

To:

Mayor and Members of City Council

202201071

From:

John P. Curp, Interim City Manager

Subject:

Emergency Ordinance - Bengals Interim Indoor Practice Facility

Transmitted is an Emergency Ordinance captioned:

AUTHORIZING the real property located at 621 W. Mehring Way in the Central Business District to be developed and used as an interim indoor practice facility NOTWITHSTANDING certain development regulations and use limitations contained in Chapter 1109, "Flood Damage Reduction," and Chapter 1415, "Riverfront Districts," of the Cincinnati Municipal Code and NOTWITHSTANDING certain other zoning regulations governing the development of proposed facility that would prevent its development and use as an interim indoor practice facility.

The City Planning Commission will consider this Notwithstanding Ordinance at its April 15, 2022 meeting and their recommendation will be presented to City Council.

### Summary:

The Cincinnati Bengals request a Notwithstanding Ordinance (NWO) to permit the construction and operation of an Interim Indoor Practice Facility (IIPF) located at 621. W Mehring Way in the Central Business District. IIPF's are a standard practice among teams in the National Football League (NFL) as they allow appropriate practice spaces for inclement weather and an increase in wintertime games, among other variables. This facility will be an interim facility that will be utilized immediately by team players and staff. The Bengals are proposing to build the IIPF at its expensive and plans to have the facility available for use during the 2022 NFL season.





April 26, 2022

To:

Office of the Clerk of Council

From:

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

Engagement

Copies to:

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

Engagement

Subject:

Scheduling of Emergency Ordinance - Bengals Interim Indoor Practice Facility

The above referenced Emergency Ordinance is requested to be scheduled for the Equitable Growth and Housing Committee of City Council. This item has been requested to be placed on the April 26, 2022 Committee meeting following the required two-week notification period as described in Section 111-5 of the Municipal Code.

Included in this submission are the following items:

1) The transmittal letter to the Mayor and City Council;

- 2) A copy of the City Planning Commission staff report dated April 15, 2022;
- 3) Additional attachments;
- 4) The Emergency Ordinance;
- 5) Mailing labels for the notice of the public hearing; and
- 6) A copy of the mailing labels for your file.



April 26, 2022

Cincinnati City Council Council Chambers, City Hall Cincinnati, Ohio 45202

Dear Members of Council:

We are transmitting herewith an Emergency Ordinance captioned as follows:

AUTHORIZING the real property located at 621 W. Mehring Way in the Central Business District to be developed and used as an interim indoor practice facility NOTWITHSTANDING certain development regulations and use limitations contained in Chapter 1109, "Flood Damage Reduction," and Chapter 1415, "Riverfront Districts," of the Cincinnati Municipal Code and NOTWITHSTANDING certain other zoning regulations governing the development of proposed facility that would prevent its development and use as an interim indoor practice facility.

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THE CITY PLANNING COMMISSION

Cotherine Kenyh-Jus

Katherine Keough-Jurs, FAICP, Director

Department of City Planning and Engagement

# Honorable City Planning Commission Cincinnati, Ohio

**April 15, 2022** 

<u>SUBJECT:</u> A report and recommendation on a proposed Notwithstanding Ordinance permitting the installation and operation of an interim indoor practice facility at 621 W. Mehring Way in the Central Business District.

### **GENERAL INFORMATION:**

Location: 621 W. Mehring Way, Cincinnati, OH 45202

Petitioner/ Cincinnati Bengals, Inc.

Petitioner's Address: 1 Paul Brown Stadium, Cincinnati, OH 45202

Property Owner/ Hamilton County Board of Commissioners
Property Owner's Address: 138 E. Court Street, Cincinnati, OH 45202

### **ATTACHMENTS:**

Provided in addition to this report are the following attachments:

- Exhibit A Location Map
- Exhibit B Notwithstanding Ordinance (NWO) Application
- Exhibit B-1 Interim Indoor Practice Facility
- Exhibit B-2 Sign Locations and Sizes
- Exhibit C Flood Action Plan
- Exhibit D Reasons for the Notwithstanding Ordinance Request
- Exhibit E Sign Location and Sizes
- Exhibit F Floodplain Development Analysis Summary
- Exhibit G Zoning Relief Summary
- Exhibit H Rendering

### **BACKGROUND:**

On April 4, 2022, the Department of City Planning and Engagement received an application for a Notwithstanding Ordinance (NWO) from the Cincinnati Bengals requesting the construction and operation of an interim indoor practice facility located at 621. W Mehring Way. These temporary indoor practice facilities, known as Interim Indoor Practice Facilities (IIPF), are a standard practice among teams in the National Football League (NFL) as they allow appropriate practice spaces for players when inclement weather occurs and will serve as a much-needed practice space due to an increase in wintertime games. This interim facility will be utilized immediately by team players and staff. The Bengals are proposing to build the facility at its expense and plans to have the facility available for use during the 2022 NFL season.

The property in question is located in the Central Business District, along W. Mehring Way and Smith Street, situated in between the Brent Spence Bridge and the Clay Wade Bailey Bridge. The property is zoned both Manufacturing General (MG), on the north, and Riverfront Manufacturing (RF-M), on the south. The property consists of 6.697 acres of land along the Ohio River. Additionally, the property is located in a Federal Emergency Management Agency (FEMA) Flood Plain (specifically flood plain panels 21117C0009F and 39061C0334F). Per the Cincinnati Zoning Code, this proposal is considered an Indoor Recreation and Entertainment use which is permitted in the MG zoning district, but not in the RF-M zoning district.

The owner of the subject property is the Hamilton County Board of Commissioners. The parcels on the property have been consolidated into one large parcel. Hamilton County and the Cincinnati Bengals have a Lease Agreement for Paul Brown Stadium and binding Memorandums of Understanding that specifically allow authorization for the construction and usage of the proposed facility on the subject property. The Bengals intend to find a more permanent solution, on the subject site or somewhere else, to its indoor practice needs in the near future.

The proposed development will be a removeable and inflatable, 75-foot high, synthetic air dome that attaches to a concrete footer, which will house a regulation-size interior turf practice field for Bengals players and staff only. The exterior will be paved and will include an 8-foot security fence and 187 parking spaces. Mechanical equipment for the dome will be housed on platforms above the floodplain. In instances of flooding, the dome, structure, contents, and fence will be removed from the site and stored outside of the floodway prior to flooding leaving the footer and turf on the site. A full layout and explanation of the Flood Action Plan may be found in Exhibit C. The exterior of the facility will display signage, in which the petitioner is requesting a Notwithstanding Ordinance from the Zoning Code for height, sign area, and total number of signs. In addition to the use and sign variances, the petitioner is requesting relief in the Notwithstanding Ordinance for the proposed parking allotment, parking lot landscaping, and fence height. Full descriptions of the Code relief may be found in Exhibit G.

### PROPOSED NOTWITHSTANDING ORDINANCE:

The proposed language in the Notwithstanding Ordinance authorizes the construction and operation of the development notwithstanding the following sections of the Cincinnati Zoning Code and Cincinnati Building Code:

### **Zoning Code Relief:**

- 1. A use variance will be required from Section 1415-05 Land Use Regulations RF-M
- 2. A variance of 85 parking spaces is required from Section 1425-19-A
- 3. Special Exceptions are required from Section 1425-29
- 4. A variance of 2 ft. for the proposed fence is required from Section 1421-33(b)
- 5. Signage variances from Section 1427-39:
  - 1. A variance for two additional signs is required
  - 2. A variance of 5,741 sq. ft. is required for the east signage
  - 3. A variance of 6,221 sq. ft. is required for the west signage
  - 4. A variance of 1,213.25 sq. ft. is required for the north side
  - 5. A variance of 1,851.25 sq. ft is required for the south size
  - 6. A variance of 32 ft. for the proposed sign height

### **Building Code Relief:**

1. Relief from Section 1109-11(5)(b)(1-2) to permit this proposed development in the floodplain

### Floodplain Standards

The Department of Building & Inspections has reviewed the application and the Flood Action Plan, in which sufficient justification and equivalencies were submitted that will ensure the construction and operation of this interim facility will minimize flood risks and threats to the public's health, safety, morals, and general welfare. The applicant team has specifically

established that the proposed facility's foundation and stem walls are flowable and capable of base flood events and will successfully implement the removal of all remaining equipment and above-ground improvements when flooding occurs.

### **ANALYSIS:**

The Department of City Planning and Engagement has consistently taken a position to not support any Notwithstanding Ordinances because they do not comply with the Cincinnati Zoning Code that the Department is charged with developing and enforcing, however in this unique instance, the Department is recommending approval. The Cincinnati Municipal Code Section 111-5 establishes certain factors for evaluation by the City Council committee that considers a Notwithstanding Ordinance application, and the Department will therefore provide input on the following factors. The City Planning Commission shall consider the following when making a recommendation on NWOs to City Council:

1) Whether the proposed application will not have an adverse effect on the character of the area or the public health, safety and welfare;

The proposed interim development is not expected to have any negative impact on the character of the proposed location area, or the public health, safety, and welfare. The surrounding properties are in MG and RF-M zoning districts. There are no residential properties within 400-feet of the subject property. The applicant has additionally stated that it is intended while the Cincinnati Bengals find and construct a more permanent solution in the future.

- 2) Whether the proposed application is consistent with the purposes of this code and the zoning district where the subject property is located including but not limited to:
  - (a) Providing a guide for the physical development of the city.

Not applicable to this application.

(b) Preserving the character and quality of residential neighborhoods.

Not applicable to this application.

(c) Fostering convenient, harmonious and workable relationships among land uses.

The proposed use of this interim facility (Indoor Recreation and Entertainment) is consistent with the surrounding uses. There are utility uses to the west, vacant industrial land uses to the north and a railroad line sits to the east. The Ohio River serves as the property's southern border.

(d) Achieving the arrangement of land uses described in the comprehensive plan for the development of the city as may have been adopted by council.

The proposed Notwithstanding Ordinance is consistent with Plan Cincinnati (2012) (see "Consistency with Plan Cincinnati" for further information in this staff report).

(e) Promoting the economic stability of existing land uses and protecting them from intrusions by inharmonious or harmful land uses.

The proposed interim facility is consistent with adjacent properties and the petitioner has a plan in place for when flooding occurs on the property.

(f) Providing opportunities for economic development and new housing for all segments of the community.

This proposed interim facility will spur further economic development as it will assist the continued success of the Cincinnati Bengals and could foster a greater sense of community within the City and the larger region. As experienced earlier this year with the team's exhilarating appearance in Super Bowl LVI, this development could provide tangible benefits in the form of enhanced tax revenues, riverfront investment, and greater name recognition for Cincinnati on a global and national scale.

(g) Creating pedestrian-friendly environments to reduce reliance on the automobile for travel.

The proposed interim facility will be within walking distance to Paul Brown Stadium allowing easy and convenient access for Bengals players and staff.

(h) Preventing excessive population densities and overcrowding of land or buildings.

This proposed interim facility will only be utilized by the Cincinnati Bengals players and faculty.

(i) Ensuring the provision of adequate open space for light, air and fire safety.

Not applicable to this application.

(j) Ensuring that development is compatible with the environment, particularly on the hillsides and along the riverfront.

Even with the use of Indoor Recreation and Entertainment not being permitted in and RF-M zoning district, the applicant team has put substantial measures in place when the instance of flooding occurs. Although this proposed use does not require river access, the proposal will help to maintain the economic vitality of the industrial riverfront and there is a plan set in place to minimize the future impacts from the commercial recreational facility.

(k) Promoting the conservation, protection, restoration and enhancement of the historic resources of the city.

*Not applicable to this application.* 

(l) Lessening congestion in the public streets by providing for off-street parking and loading areas for commercial vehicles.

Not applicable to this application.

(m)Providing effective signage that is compatible with the surrounding urban environment.

The applicant is proposing large sign panels that are proportionate to the proposed development and commonly seen among other NFL facilities. (see Exhibit E for further analysis). This is compatible with the surrounding environment as it is in an unique location, placed between two large bridges and located in commercial and industrial districts.

(n) Setting standards by which a nonconforming use may continue to function and to provide for the adaptive reuse of nonconforming buildings.

### Not applicable to this application.

### **PUBLIC COMMENT AND NOTIFICATION:**

Notice for the April 15, 2022 City Planning Commission meeting was sent to property owners within 400 feet of the proposal in addition to the Downtown Residents Council. No comments have been received to-date.

# **CONSISTENCY WITH PLAN CINCINNATI (2012):**

The proposed Notwithstanding Ordinance is consistent with *Plan Cincinnati* (2012), specifically within the Compete Initiative Area. This proposed facility contributes to the goal to "Foster a climate conducive to growth, investment, stability and opportunity" (pg. 103) through the Strategy to "Grown our own" by focusing on retention, expansion and relocation of existing businesses" (pg. 104). This request is an important way to retain the Cincinnati Bengals by meeting their needs and helping them achieve their goals. This project will contribute to the City's energy, economic vitality, and job growth along with facilitating the development of the local professional sports industry.

This request is additionally consistent with the goal to "Become nationally and international recognized as a vibrant and unique city" (pg. 121) and would "Provide support to businesses that focus on our City's historic heritage of...the arts and other cultural traditions" (pg. 123). Football, among other sports, is a treasured tradition and passion within Cincinnati.

### **CONCLUSIONS:**

This request for a Notwithstanding Ordinance will allow the Cincinnati Bengals to construct and operate this interim indoor practice facility and will:

- 1. Permit the usage of the proposed interim facility within the RF-M zoning district;
- 2. Grant relief from floodplain regulations as depicted in the "Proposed Notwithstanding Ordinance Section" and Exhibit F;
- 3. Grant Zoning Code relief as depicted in depicted in the "Proposed Notwithstanding Ordinance Section" and Exhibit G including relief for parking, fence, and signage;
- 4. Address any other requirements of the MG or RF-M zones that would preclude approval of the construction and operation of the interim facility.

The Department of City Planning and Engagement has consistently taken the position to not support any Notwithstanding Ordinances for land use decisions because they do not comply with the zoning laws that the department is charged with developing and enforcing. However, this proposed Notwithstanding Ordinance is temporary as it is intended by the applicant there will be a search for a more permanent solution. The applicant team will need to coordinate with the appropriate City Departments when planning for the permanent facility and future approval processes.

This proposal is consistent with surrounding land uses and properties within the Central Business District as it is surrounded by commercial and industrial uses, much of which is vacant and non-residential. Permitting this installation and operation of the interim facility is the minimum necessary to relieve the applicant team from the exceptional hardship of developing this site to meet their needs. This interim facility is similar to those of other NFL Teams and poses no adverse effects to the surrounding area or to the public health, safety, and welfare of the Central Business District and City. The applicant team

has submitted detailed processes for flooding occurrences and requirements to construct in the floodplain. This proposal will contribute to Cincinnati Bengals' future growth, both as a business and as a team, which in turn could spur additional energy, economic vitality, and job growth for the City. With this property's proximity to elevated freeways, location within a manufacturing district, and being located directly adjacent to Paul Brown Stadium complex, this interim development is the most compatible development opportunity that could be developed in this location at this time.

### **RECOMMENDATION:**

Typically, the Department of City Planning and Engagement has consistently taken the position to not support any Notwithstanding Ordinances for land use decisions because they do not comply with the zoning laws that the department is charged with developing and enforcing. In this unique situation, the staff of the Department of City Planning and Engagement recommends that the City Planning Commission take the following action:

**ADOPT** the Department of City Planning and Engagement findings and conclusions based on the fact that it will not have an adverse effect on the character of the area or the public health, safety and welfare and is consistent with the purposes of the Cincinnati Municipal Code Section 111-5 and zoning district(s); and

**APPROVE** the Notwithstanding Ordinance permitting the installation and operation of an interim indoor practice facility 621 W. Mehring Way in the Central Business District with the following conditions:

- a. That the Property shall be developed substantially consistent with the plans attached hereto as Exhibits B-1 and B-2 and those on file with the Department of Buildings and Inspections ("Plans"); and
- b. That the authorizations granted herein include permission to construct additional site improvements, including fencing up to 8 feet in height and lighting, that are substantially consistent with the Plans and incidental thereto, subject to the floodplain administrator's determination that the site improvements comply with the requirements of CMC Chapter 1109, "Flood Damage Reduction," or are designed to provide an equivalent measure of safety that minimizes the potential for flood damages and threats to public safety during a flood event; and
- c. That the authorizations granted herein are contingent upon the Team's implementation of the flood action plan, attached hereto as Exhibit C and incorporated herein by reference, which plan shall provide for reporting upon the City's request following a base flood event and for coordination between the Team and the City on supplementary operational measures as are necessary to minimize the potential for flood damages and threats to public safety during a base flood event, and which plan shall not be modified without the prior written consent of the floodplain administrator; and

- d. That the interim indoor practice facility shall be operated as a participant-only facility and remain subject to any occupancy limitations established by the Ohio Building Code; and
- e. That the City Manager and the appropriate City officials may order the removal of the interim indoor practice facility and the restoration of the Property, at no cost to the City: (i) upon finding that the Team has failed to comply with one or more of the conditions contained herein; (ii) at any time following fifth anniversary of the effective date of this ordinance; or (iii) upon the Team's vacation of the Property or abandonment of the interim indoor practice facility. For the avoidance of doubt, the interim indoor practice facility shall be deemed abandoned if the Team intentionally discontinues its use and occupancy of the facility for more than 365 consecutive days.

