEREAS, although the City Planning Commission and the Department of City Planning have concluded their initial study, the Department of City Planning is still in the process of working with Roselawn stakeholders to develop proposed changes that would effect the allowable land uses within the district based on their initial findings; and

WHEREAS, the City Planning Commission, at its regularly scheduled meeting on July 17, 2020, recommended the extension of IDC District No. 87 for an additional period of six months upon finding that the criteria in Cincinnati Municipal Code Section 1431-13 have been satisfied; and

WHEREAS, a committee of Council held a public hearing on the proposed extension of IDC District No. 87, following due and proper notice pursuant to Cincinnati Municipal Code Sections 111-1 and 1431-13, and the committee approved the extension, finding it in the interest of the general public's health, safety, morals, and welfare; and

WHEREAS, Council considers the extension of IDC District No. 87 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 Council makes the following findings:

- (a) At its regularly scheduled meeting on July 17, 2020, the City Planning Commission affirmatively recommended that Council extend Interim Development Control District No. 87, "Summit Road" ("IDC District No. 87"), for a period of six months.
- (b) The City Planning Commission and the Department of City Planning require further consideration of proposed changes that would affect the allowable land uses within IDC District No. 87 because the study of the area has proven to be extraordinarily complex due to COVID-19 complications and social conditions in the district. The complexity results from the number and diversity of stakeholders affected by the proposed changes, the need to engage all of the stakeholders, and the difficulty associated with developing consensus around many issues concerned in the study.
- (c) The City Planning Commission has not yet completed its consideration of the zoning map amendments and text amendments that would affect the allowable land uses within the IDC District No. 87. Effecting an amendment to the zoning code or zoning map amendment is typically a three-to-six-month process that requires public notification and engagement. This process was interrupted by COVID-19, and it affected the implementation of any proposals resulting from this process.
- (d) There is a prospect of change in use, construction of new structures, or alteration of existing structures in IDC District No. 87 that would be inconsistent with preliminary objectives or findings for the area approved by the City Planning Commission, which include zoning text and map amendments, as well as other policies, programs, and administrative changes.

Section 2. That IDC District No. 87, as depicted on the map attached as "Exhibit A" to Ordinance No. 300-2019 and incorporated herein by reference, is extended throughout the area designated on the map as the interim development control district.

Section 3. That, pursuant to Cincinnati Municipal Code Section 1431-07, Section 1431-15, and Ordinance No. 300-2019, the Council adopted Application Review Guidelines for IDC District No. 87. The Application Review Guidelines, attached as "Exhibit B" to Ordinance No. 300-2019, and incorporated herein by reference, shall remain in effect for the duration of IDC District No. 87 and be used by the City Planning Commission in its review of applications for the use of property within IDC District No. 87.

Section 4. That pursuant to Section 1431-13 of the Cincinnati Zoning Code, IDC District No. 87 shall remain in effect for an additional period of six months, up to and including March 7, 2021.

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 the immediate need to prevent the interim development controls established under IDC District No. 87 from expiring prior to the completion of the zoning study and review by the City Planning Commission and the Department of City Planning.

, 2020	
	John Cranley, Mayor
	, 2020

CITY PLANTING COMMISSION

Magazina de otro Planing

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