Respectfully submitted:

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

Approved:

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

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## **Exhibit B**



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			Ov	vner	Lessee		Attorney	
Propert Hemilto	ty Owner - Name on County Boar	(Print)		Phone			E-mail Addition	
	Number & Name			(513) 455-4955	joe.feldkamp@l		.org	
38 E.	Court St. Cinc	innati, OH 452	City / State / <b>02</b>	Zip Code	Phone No / F	ax No		
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	and admin	istrative prod	edures.	or the practic	al difficulties cre	eated by fo	pliowing existing legislative	
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	Submit one (1) paper copy and one (1) digital copy of the application to the Director of City Planning at 805 Central Avenue, Suite 720, Cincinnati, Ohio 45202. Payment must be included with the application. (Payable to the City of Cincinnati)							
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## **EXHIBIT B-1**

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Interim Indoor Practice Facility

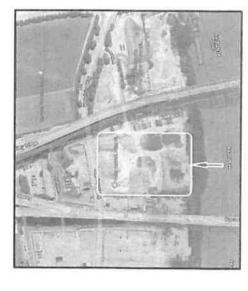
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# **GRADING PERMIT**

# KZF DESIGN

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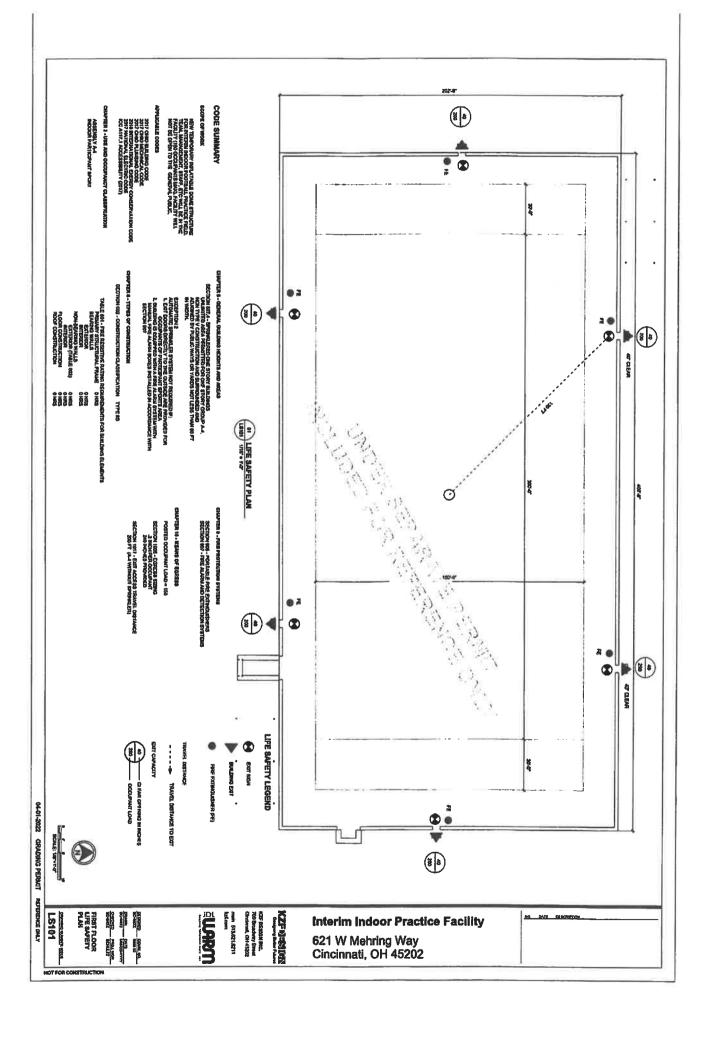
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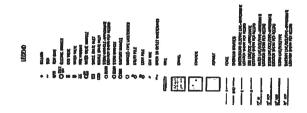
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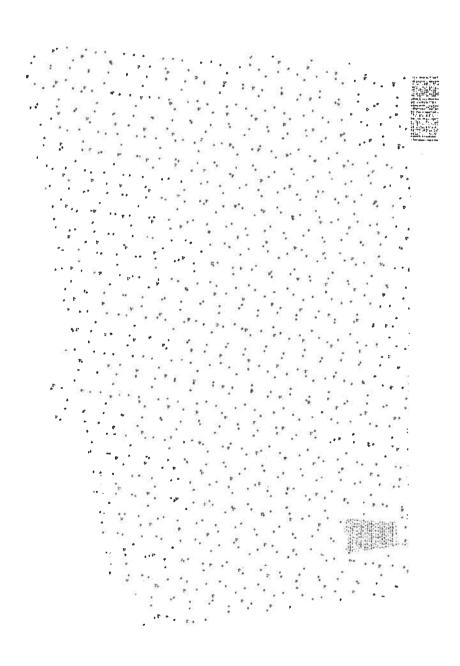
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NUMBER OF STREET

Interim Indoor Practice Facility

# **GRADING PERMIT**

Interim Indoor Practice Facility

621 W Mehring Way Cincinnati, OH 45202

# **KZF DESIGN**

Architecture | Engineering | Interiors | Planning







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LOCATION PLAN



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DRAWING INDEX

04-01-2022 GRADING PERMIT

**Interim Indoor Practice Facility** 

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GRADING / EARTHMORK NOTES

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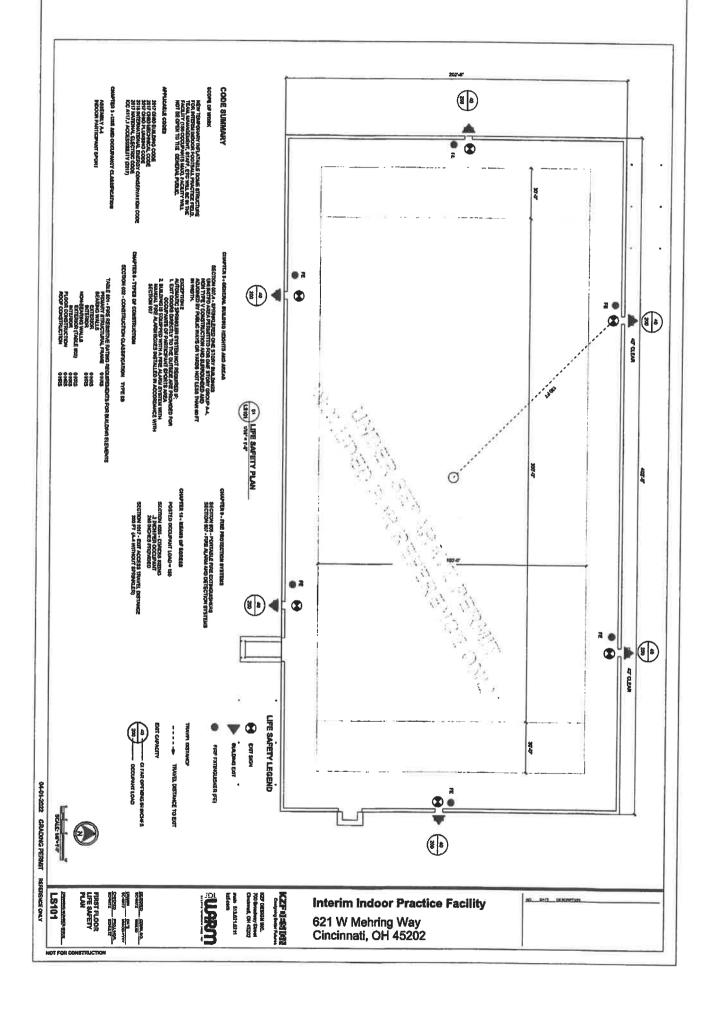


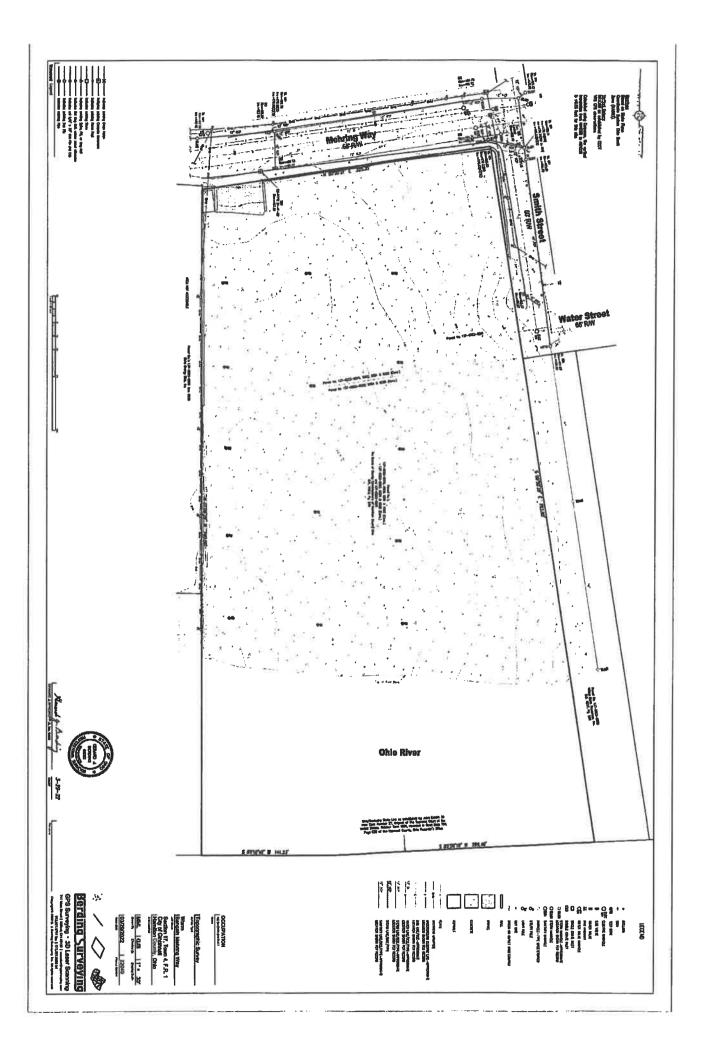
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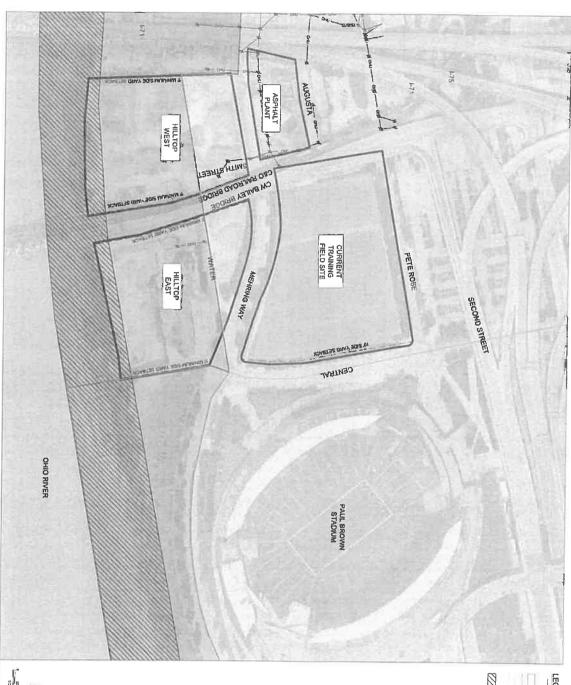
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621 W MEHRING WAY CINCINNATI, OHIO 45202

INTERIM INDOOR PRACTICE FACILITY













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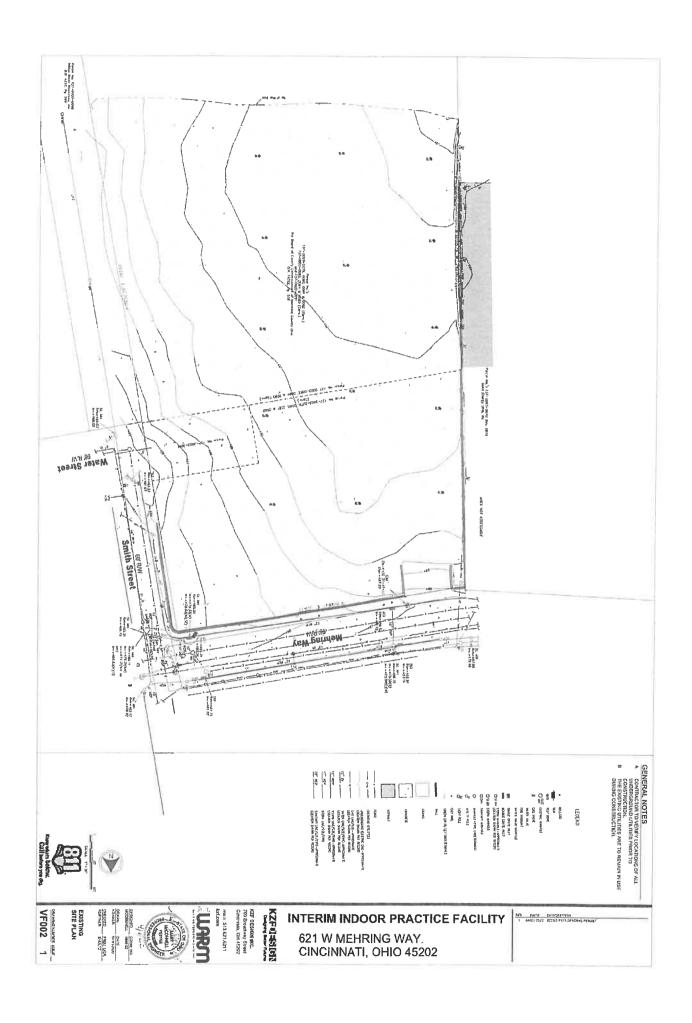


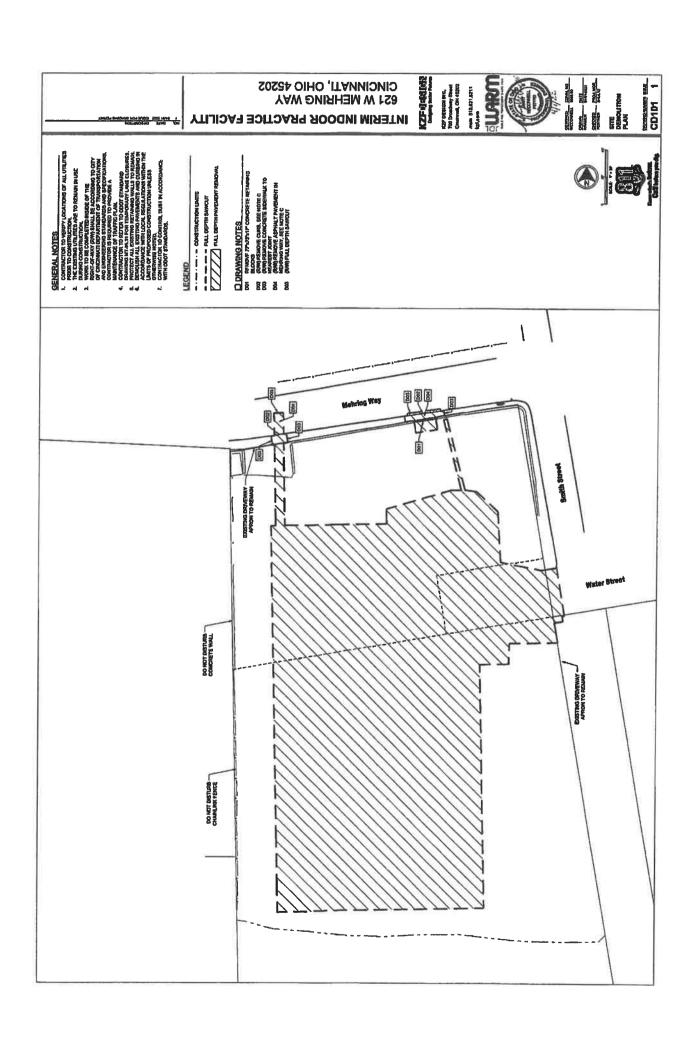


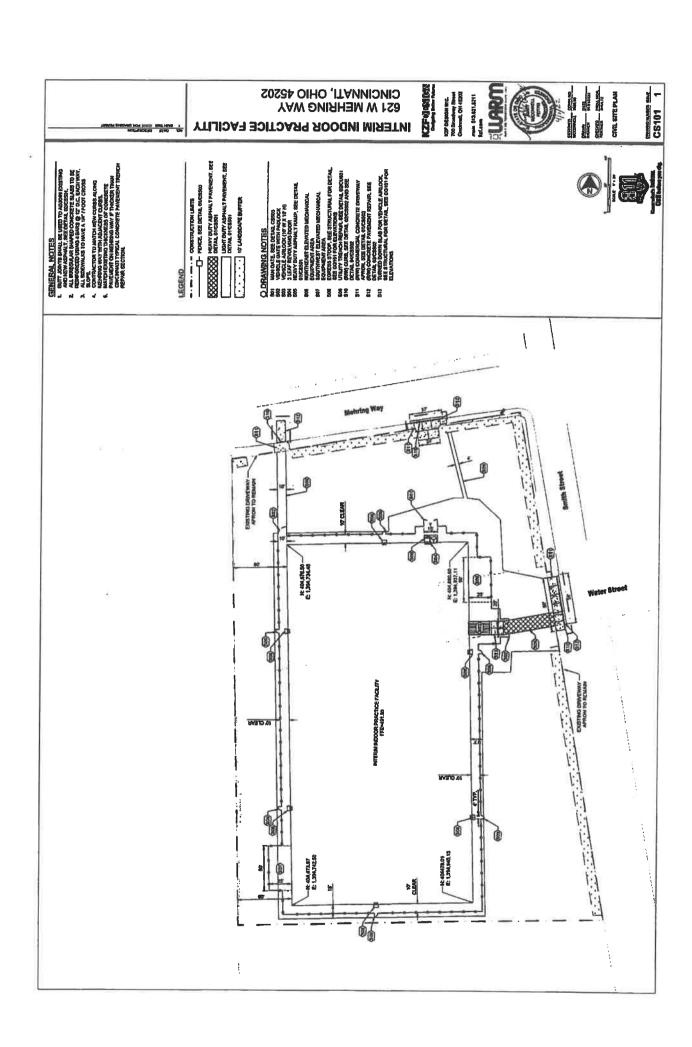


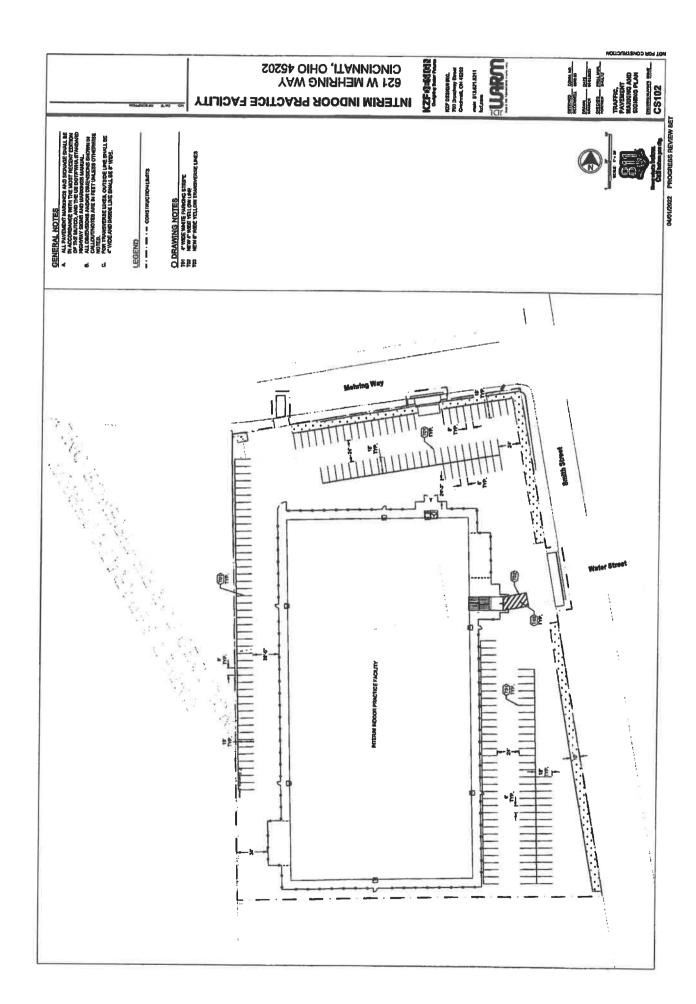
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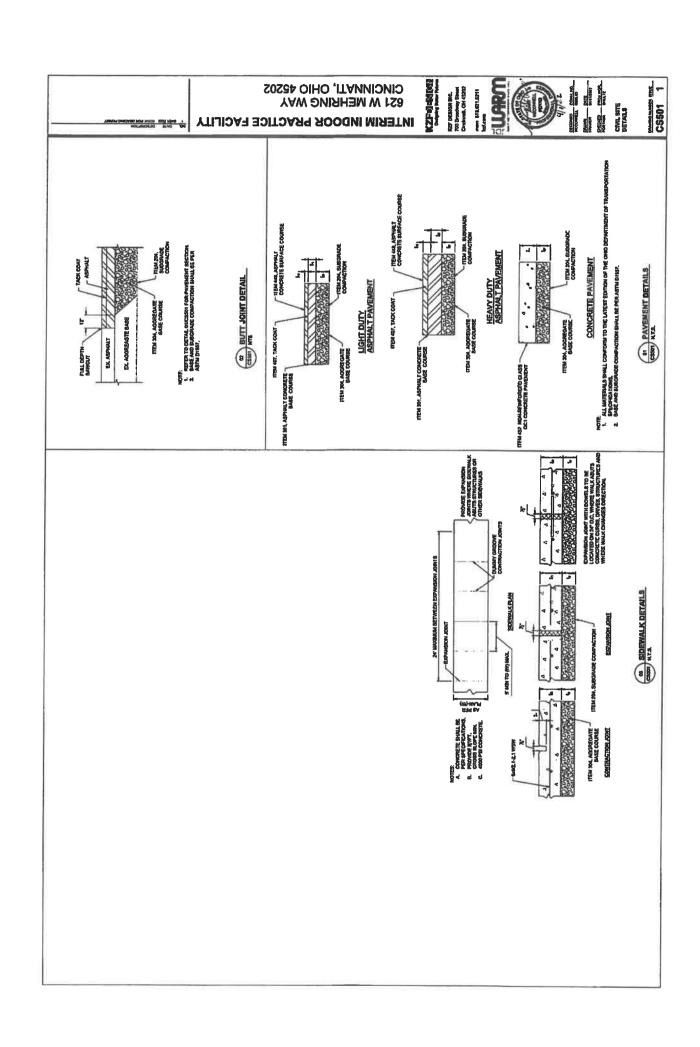
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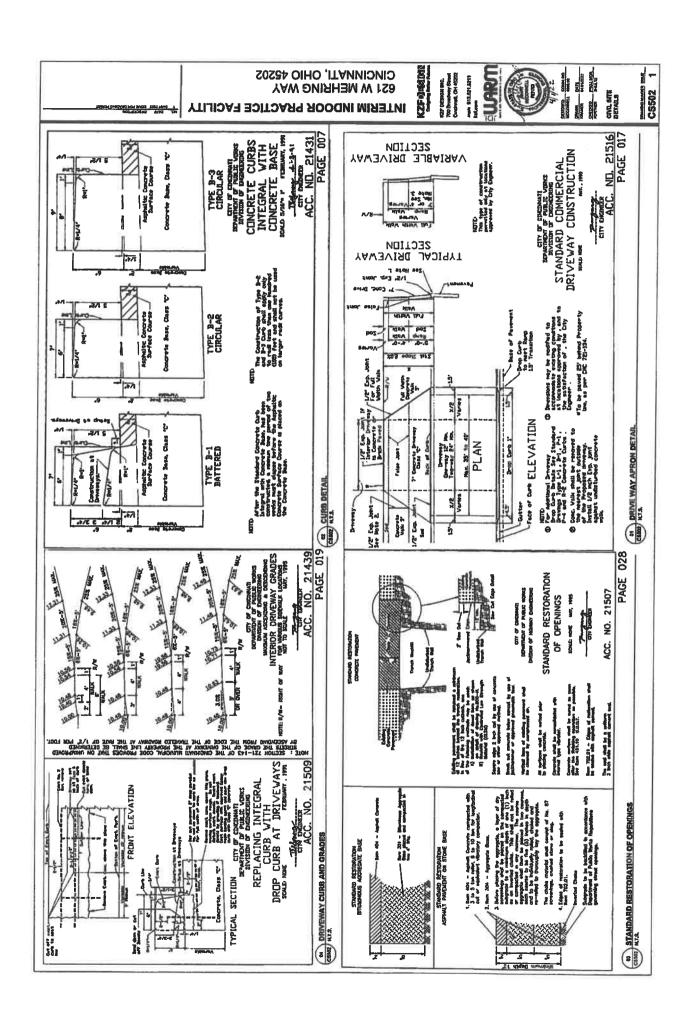


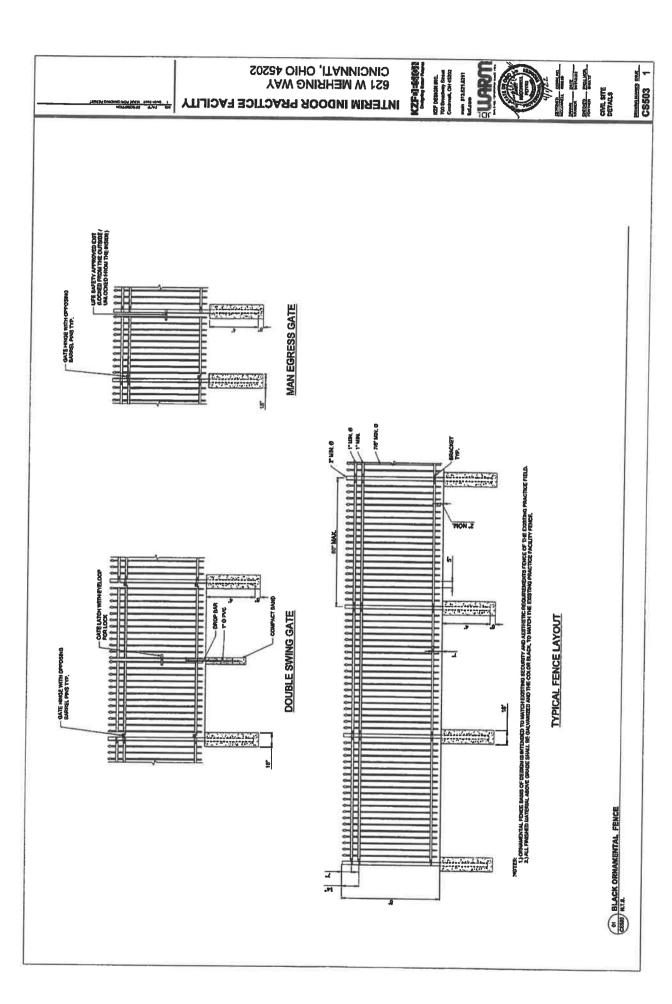


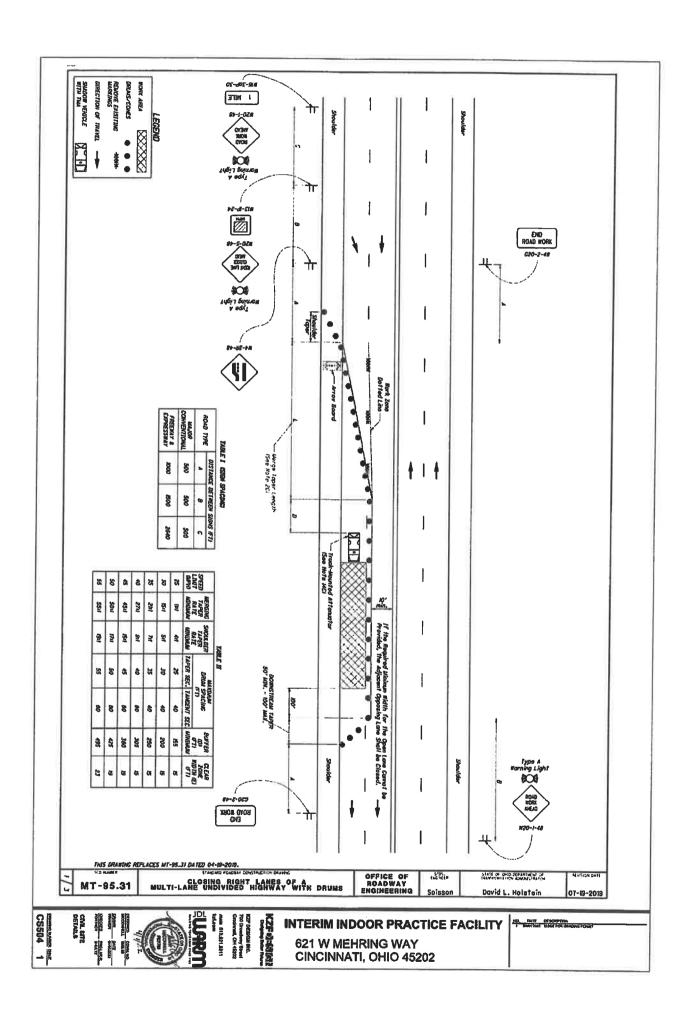


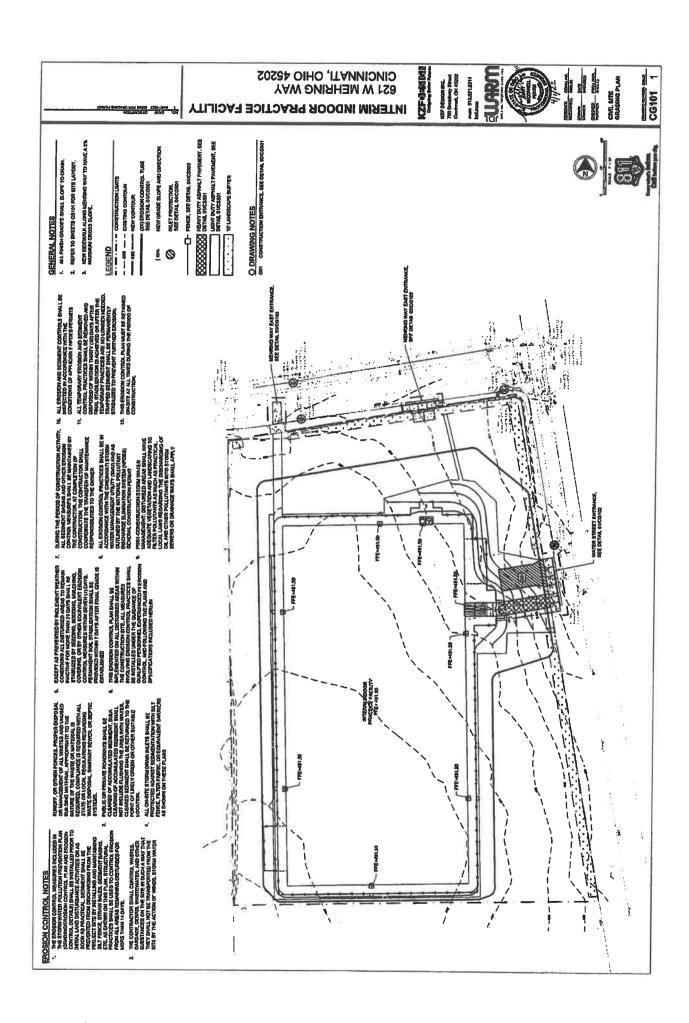


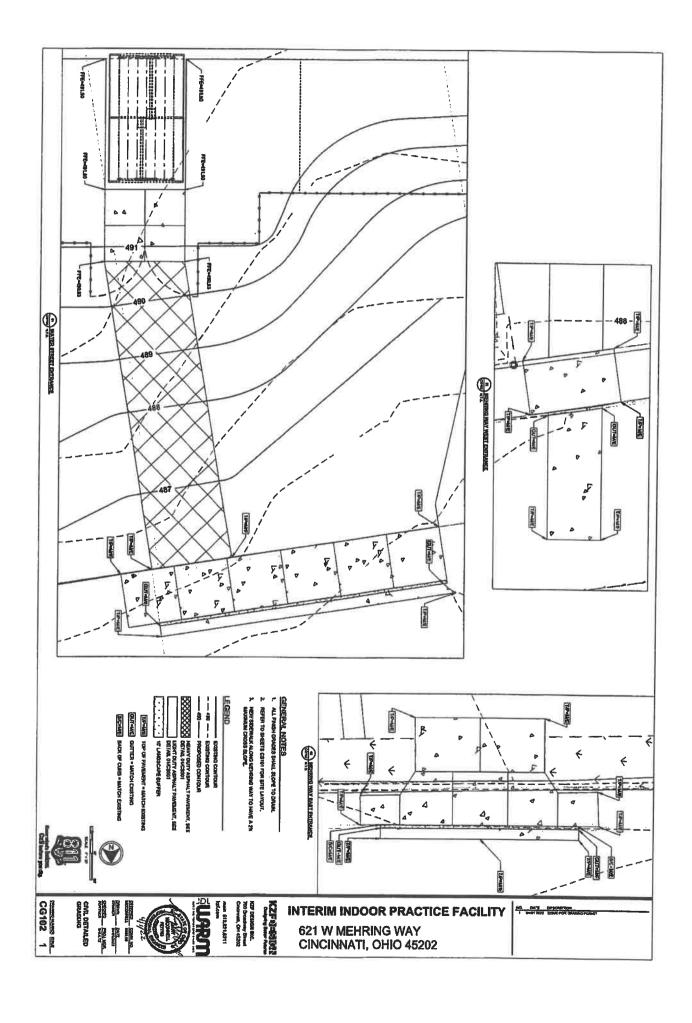


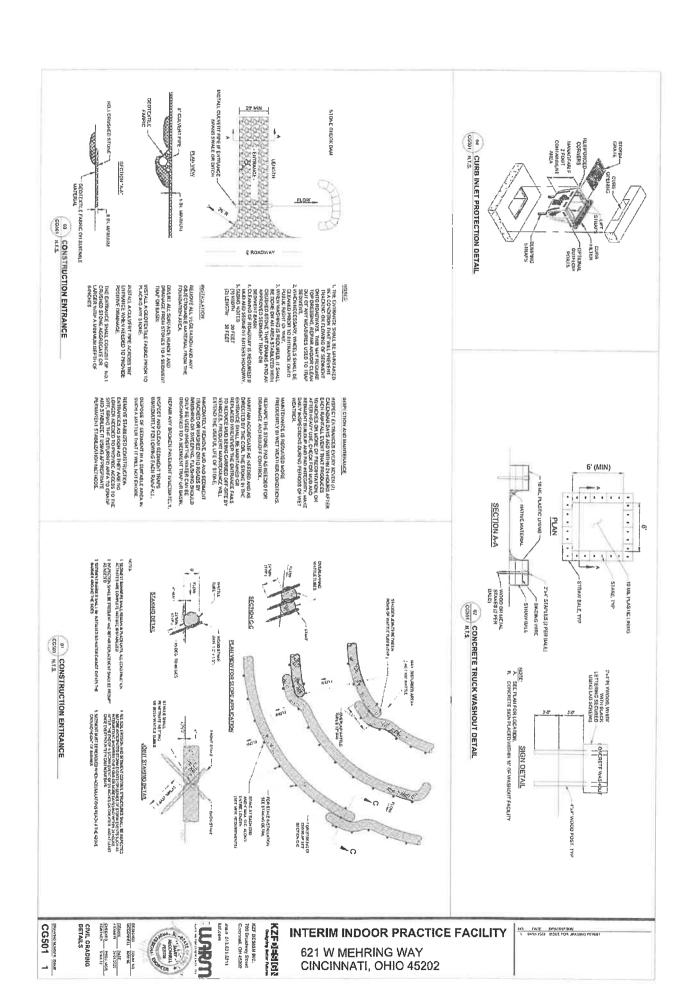


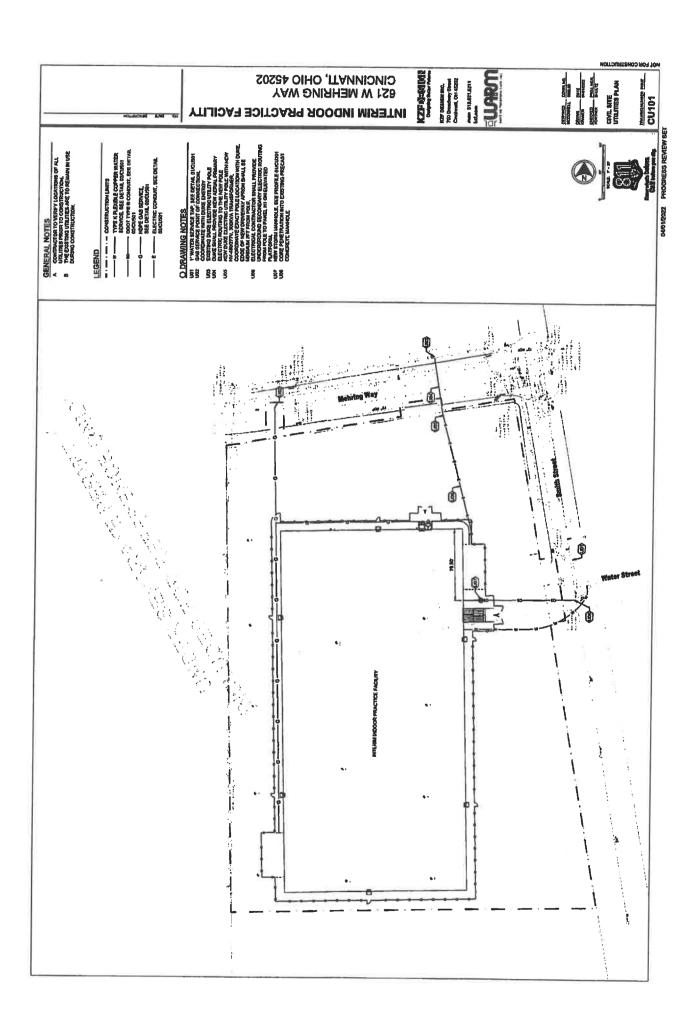


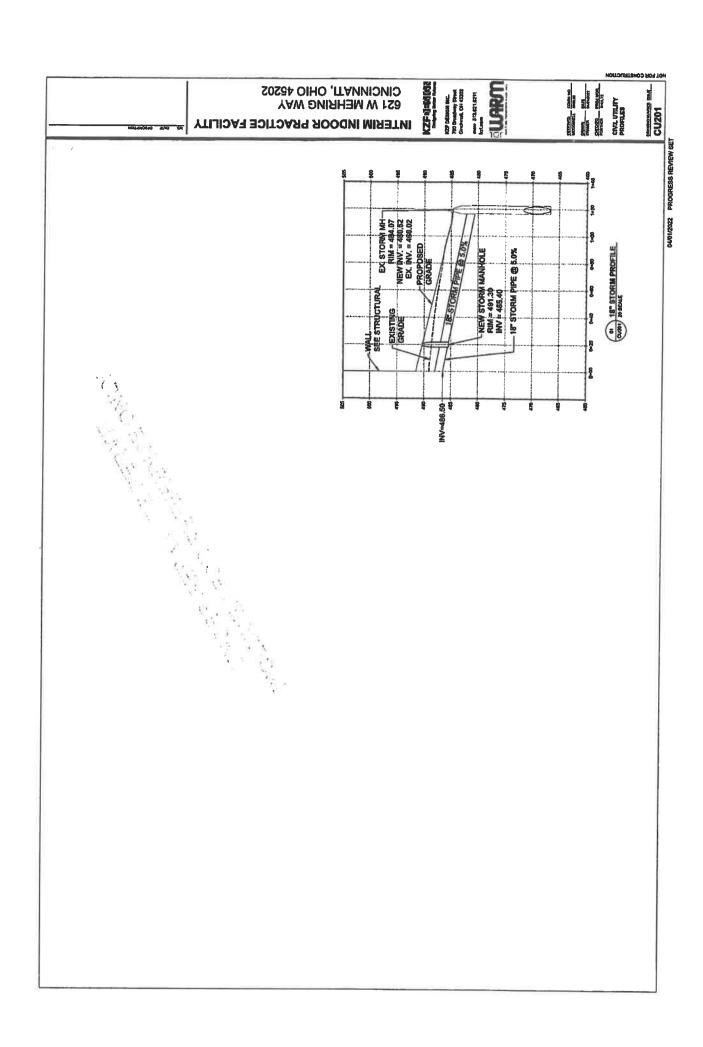


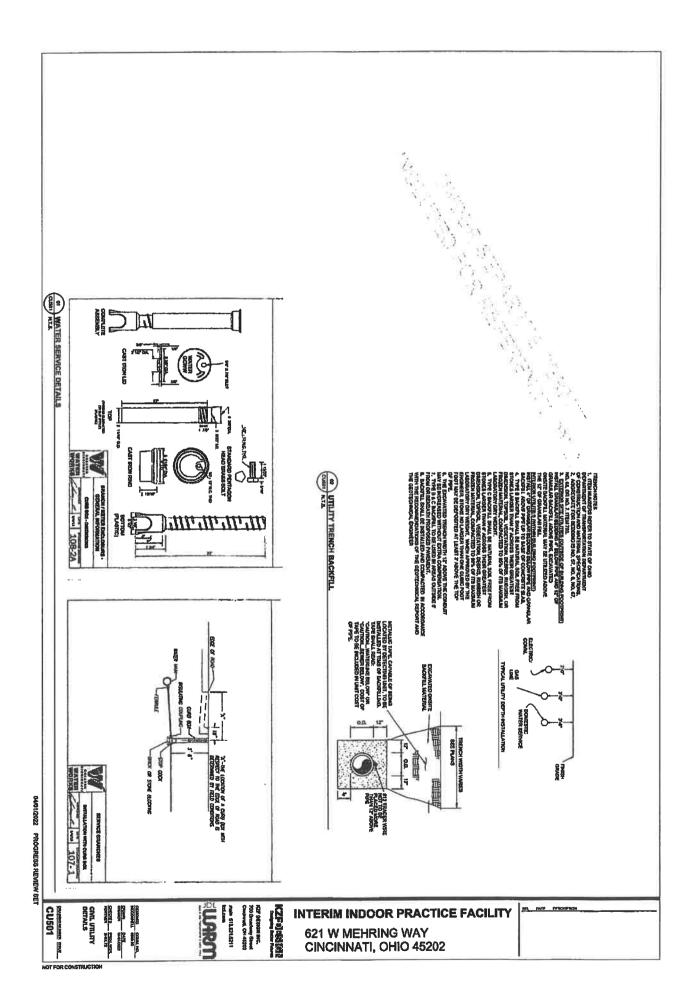










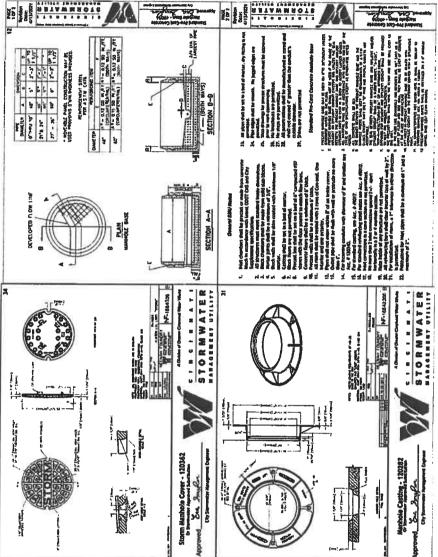


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CINCINNATI, OHIO 45202 INTERIM INDOOR PRACTICE FACILITY



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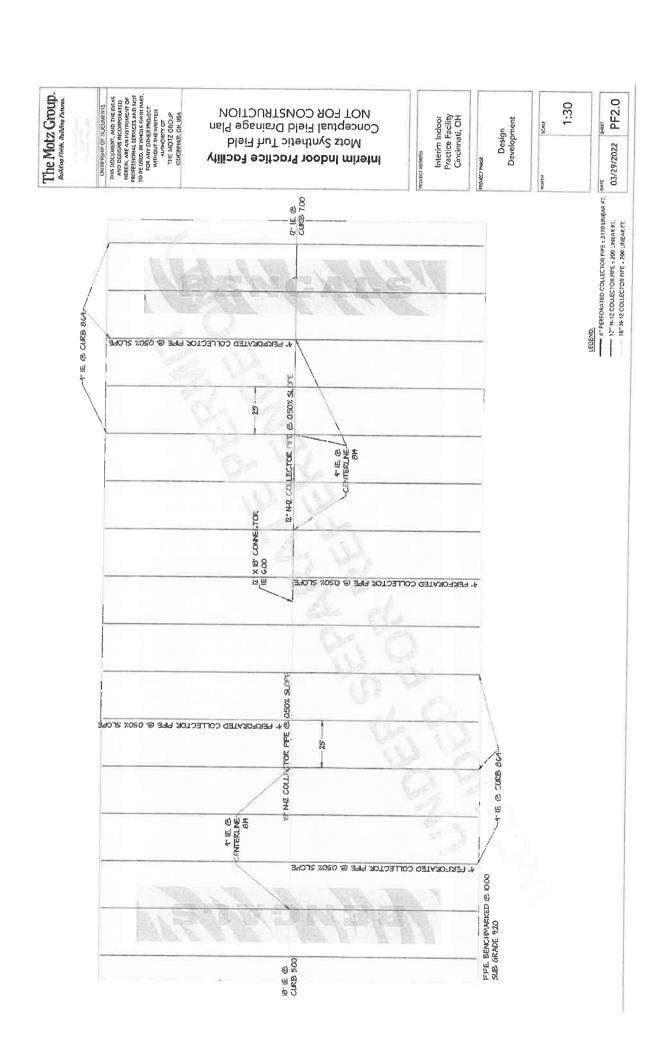
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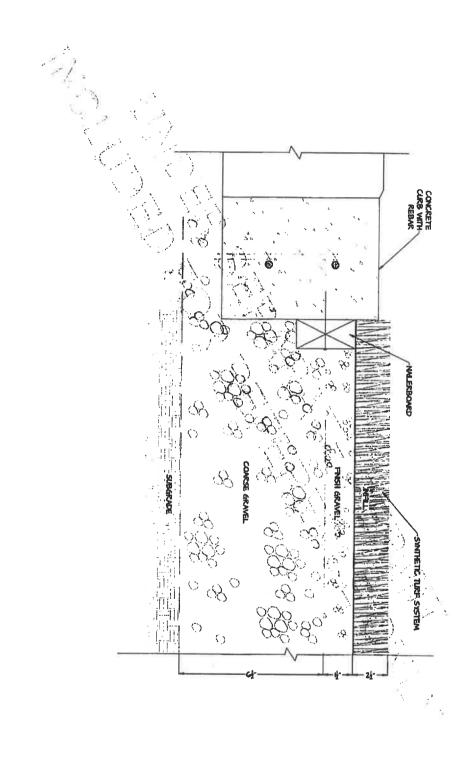
## Interim Indoor Practice Facility

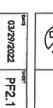
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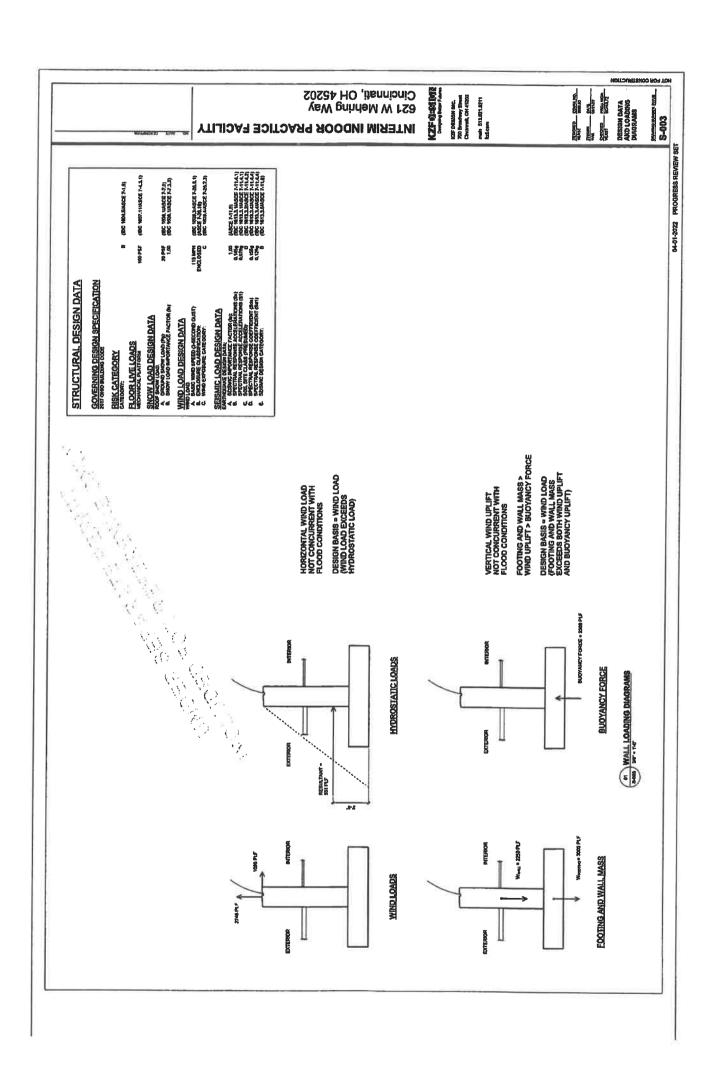
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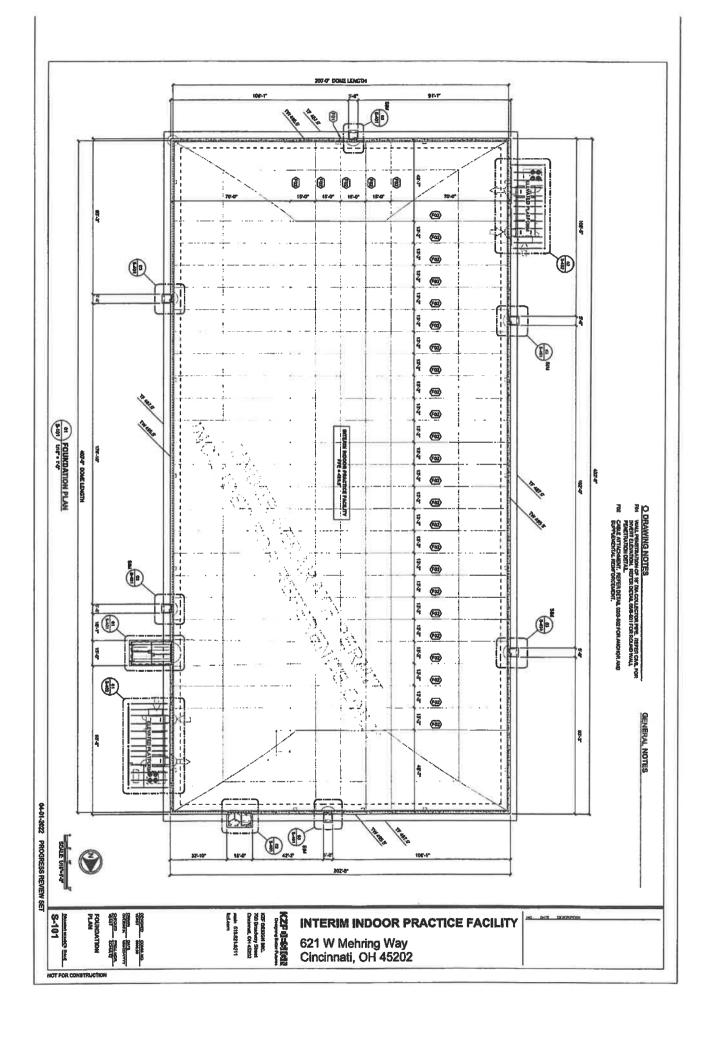
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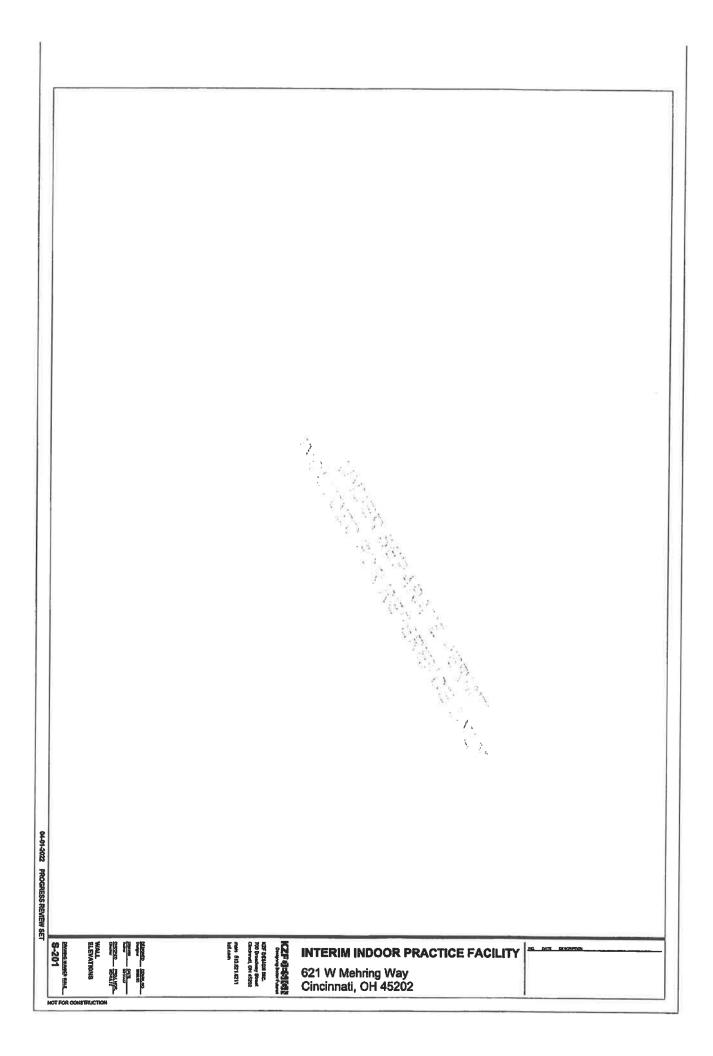
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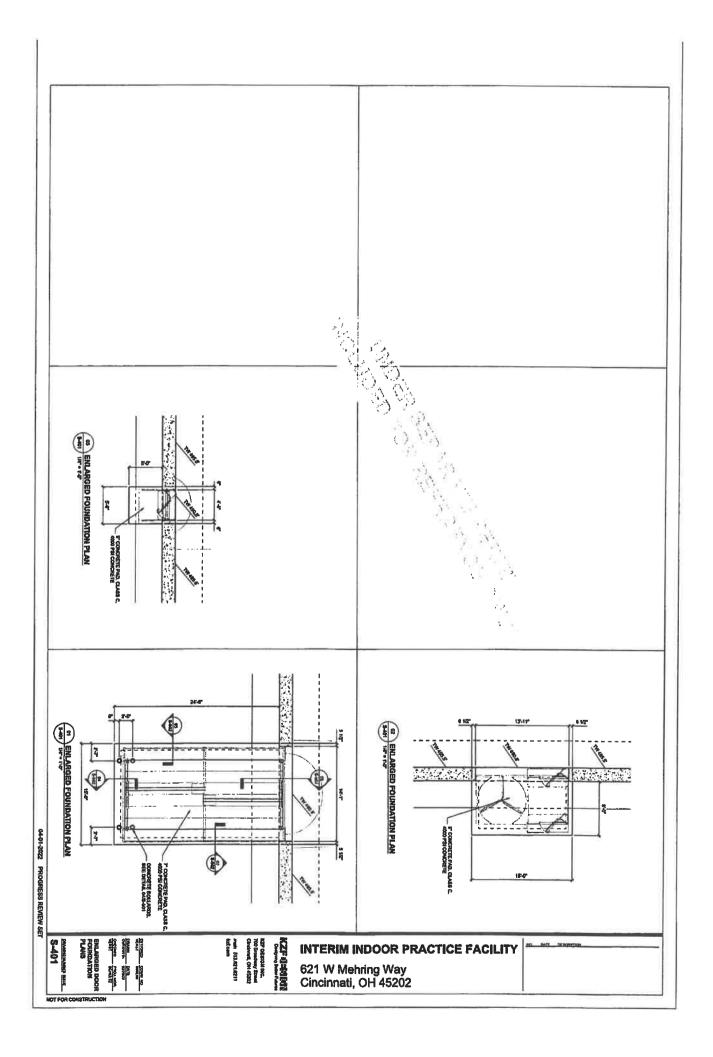
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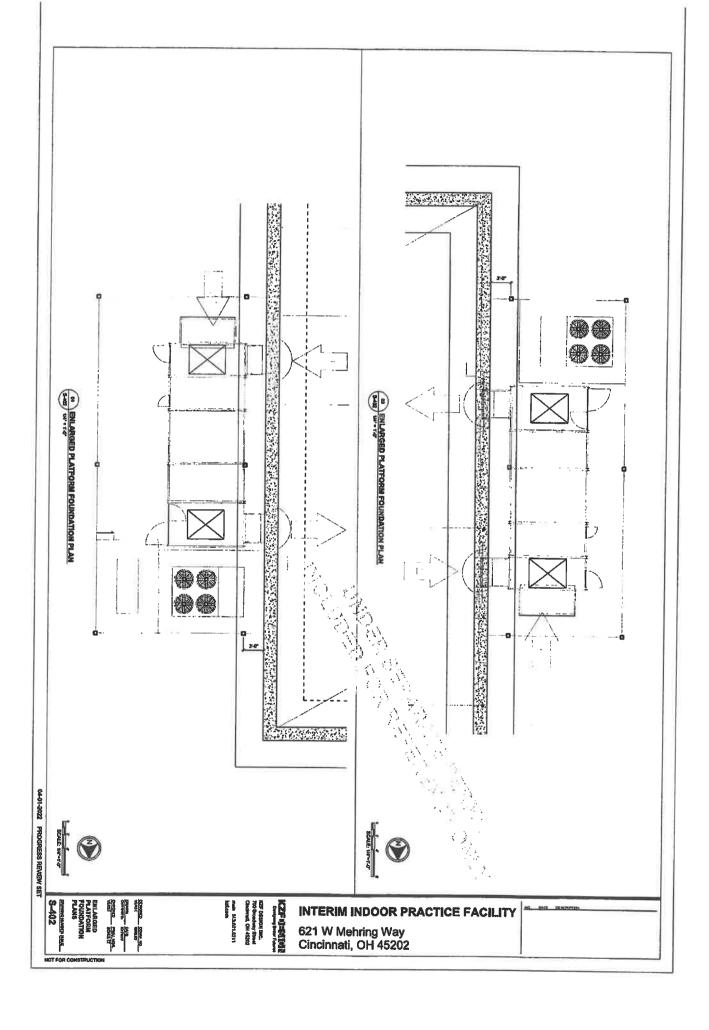
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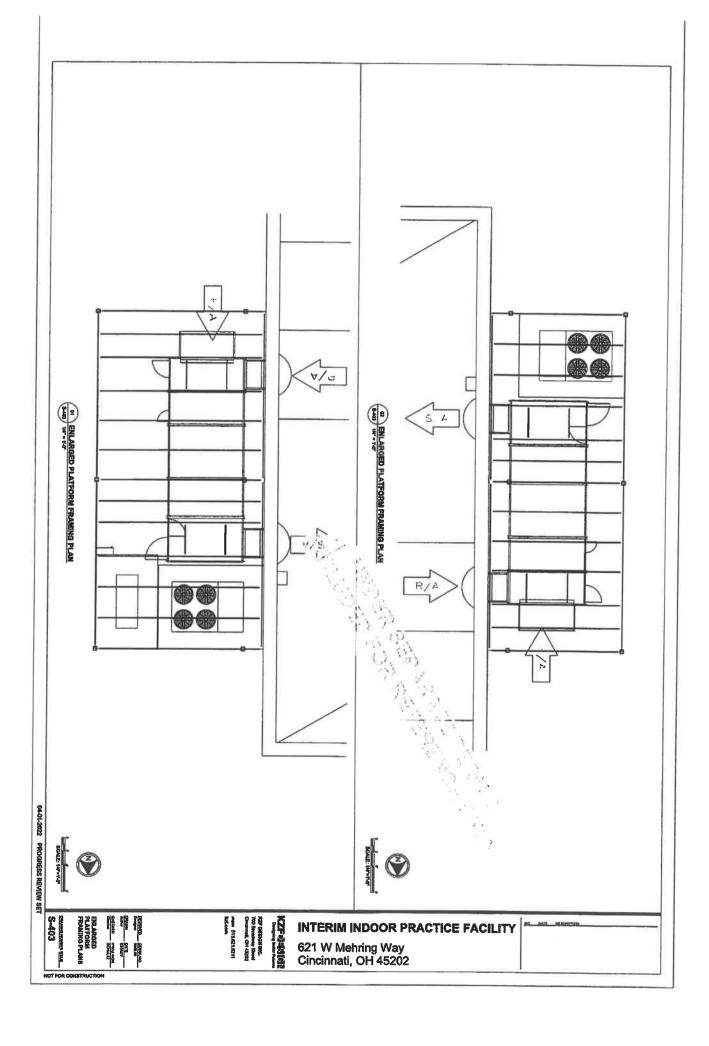


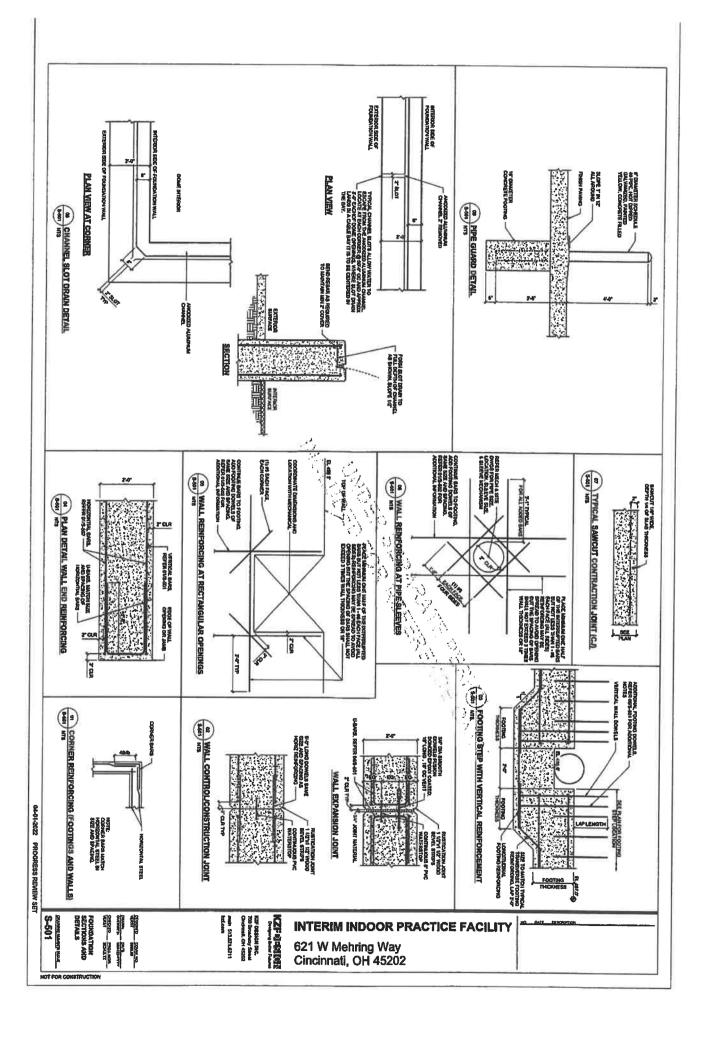


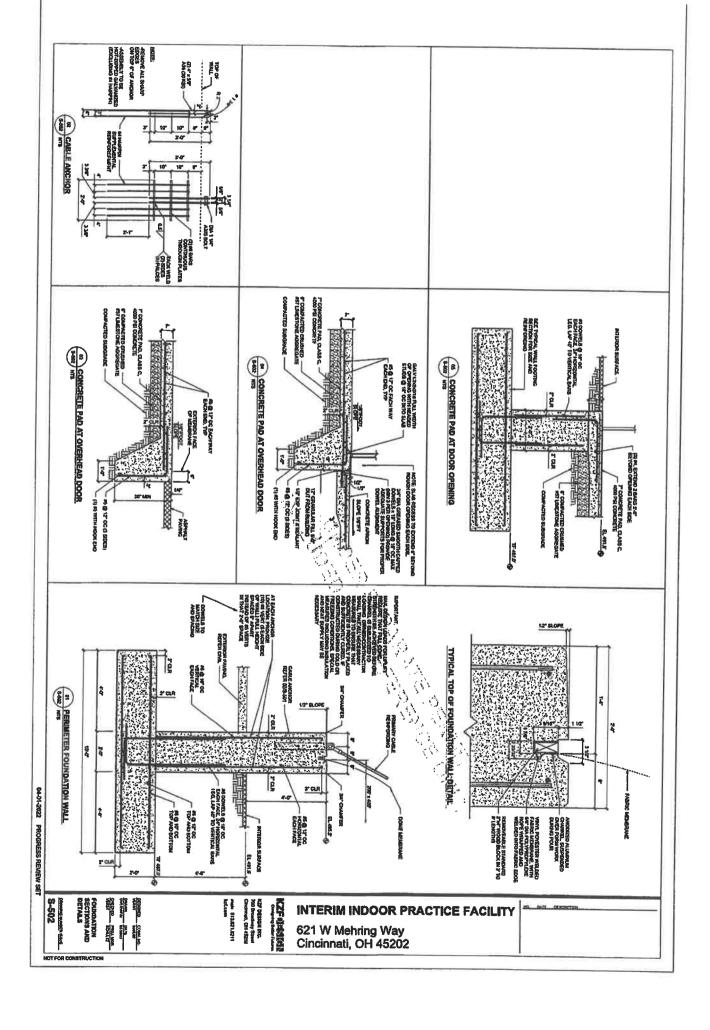




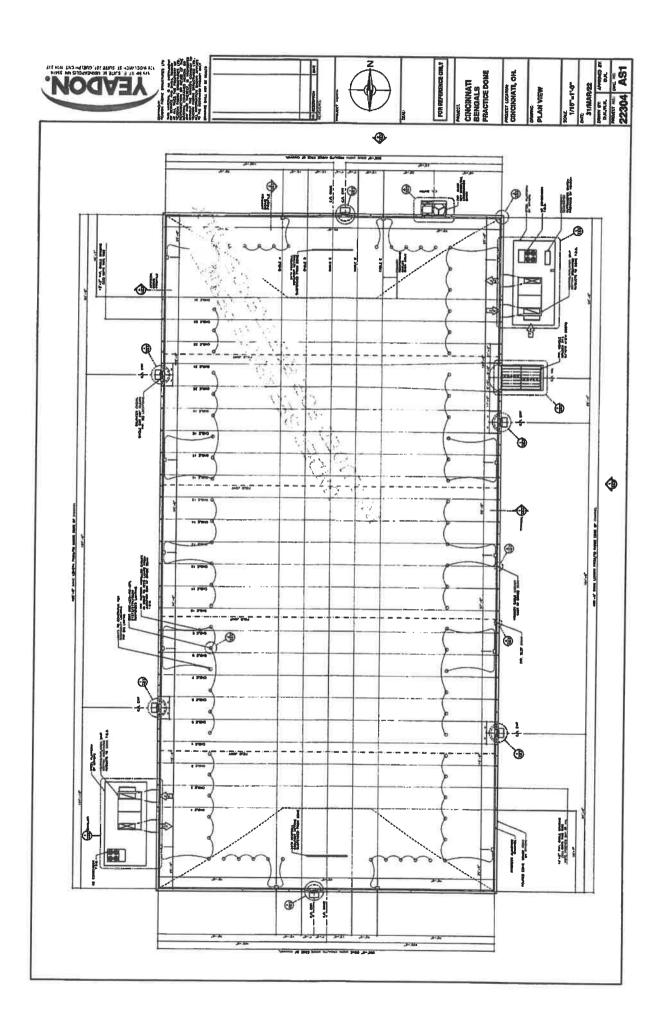


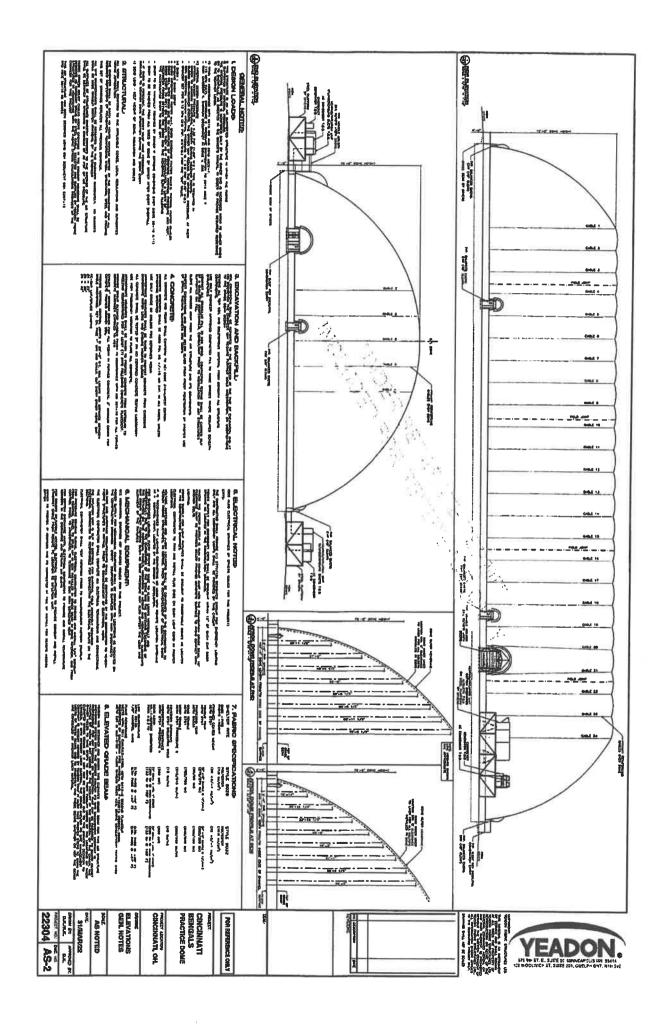


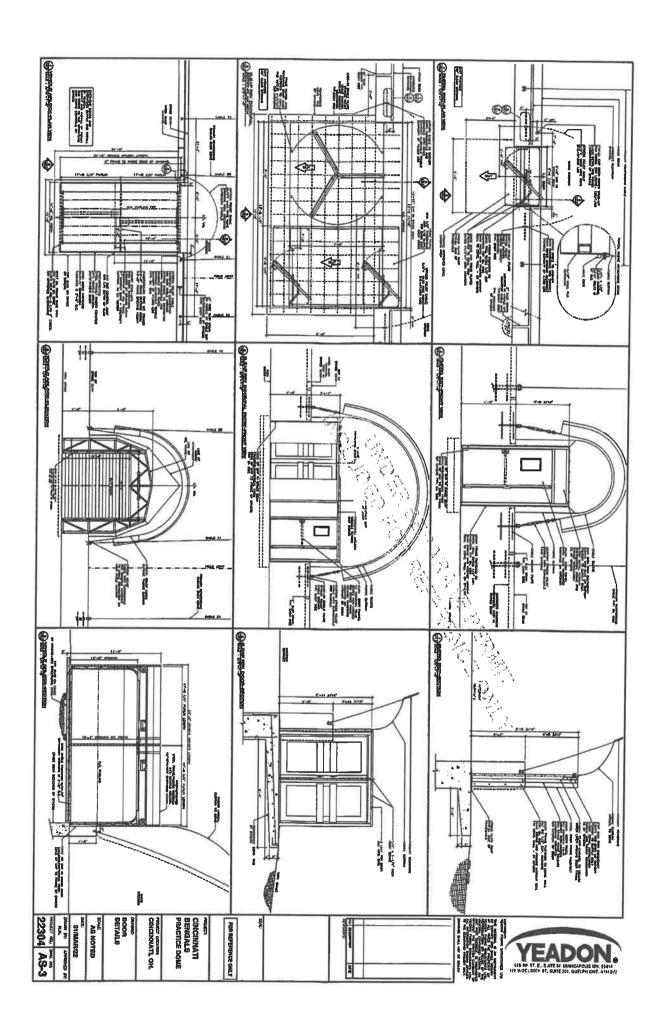


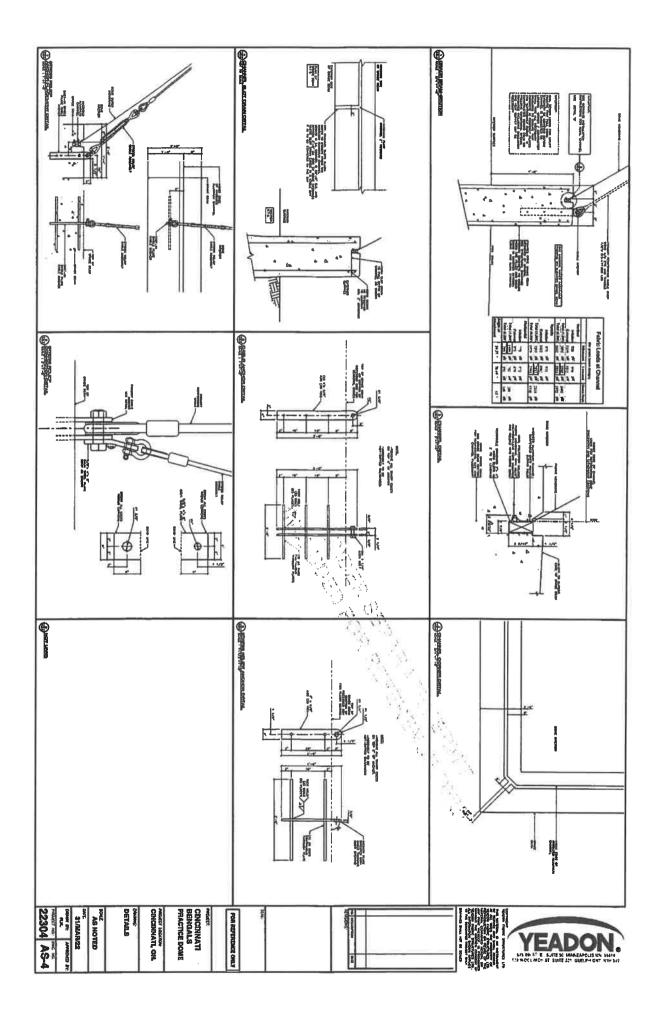


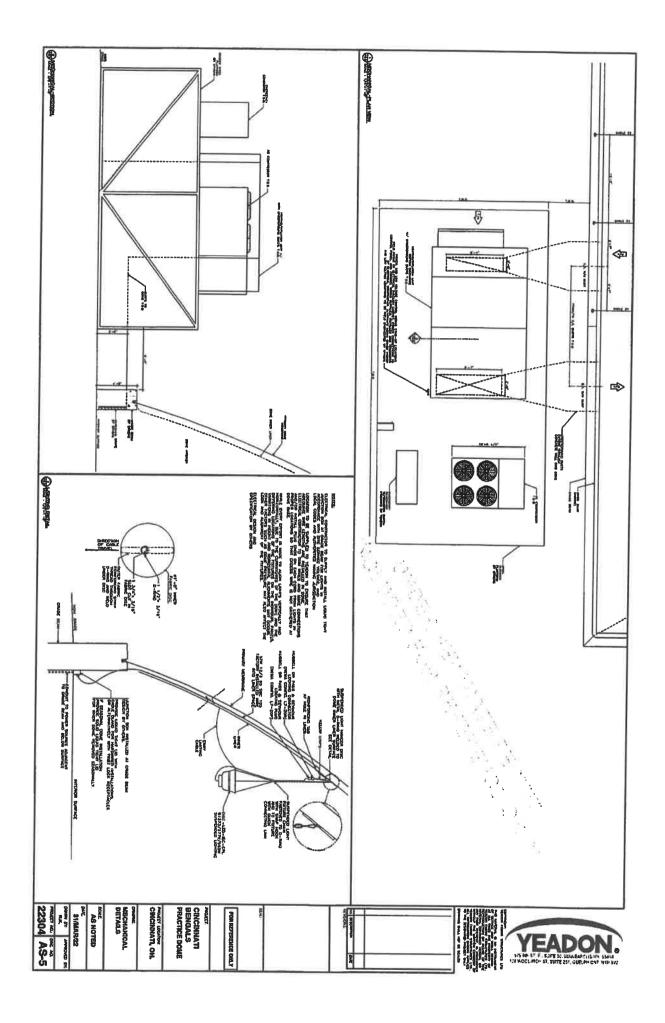
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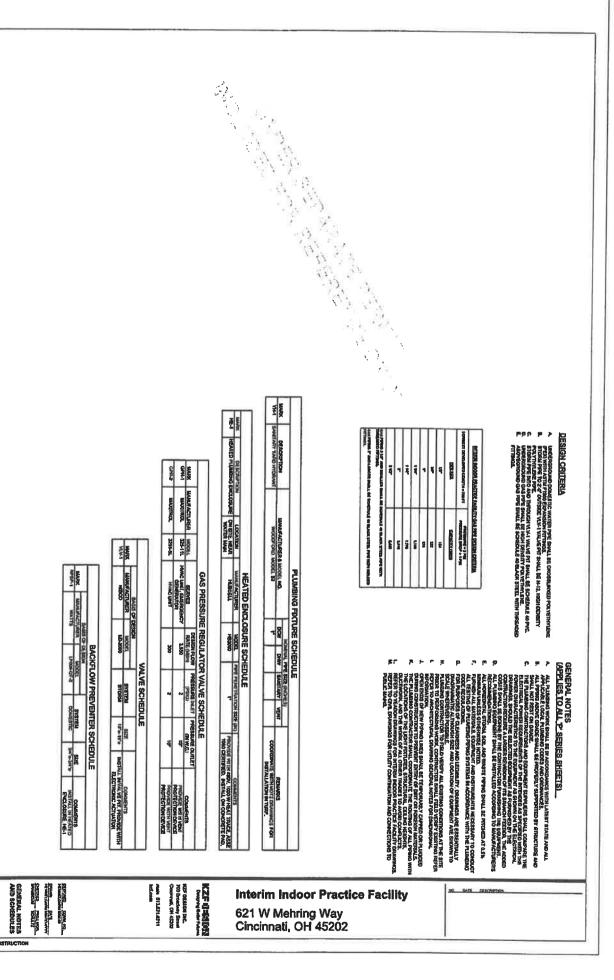






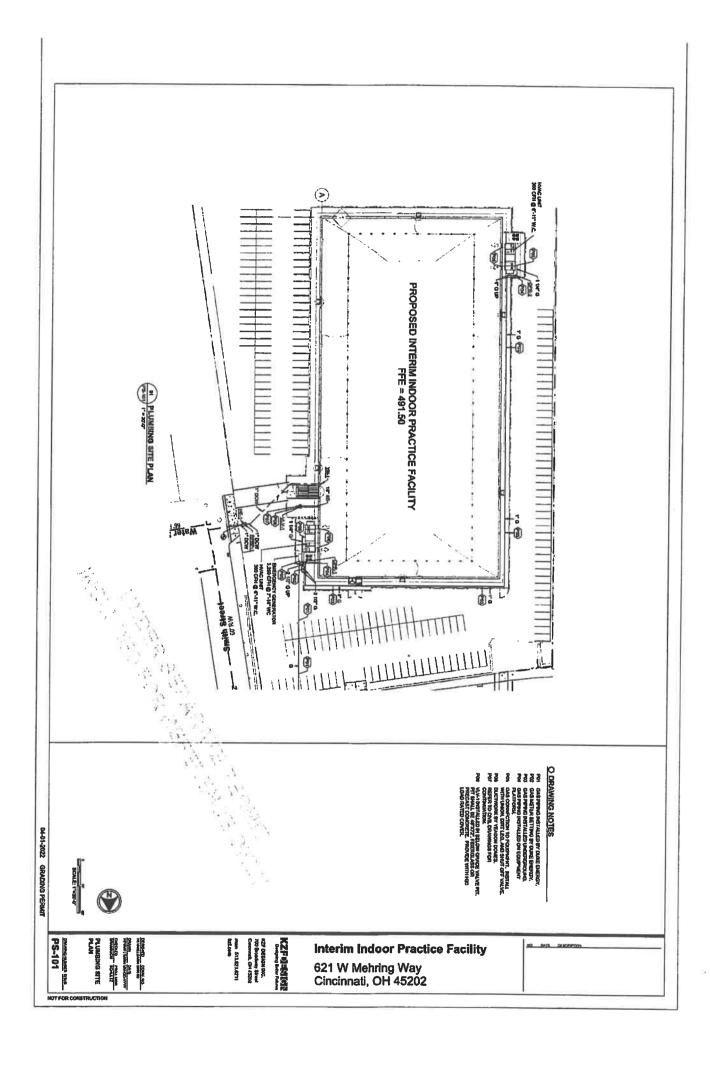




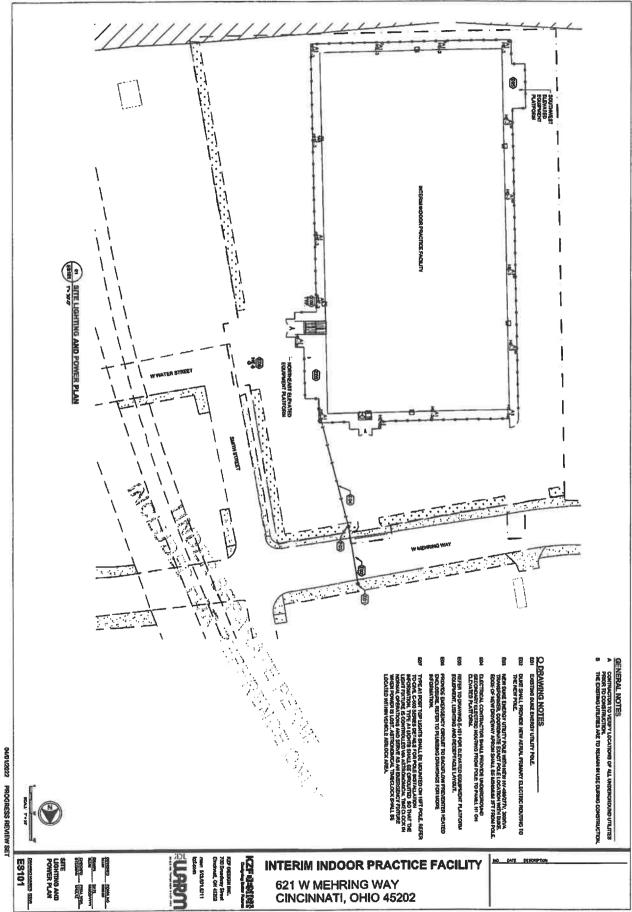


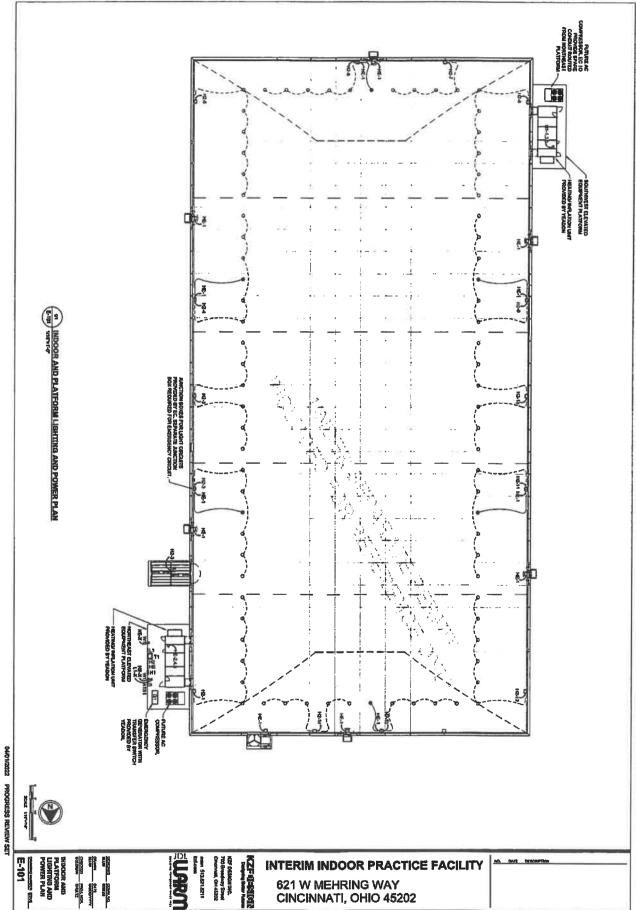
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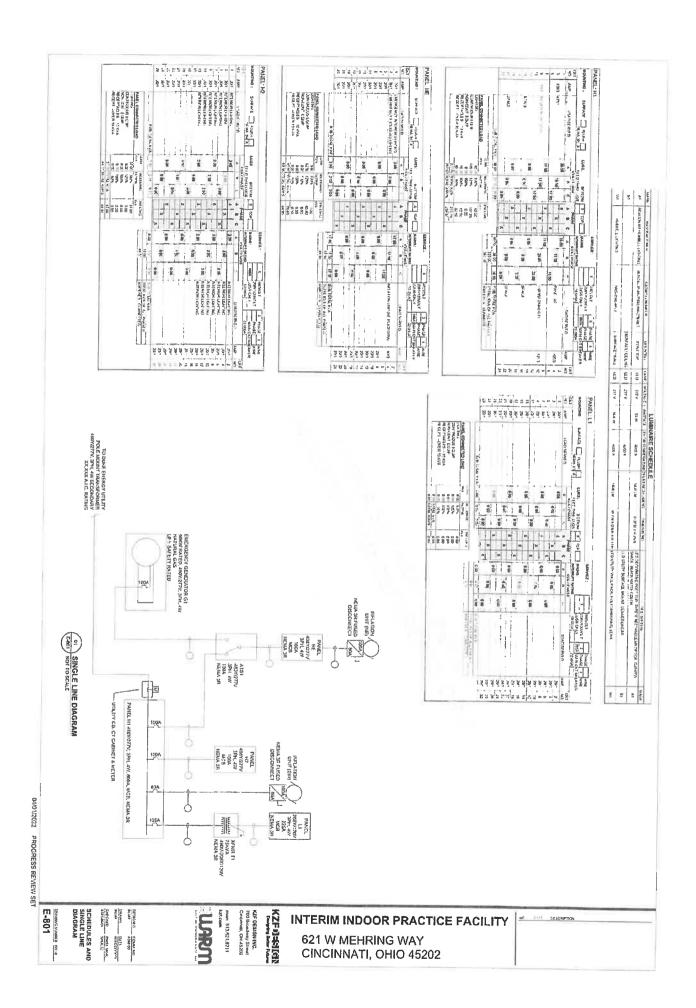
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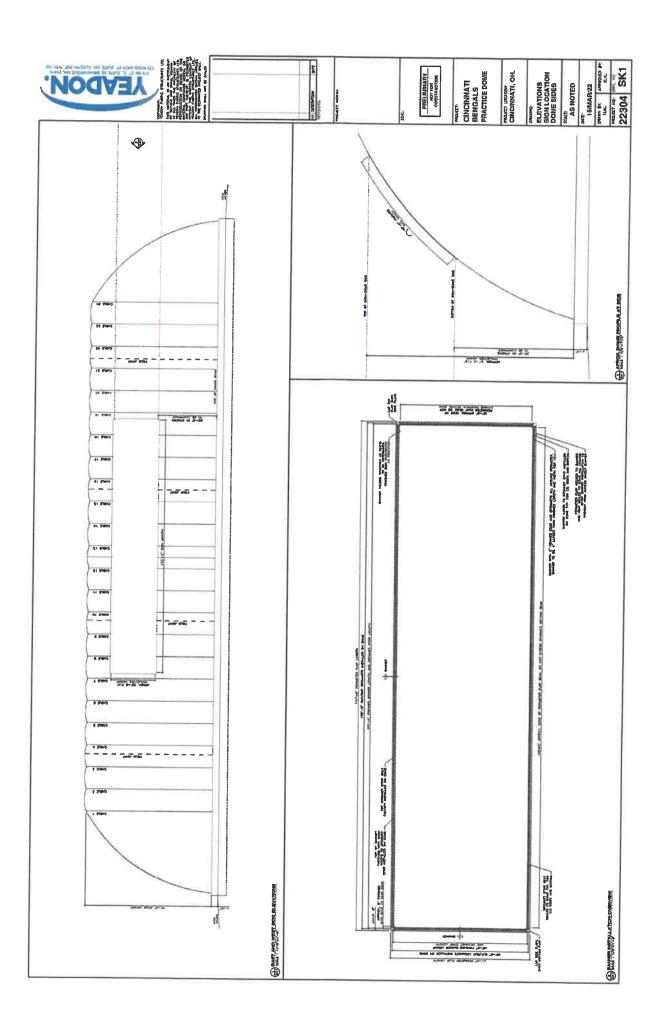
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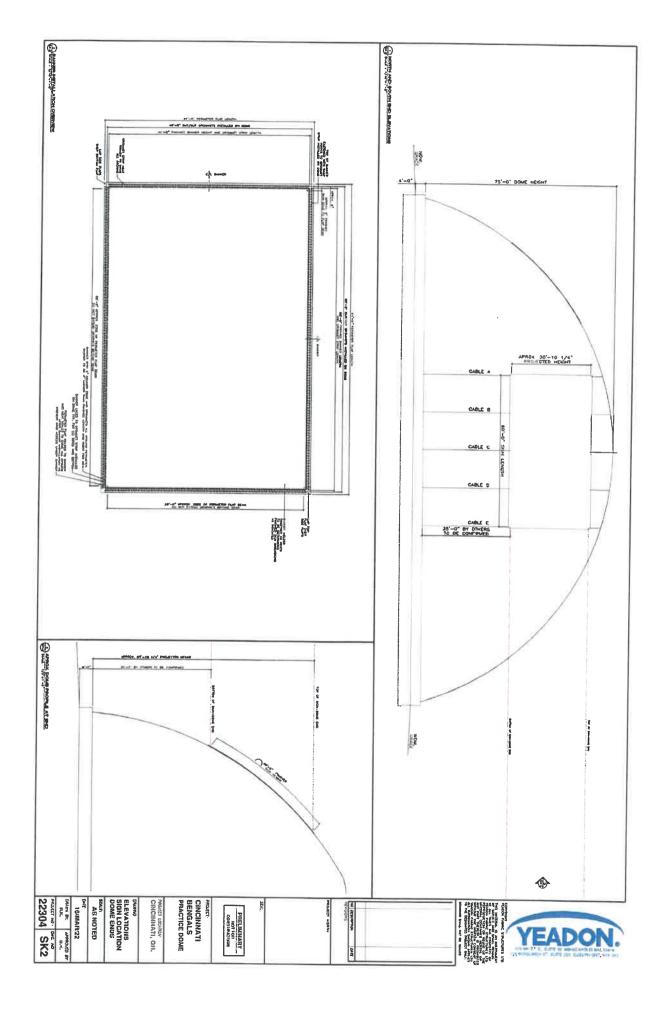






# EXHIBIT B2-B SIGN LOCATIONS AND SIZES





#### EXHIBIT C



### Interim Indoor Practice Facility (IIPF) Flood Action Plan.

IIPF for Use by Team and Staff only. Not for Public Use.

The IIPF flood action plan is based on Ohio River level projections of 56' and rising.

#### 1. River Level at 51':

Contact Yeadon Emergency Flood Response Service for contracted seventy-two (72) hour service (Dismantle Dome):

- A. Contact: Matthew Mejia.
- B. Emergency Contact Number: 651,775,5035.

#### 2. River Level at 52':

Contact Bauer Logistics for hauling of dome removal (and components) and offsite storage:

- A. Contact: Kenneth Bauer.
- B. Emergency Contact Number: 513.508.8457.

#### 3. River Level at 54':

Removal of Interior IIPF items. These included but are not limited to the following:

- Wi-Fi Mobile Unit (wheel based, mobile cart):
- Game Clock.
- Player Sleds and Pads.
- Team medical supplies.
- Perimeter wall pads.
- A. The items listed above will be stored on sideline west, inside Gate A.

#### 4. River Level at 56':

MEP action items and removal of IIPF items. These included but are not limited to the following:

- Perimeter security cameras (Powered by "POE" power over internet.)
- Dismantle all removable fencing around the perimeter. Stored offsite by Bauer Logistics.
- Synthetic turf equipment. E.G. Field drags.
- A. The items listed above will be stored on sideline west inside the stadium at Gate A.
- Disconnect power to IIPF. This is to be coordinated once Yeadon has removed the dome.
- Shut off service to domestic water.
- Portable Toilets will be removed from the facility
- A. Contact: Dean Ferrier
- B. Emergency Contact Number: 513.200.0881



## Interim Indoor Practice Facility (IIPF) Flood Action Plan.

#### 5. River Level at 56':

#### Final Action Items:

- Confirm all loose items have been removed from the facility.
- Verify all power has been disconnected.
- Verify domestic water has been shut off.
- Lock perimeter gate system.
- Remove all vehicles and equipment from the facility and site.
- Contact all required regulatory agencies and confirm the IIPF has been removed.

#### Additional Information:

National Weather Service River Forecast Contact:

A. Contact: Julie Reed.

B. Contact: 937.383.0428 (Extension 234.)

# CINCINNATI BENGALS, INC. NOTWITHSTANDING ORDINANCE APPLICATION PART B2

#### Reasons for the Notwithstanding Ordinance Request

Cincinnati Bengals, Inc. (the "Team") respectfully files this application to seek the support of the City of Cincinnati for the construction an "Interim Indoor Practice Facility" (the "IIPF"). The Team is proposing to build the IIPF at its expense and to have the facility available for use for the 2022 NFL season.

Indoor practice facilities are standard among NFL teams, and the IIPF will assist the Team with continuing to operate a successful NFL franchise in the City of Cincinnati. The IIPF will ensure, among other things, that (a) weather events do not impede the Team's preparation for games in both the regular season and playoffs, (b) the Team is optimally positioned to compete with other NFL clubs to continue attracting high impact free agent players, and (c) the City continues to benefit each year from the earnings taxes derived from the Team's practice and training operations on the riverfront.

The 2021 NFL season demonstrated the deep and important relationship between the Team and this community. The entire city came together to support the Team as it played its way to Super Bowl LVI. The Team's playoff run was more than just exhilarating; it brought tangible benefits to the City. According to one report, the Team's success helped generate \$4.4 billion worth of free advertising for Cincinnati. It gave the opportunity for Mayor Pureval and other City and civic leaders, including our Convention and Visitors Bureau, to promote Cincinnati to the world. The Team's significant investments on and off the field should continue to allow the franchise to compete at the highest levels in the NFL.

With respect to the land in question, Hamilton County owns the parcels subject to this application (which parcels are in the process of consolidation into one parcel). Under the Lease Agreement for Paul Brown Stadium (as amended) and binding Memorandums of Understanding dated November 2018 and June 2019, between Hamilton County and the Team, the Team is specifically authorized to construct the IIPF on the subject parcels. The County-Team agreements reflect the decades-long collaboration between those parties to continue to provide the important benefits of an NFL franchise to this region and to help improve and enhance Cincinnati's riverfront. The City's collaboration and cooperation in this project is significant and important to those efforts. As indicated by the name, the IIPF will be an interim facility that will most immediately be used by players and staff only for the upcoming 2022 NFL season while planning for the possibility of a more permanent facility once further portions of adjacent property are made available.

The timing and urgency of this application are driven by two related developments that bear directly on the practical necessity of constructing the IIPF on the subject parcels for this upcoming season. First, changes in the NFL schedule mean that more games are played later in winter, including playoff games. Second, Hamilton County's acquisition of

the subject property now provides, for the first time, sufficient space, on a temporary basis, to allow the Team to practice indoors when necessary, while maintaining full use of its outdoor practice fields. Constructing the IIPF on the subject parcels is therefore the only way to meet the need for an indoor facility that is practically and operationally viable for the upcoming season. The Team intends to find a more permanent solution to its indoor practice needs once the County makes the adjacent property available to the Team.

The proposed IIPF, as depicted in the drawings attached as **Exhibit B2-A**, will include a foundation supporting a regulation-sized practice field designed under NFL rules and an inflatable and removable synthetic dome. The design and locational elements necessary for the operational and financial feasibility of this project in turn require certain relief from both the City's zoning code and building code.

The Team respectfully submits this application and thanks the City in advance for its consideration of the project. The Team looks forward to continuing to make meaningful investments in its football team, in its operations, and in the City in the coming decades.

#### Zoning Code

The construction timelines and ultimate feasibility of the project require that the IIPF span across the northern subject parcels (-0079 and -0091) zoned MG and the southern subject parcel (-0083) zoned RF-M. And while this Indoor Recreation and Entertainment use is permitted in the MG zone, it is not in the RF-M zone.

In addition, the Team expects to partner with sponsors, who would be recognized in part on banners (traditional fixed signs that are neither digital nor changeable copy) attached to the exterior of the practice dome (the location and size of which are depicted on **Exhibit B2-B**). The total area required for such banners to be seen from the distances at which most will be viewing them likely exceeds the maximum area for "wall signs" in both the MG and RF-M zones proscribed in CMC 1427-39: 26' - 7/8" x 150' east and west elevations, 30' - 10 1/4" x 60' north and south elevations.

Finally, the Team intends to allow the public to park on portions of the subject parcels during games, and certain other times, in order to expand the fan tailgate experience and maximize the use of the property on days in which there is high demand for parking in the vicinity. As with the Indoor Recreation Use, a Parking Facility is permitted in the MG zone, but not in the RF-M zone.

#### **Building Code**

The construction timelines and ultimate feasibility of the project also require slight relief from the dry-proofing requirement of CMC 1109-11(5)(b). As demonstrated and described in greater detail in the materials attached as **Exhibit B2-C**, which have been submitted directly to the Flood Plain Administrator for his review, the Team submits that it has met the alternative compliance standard articulated in CMC 1109-11(5)(b) by (1) removing the dome from the flood impact analysis by establishing operational protocols that will require removal of the dome in anticipation of Base Flood conditions, and (2)

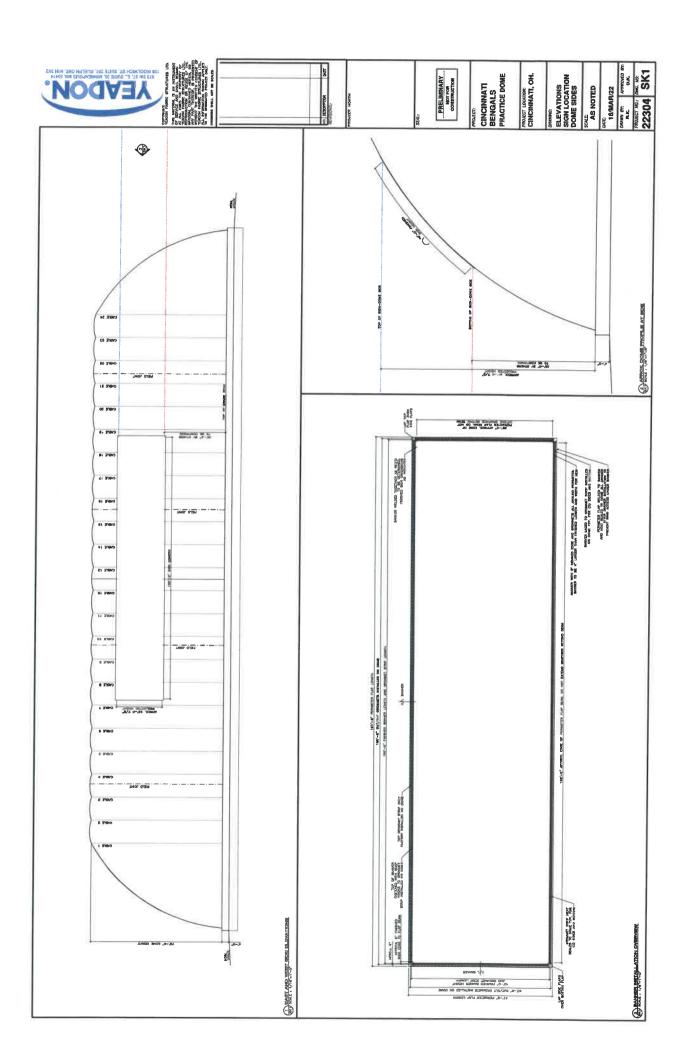
designing the foundational structure to the industry and FEMA-approved standards for resistance to hydrostatic and hydrologic flood loads and the effects of buoyancy. Exhibit B2-C also includes a Technical Memorandum prepared by a Qualified Professional Engineer, indicating the project will not result in increased flood heights during the base flood discharge, or any watercourse alteration or relocation that will diminish the flood-carrying capacity of the watercourse. For the same reasons, the IIPF will not result in additional threats to public safety, extraordinary public expense or any of the other elements described in CMC 1109-13-3(4). Finally, the final design of the fencing depicted at the locations on Exhibit B2-A, will comply with the flood impact and flood-resistance requirements of CMC 1109 as approved by the Flood Plain Administrator at such time as the fence design is completed.

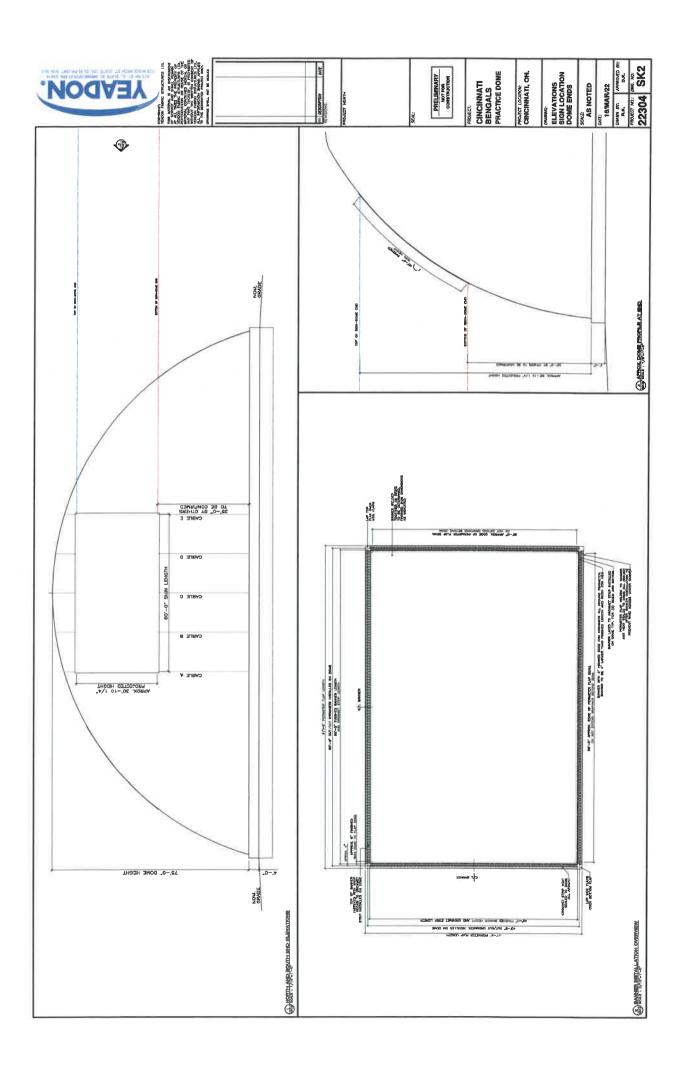
This request for a Notwithstanding Ordinance is thus prompted in relation to the zoning code by the necessity of authorizing the IIPF as a use on the subject parcels zoned RF-M, the size the wall signs must be on the facility to be seen, and the intent of the Team to expand the opportunity for the public to enjoy the fan tailgate experience. Out of an abundance of caution, this request is also expressly intended to address any other requirements of the MG or RF-M zones that would preclude approval of the construction and operation of the IIPF as generally depicted on Exhibits B2-A and B2-B. This request is prompted in relation to the building code by the necessity of authorizing the construction and operation of the IIPF on the subject parcels, for the reasons articulated in this application, and is submitted with the intent of demonstrating the design and operational elements that nevertheless effectively meet the requirements of the building code.

The applicant therefore requests a Notwithstanding Ordinance that will specifically authorize and permit the construction and operation of the facility as generally depicted on Exhibits B2-A and B2-B, and as described and depicted in Exhibit B2-C.

# **Exhibit E**

# EXHIBIT B2-B SIGN LOCATIONS AND SIZES





# **Exhibit F**

# EXHIBIT B2-C

# SUBMISSION TO DEPARTMENT OF BUILDINGS & INSPECTIONS



April 1, 2022

Mr. Art Dahlberg
Director of the Department of Buildings & Inspections
City of Cincinnatí
805 Central Avenue, Suite 500
Cincinnati, Ohio 45202

Subject: Floodplain Development Analysis Summary and Variance Request for

Interim Indoor Practice Facility (IIPF) at 621 W Mehring Way in Cincinnati, Ohio

Dear Mr. Dahlberg,

This letter is provided to request relief from the Section 1109-11(5)(b) and Section 1109-13-3(5)(a) requirements of Cincinnati Building Code to permit the development of a temporary Interim Indoor Practice Facility (IIPF) owned and operated by the Cincinnati Bengals (the "Team") to be located at 621 W Mehring Way in Cincinnati, Ohio. The proposed development will be located within the 100-year floodplain elevation and as such must show it meets the alternative compliance requirements of CBC 1109(5)(b). This letter has been developed with reference to the corresponding sections of the Cincinnati Building Code Chapter 1109 "Flood Damage Reduction" and ASCE 7-10 Chapter 5 "Flood Loads" to demonstrate that the intent of the applicable sections will be satisfied by the proposed development.

The development is a removable air dome that attaches to a concrete footer, with an interior turf field for occupancy and use by players and staff of the Team only (Exhibit A). The exterior is paved, with a new picket security fence (Exhibit A) which will be finalized after consultation and approval of the Flood Plain Administrator that the fence meets the flood performance requirements of CBC 1109-11(5)(b) and any other applicable sections of Chapter 1109, Mechanical equipment will be on platforms above the floodplain (Exhibit A). During flood warning, the dome structure, contents, and fence will be removed from the site and stored outside of the floodway prior to floodwaters occurring on site--leaving only the footer and turf (Exhibit C). The footer is designed regarding buoyancy and static and dynamic loads, set deep below grade and open to ground level at the eight (8) doors—allowing floodwaters to pass around and through all sides (Exhibit A). The turf is secured to the footer with drainage below—allowing floodwaters to rise and flow overtop and then drain afterwards (Exhibit D).

We submit this development meets the alternative compliance standard articulated in CBC 1109-11(5)(b) by:

- Removing the dome from the flood impact analysis by establishing operational protocol that will require removal of the dome in anticipation of Base Flood conditions, and
- Designing the foundation structure to industry and FEMA-approved standards for resistance to hydrostatic
  and hydrologic flood loads and the effects of buoyancy.

The development satisfies CBC 1109-13-3(5)(a) because it will also perform much as the existing site does in a flood environment, allowing floodwaters and velocities to rise and fall and travel through the site without measurable impact to areas adjacent, upstream, or downstream (Exhibit E).

Herein we provide a Technical Summary regarding the CBC Chapter 1109, and attach the following exhibits containing information and supporting documents on how the design meets the intent of the building code:

- 1. Exhibit A Design drawings
- 2. Exhibit B Interim Indoor Practice Facility (IIPF) Flood Action Plan
- 3. Exhibit C Yeadon Domes Emergency Flood Response Service Letter
- 4. Exhibit D The Motz Group Turf System memorandum
- 5. Exhibit E Technical Memorandum from a Qualified Professional Engineer on FEMA Flood Levels

Thank you for the opportunity to present this information. If you have any questions or need any additional information, please feel free to contact our office.

Sincerely, KZF Design Inc.



Mary McConnell, PE Director of Civil Engineering KZF Design, Inc.



Ted Verst, PE, SE, PMP Vice President, Director of Engineering KZF Design, Inc.

cc: Cincinnati Bengals

Taft Stettinius & Hollister LLP JDL Warm Construction KZF Design File

# Technical Summary - Cincinnati Building Code Chapter 1109 - Flood Damage Reduction

Subsection 1109-11-(5)(b) requires that construction take place above the base flood elevation or, if not, structures are dry-proofed. This project seeks relief from this requirement. The project accomplishes the same outcomes intended and required as noted in the attached drawings, technical memos, and per the ASCE 7-10 Chapter 5 – Flood Loads, which are considerations adopted by the USACE and FEMA.

### ASCE 7-10 Chapter 5 - Flood Loads

5.3.1 Design Loads: floatation, collapse, permanent displacement. See included site plans and supporting calculations. The footings are designed to be structurally moored to relieve the concern of buoyancy and static and dynamic loads. The footer bottom is more than six feet (6') below finish grade, making the foundations deep enough and with enough mass to resist floatation. Hydrostatic pressure will be equalized as flood water will be allowed to flow freely on both sides of the wall, alleviating unbalanced forces that lead to collapse. Water velocities at this site are small enough and the foundation large enough to eliminate the concern of displacement.

# Additionally referencing subsection 1109-09.3: Application for Floodplain Development Permit

1109-09.3(5)(c): The attached plans show, and the Technical Memorandum prepared by a Qualified Professional Engineer describes, how the development otherwise meets the requirements of the CBC. In summary, there will not be any watercourse alteration or relocation that will diminish the flood carrying capacity of the watercourse. The cross section and location of the wall, combined with the lay of the land and surrounding structures, and resulting velocities will not incur nor incite impact on surrounding areas. The proposed footer will rise four feet (4') above grade, but not in a continuous manner, with at-grade (flush to the ground) openings on all four sides. The openings will allow floodwater to pass through the interior area. The fencing will be such that it will not break away, nor will it collect debris.

1109-09.3(5)(e): The attached Technical Memorandum prepared by a Qualified Professional Engineer describes that there is no impact on flood heights resulting from this site development. This is shown to be due to its nominal cross section, at-grade elevation, and footprint size relative to the floodplain and surrounding area.

### Section 1109-13-3(5)(a). Appeals and Variances, Other Conditions

The attached Technical Memorandum prepared by a Qualified Professional Engineer provides information showing that there will be no increase in flood levels during base flood discharge in the designated floodway resulting from the proposed development of this site. In summary, the site is nominal in size, open in design, and matches the existing ground—resulting in a footprint that has little impact on the river in general and no impact on flood discharge. Further, interaction of the walls with the base flood levels and floodwater velocities will be localized to the wall itself, with no impact offsite or in the surrounding areas.

In summary, the development will perform much as the exiting site does in a flood environment, allowing floodwaters and velocities to rise and fall and travel through the site without measurable impact to areas adjacent, upstream or downstream.

# Subsection 1109-13-3 Variances

- (3) Additional Standards to be Considered:
  - (a) The attached Interim Indoor Practice Facility (IIPF) Flood Action Plan set forth by the owner for vacating the property prior to indicated flood conditions provides that there will be no unattached materials remaining on site, eliminating the danger that materials may be swept onto other lands. The turf field and foundation footer wall are fixed below grade to a substructure that is to remain in-situ as floodwater passes. The attached design plans include a Synthetic Turf Field Curb Detail (see PF2.1) detail and Turf System memorandum from the synthetic turf provider regarding the performance of the system floodwaters and the associated conditions.
  - (b) The attached IIPF Flood Action Plan set forth by the owner for vacating the property prior to indicated flood conditions provides that there will be no occupants or materials remaining on site, relieving the site of the danger to life and property on site. The letter defines the occupants as private facility users (not

the general public or unauthorized visitors). The proposed site will leave the existing asphalt in place except for the asphalt replaced around the footer footprint area, relieving the concern of damage due to erosion. The existing area from the top of bank to the water will incur no work or disturbance.

- (c) The proposed facility is synthetic athletic turf, concrete footers, and asphalt surfacing, all of which are exterior weather tolerant and analyzed for performance in flood conditions. These elements will be fixed in-situ to below-grade foundations allowing them to remain in place during flood conditions and allow floodwaters to recede and return the site to intended use. The above sections (a) and (b) indicate that there will be no contents remaining on the site during flood conditions, eliminating the susceptibility of contents to flood damage.
- (e) The parcel indicted for the proposed facility is located proximal to the existing facility that is primary to the owner and the adjacent practice fields. The facility and practice fields are an integral system. It is necessary for the facility users to remain within an accessible localized area based on the activity performed. Multiple coordinated areas operating concurrently and the ability to change locations based on activity performance are at the basic level of use of the existing and proposed facility. There are no other parcels of property in the vicinity of the size required that are not in the floodplain.

### (4) Standards for Variances:

- (a) The material presented in this letter and its attachments are believed to be a good and sufficient cause for the requested variance.
- (b) Failure to grant the variance would result in exceptional hardship due to the physical characteristics of the property. The intended use and functional access to the proposed facility on the site would not be achievable with meeting the requirements of C-1109 CBC due to the existing ground surface elevation versus the CBC flood elevation requirements. Vehicular access into the facility is necessary, and the grade difference creates a slope that vehicles are not capable of navigating, safely or otherwise. At the required elevations, the site is no longer viable for the proposed use.
- (c) The attached Technical Memorandum prepared by a Qualified Professional Engineer provides information indicating that there is no increase in flood heights that would result from the requested variance.
- (d) The design of the site allowing floodwaters to rise and fall on the site similar to existing, and designed according to flood condition requirements, protects it in such a way as to minimize flood damages.
- (e) No further variances would be required for development on the site, indicating that it is the minimum necessary to afford relief, considering flood hazard.

# (5) Other Conditions:

- (a) The Technical Memorandum prepared by a Qualified Professional Engineer provides information showing that there will be no increase in flood levels during base flood discharge in the designated floodway resulting from the proposed development of this site. Further, the attachment provides information that the interaction of the walls with the base flood levels will be localized to the immediate wall area itself, and negligible regarding any expanded area, including offsite areas. Any changes in velocities will be localized to the area immediate to the wall itself, and negligible regarding any expended area, including offsite areas. In summary, the stub walls in the floodway will not impact the floodway velocities and water flows in any measurable manner adjacent, upstream or downstream.
- (b) It is understood that a variance granted includes written notice that the structure will be permitted to be built below the base flood elevation and the cost of flood insurance will be commensurate with the increased risk resulting from the reduced floor elevation.

Exhibit A - Design drawings

# Interim Indoor Practice Facility 621 W Mehring Way Cincinnati, OH 45202

# **GRADING PERMIT**

# **KZF DESIGN**

Architecture | Engineering | Interiors | Planning











# Interim Indoor Practice Facility

Cincinnati, OH 45202 621 W Mehring Way KZF DJĘSIĘN Designing Better Futures

KZF DESIGN INC.
700 Broadway Street
Cincinnat, OH 45202
main 613,621,6211
Icf.com



G-000

04-01-2022 GRADING PERMIT

VICINITY MAP

Exhibit B - Interim Indoor Practice Facility (IIPF) Flood Action Plan



# Interim Indoor Practice Facility (IIPF) Flood Action Plan.

IIPF for Use by Team and Staff only. Not for Public Use.

The IIPF flood action plan is based on Ohio River level projections of 56' and rising.

### 1. River Level at 51':

Contact Yeadon Emergency Flood Response Service for contracted seventy-two (72) hour service (Dismantle Dome):

- A. Contact: Matthew Mejia.
- B. Emergency Contact Number: 651.775.5035.

# 2. River Level at 52':

Contact Bauer Logistics for hauling of dome removal (and components) and offsite storage:

- A. Contact: Kenneth Bauer.
- B. Emergency Contact Number: 513.508.8457.

# 3. River Level at 54':

Removal of Interior IIPF items. These included but are not limited to the following:

- Wi-Fi Mobile Unit (wheel based, mobile cart):
- Game Clock.
- Player Sleds and Pads.
- Team medical supplies.
- Perimeter wall pads.
- A. The items listed above will be stored on sideline west, inside Gate A.

### 4. River Level at 56':

MEP action items and removal of IIPF items. These included but are not limited to the following:

- Perimeter security cameras (Powered by "POE" power over internet.)
- Dismantle all removable fencing around the perimeter. Stored offsite by Bauer Logistics.
- Synthetic turf equipment. E.G. Field drags.
- A. The items listed above will be stored on sideline west inside the stadium at Gate A.
- Disconnect power to IIPF. This is to be coordinated once Yeadon has removed the dome.
- Shut off service to domestic water.
- Portable Toilets will be removed from the facility
- A. Contact: Dean Ferrier
- B. Emergency Contact Number: 513.200.0881



# Interim Indoor Practice Facility (IIPF) Flood Action Plan.

# 5. River Level at 56':

# **Final Action Items:**

- Confirm all loose items have been removed from the facility.
- Verify all power has been disconnected.
- Verify domestic water has been shut off.
- Lock perimeter gate system.
- Remove all vehicles and equipment from the facility and site.
- Contact all required regulatory agencies and confirm the IIPF has been removed.

# Additional Information:

National Weather Service River Forecast Contact:

A. Contact: Julie Reed.

B. Contact: 937.383.0428 (Extension 234.)

Exhibit C – Yeadon Domes Emergency Flood Response Service Letter

# Emergency Flood Response Service



To:

JDL Warm Construction LLC 1125 W 8th, Suite 100, Cincinnati, OH 45203 From:

Yeadon Domes 575 SE 9th St, Suite 20 Minneapolis, MN 55414

March 24th, 2022

Mr. Warm,

Yeadon is committed to executing a 72 hour flood event rapid response emergency plan.

We can meet the time frame if the following conditions are met:

- Field Elevation will be at or above 491.5'.
- Staging and procurement of required temporary storage containers & equipment must be onsite, available, and ready i.e., Cable Boxes, Containers, Trailers, Etc.
- Interior contents, equipment, goal post, and all additional accessories are to be removed and cleared out of the facility prior to Yeadon's arrival (By Others).
- Rapid Response Yearly Retainer to Yeadon, Cost \$3,000
- Expedited response times would incur emergency wage rates & cost to perform the Take Down. This service
  would be contracted per event. Costs to be updated and provided annually.

If you have any questions or need additional assistance, please feel free to contact me directly.

Regards,

Marchen of mejor

Matthew Mejia CEO

Direct: 651-775-5035

E-mail: mattm@yeadondomes.com

Exhibit D – The Motz Group Turf System memorandum

# The Motz Group.

Building Fields. Building Futures.

DATE:

March 31st, 2022

RE:

Cincinnati Bengals - Turf System Interim Indoor Practice Facility

To whom it may concern,

The Motz Group has been asked to comment on the reaction of a synthetic turf field within a floodplain/floodway should that surface be inundated with floodwaters.

A typical synthetic turf field surface is approximately 80,000 square feet in size. That carpet will come in 15' wide panels and secured with material specific adhesives to provide long lasting bonds to maximize the ability of that surface to act like a giant piece of fabric. That carpet is then layered with a Motz Group designed infill that weighs approximately 8 lbs per square foot. The carpet itself will weigh approximately another 0.5 lbs per square foot, which is a total weight of approximately 8.5 lbs per square foot. Taking that weight across the entire surface and that carpet will weigh nearly 700,000 lbs.

The carpet will be secured around the entire perimeter be means of a nailer attachment affixed to a concrete curb and/or footer. Beneath that carpet is a dynamic draining stone base and piping system that will vacate water vertically through the surface. The stone and pipe is approximately 6 to 8" thick providing additional structural support and drainage for the 700,000 lbs of carpet and infill on top.

In addition, we have installed dozens of fields over the last 20 years in and around floodplains and floodways and have typically seen little to no movement of the surface if they are ever flooded. Two examples include; one, the synthetic turf carpet we installed for Riverbend Music Center nearly 10 years ago and that is still in place today. That system has less lbs per square foot than this proposed solution. Another was the synthetic turf system that was installed at Roger Bacon High School that was flooded with over 18" of water and stayed in place after flood waters receded.

If we can be of any assistance, please do not hesitate to reach out to us.

Regards,

Chris Larbes
Director of Sales

Exhibit E - Technical Memorandum from a Qualified Professional Engineer on FEMA Flood Levels



500 7th Avenue, 17th Floor New York, NY 10018 United States T +1.646.908.6550 F +1.646.908.6551 www.jacobs.com

Subject

KZF Indoor Facility Project Impact Assessment on FEMA Flood Levels

Varist

**Project Number** 

Attention

Schultz Randy (KZF); Mary McConnell (KZF)

From

Daoxian (Dave) Shen, Ph.D, P.E., D.CE.

Date

April 1, 2022

# 1. Introduction

The subject project is the Interim Indoor Practice Facility near the Ohio River Bank as shown in Figure 1-1 and Figure 2-2. The project site is located within the floodway zone per FEMA (2012). Cincinnati Building Code requires that a project seeking relief from sections of Chapter 1109 provide documentation that addresses the Variance section of the Cincinnati Building Code (CBC) Chapter 1109 and meets the intent of the applicable standards within.

This Technical Memo addresses the Chapter 1109 primary issue: if the proposed footer walls impact FEMA floodwater levels at Ohio River are ignorable; namely if the project will result in the FEMA flood levels measurable increase.

The current approach determined to be prudent for this application is to assess the conditions based on professional engineering experience and engineering judgement, combined with simple calculation and analysis. It is impossible for me and also it is not necessary to either perform any complex numerical modeling study or deep engineering work such as complex data analysis and calculations to verify this impact.

My conclusion appears obvious based on my experience and engineering judgment: that the nominal size of this project could not result in any noticeable flood water level variation. Supporting calculations and documentation is provided below.

This Technical Memo provides a simplified summary of site conditions, and impact assessment methodology, assumptions, results, and conclusions.

# **Jacobs**

# Memorandum

KZF Indoor Facility Project Impact Assessment on FEMA Flood Levels April 1, 2022

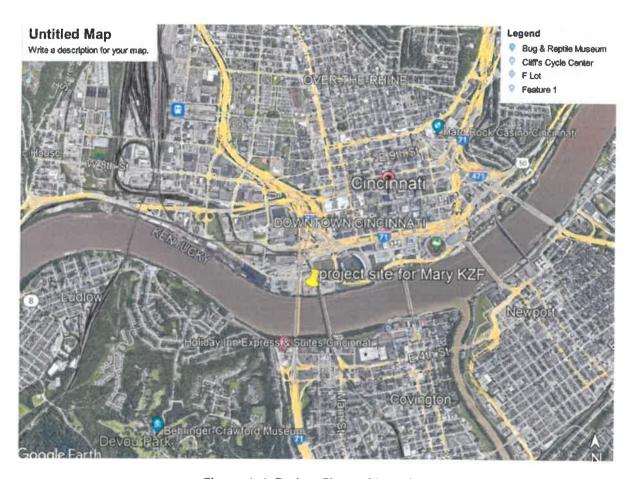


Figure 1-1: Project Site and Location

# 2. Site Conditions and the Design

# 2.1 FEMA Flood Conditions

The river flood elevations were directly received from USACE but were slightly adjusted by the project team to the site conditions and listed in Table 2-1. The flood map at the site is downloaded from FEMA (FEMA Flood Map Service Center | Search All Products), and shown in Figure 2-1 as an example, which shows the same 1% flood water elevation as USACE.

The river flood discharges from Table 9 of the FEMA FIS report (2021) and extracted in Table 2-1 below. The 100-year flood discharge is 718,000 cubic feet per second (cfs) and the flood elevation is +497.2 ft NAVD88, from FEMA (2012).



KZF Indoor Facility Project Impact Assessment on FEMA Flood Levels April 1, 2022

Table 2-1: Flood Elevations and Discharge at the Project Site

Flood Frequency	Elevation (ft NAVD88)*	Discharge (cfs)** 844,200	
500-year flood	503.9		
100-year flood	497.2	718,000	
50-year flood	493.9	663,000	
25-year flood	490.5		
10-year flood	485.4	532,000	
1-year flood	478.8		
Ordinary High Water	476.0		

# **Jacobs**

# Memorandum

KZF Indoor Facility Project Impact Assessment on FEMA Flood Levels April 1, 2022

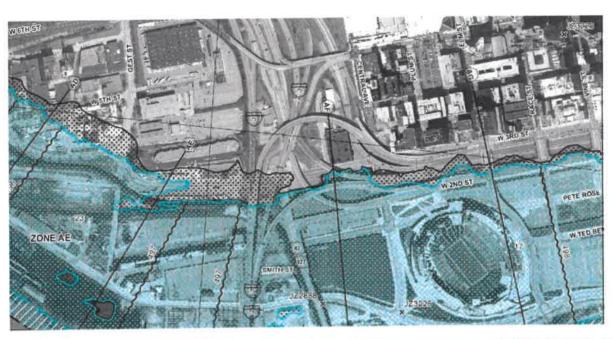




Figure 2-1: FEMA FIRM Map (2012) at the Site

# 2.2 Site Data and the Design

From Wikipedia source (en.wikipedia.org/wiki/Ohio\_River), from the river origin to Cincinnati, the average depth is approximately 15 ft. The largest immediate drop in water level is below the McAlpine Locks and Dam at the Falls of the Ohio at Louisville, Kentucky, where flood stage is reached when the water reaches 23 ft on the lower gauge. Therefore, the water depth at Cincinnati shall be more than 15 ft.



KZF Indoor Facility Project Impact Assessment on FEMA Flood Levels April 1, 2022

The design team proposed wall site is located about 25 ft to 35 ft away from the Ohio River Banks. The project occupies the area of 260 ft wide along river direction and 450 ft long perpendicular to the river (see Figure 2-2). It can be seen that the project site is within the floodway area.

The site ground grade varies from +490 ft to +492 ft NAVD88, with paved surface. The proposed wall height is 4.0 ft above the ground grades; therefore the crest elevations of the walls are about +494 ft to +496 ft (see Figure 2-3).

It is also noted that the site is at between the Brent Spence Bridge and Clay Wade Bailey Bridge, where there are higher block walls under the Bridges Roads than that by KZF design.

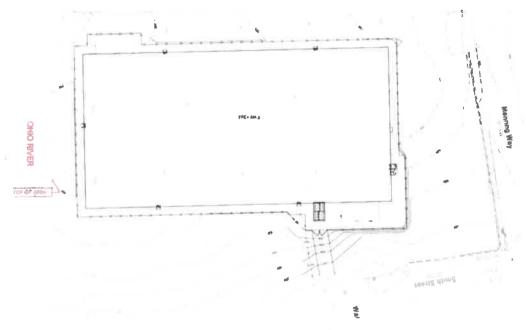


Figure 2-2: Site Topography from KZF Drawings (2022)

# **Jacobs**

# Memorandum

KZF Indoor Facility Project Impact Assessment on FEMA Flood Levels April 1, 2022

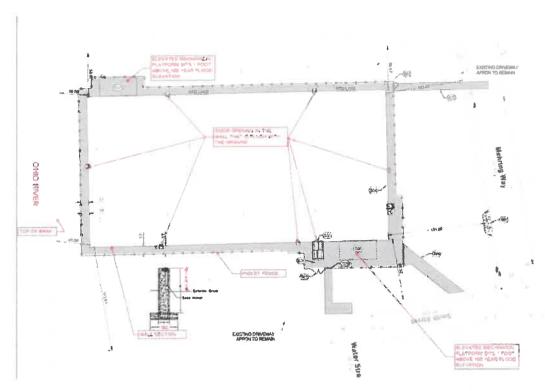


Figure 2-3: KZF Proposed Design Layout from Design Drawings (2022)

# 3. Impact Assessment on FEMA Flood Levels and Flows

# 3.1 Methodology

River flow is commonly considered as open channel flow, which is a function of time and location. If the flow quantity or discharge is constant, the flow is stead flow. Stead flow can be uniform flow and non-uniform flow. Since a river flow depth and flow section change along river, even the flow discharge is constant, the flow is still variable in its surface elevation and velocity. The flow change with time is considered as dynamic flow.

River flood water level variations at the project site or anywhere are influenced by several parameters, such as (i) upstream flow discharge, (ii) river geometrical plain configuration; (iii) bottom slope; (iv) cross-section; (v) bottom surface roughness, and (vi) water withdrew. Figure 2-4 provides a general river flow section applicable to the current project.

A traditional simple river flow calculation method is Chezy-Manning equation (Michael Linderburg, 1996) for open channel flow, and is described below, assumed the river sections consist of several subsections (e.g. main stream, side floodway areas, see Figure 2-4):



KZF Indoor Facility Project Impact Assessment on FEMA Flood Levels April 1, 2022

# Equation 3-1: Chezy-Manning Equation

$$Q = \sum \frac{1.49}{ni} (hi)^{2/3} \sqrt{s} \cdot hiBi$$

Where the "Q" is the river discharge, the "ni" is the manning's coefficient at i-th sub-section, the "s" is the hydraulic gradient or specific energy gradient, which might be different from the river bottom slope, the "Bi" is the i-th sub-section width, and the "hi" is the i-th sub-section water depth.

If the discharge is known, the water depth or flood elevation could be calculated from the equation below:

# **Equation 3-2: Chezy-Manning Equation**

$$h = \left(\frac{Qn}{1.49 \cdot B\sqrt{s}}\right)^{3/5}$$



KZF Indoor Facility Project Impact Assessment on FEMA Flood Levels April 1, 2022

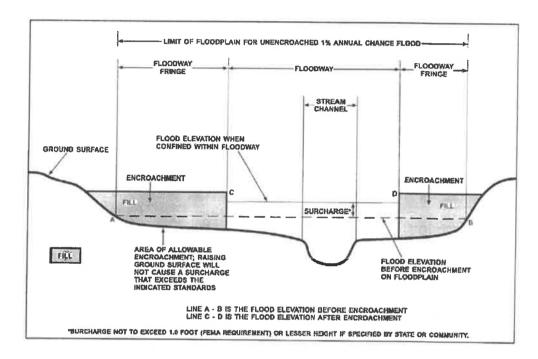


Figure 3-4: General River Flood Profile and River Floodway Schematic from FEMA (2021)

# 3.2 Simple Assessment

# (A) Steady Flow

Let's first assess the simple steady flow for this project in terms of the flood elevation variation by the proposed project impact.

Since it is very difficult to assess the flood water elevation variation in reasonable way due to this KZF tiny project site, let's assess the impact of the flood discharge, and the water depth or water level is the function of the discharge.

For 100-year flood, per FEMA FIRM map shown in Figure 2-1, the river crest width is approximately 3000 ft considering both river side flood maps from FEMA (Cincinnati, Ohio, and Covington, Kentucky, see references). The river main stream width at the site approximately 1200 ft. All the lengths were measured from Google Map as approximation.

The 100-year flood elevations is +497.2 ft while the Ordinary high water level is +476.0 ft, thus the water level difference between the 100-yr and the Ordinary High Water is 21.2 ft. Therefore the water depth of the 1200 ft long river main stream at Cincinnati in the 100-yr return period could be up to 25-30 ft or more.



KZF Indoor Facility Project Impact Assessment on FEMA Flood Levels April 1, 2022

The flooded areas at both river side cover about 1800 ft range (1,100 ft at Cincinnati side, and 700 ft at Covington side). The water depths vary from 0 ft to 21 ft referring to the Ordinary High Water. It's reasonable to assume the average water depth at the side flood zones is 10 ft at most.

The site elevation is from +490 ft to +492 ft but mostly is around +492 ft. The water depth in the 100-year flood condition is about 5 ft (497-492=5 ft), and the water depth at the wall crests is 1-2 ft, thus the walls will be submerged. The influence of the proposed walls on the discharge is limited very local area around the walls in ignorable way. Only notice impact of the project is the manning roughness or flow friction due to the submerged walls.

From the description above on the configurations of (i) the river mains stream, (ii) the river side floodway/flood zone, and (iii) the proposed project wall site, the governing areas and discharge volumes amongst them items are significant different (see Table 2-2).

To assess the flood discharge and flow impact, I performed sensitivity calculations of the discharges and flood velocity using Chezy-Manning Equation based on some assumptions and basic data collected by me.

The manning coefficient (river roughness) can vary from 0.024 to 0.040 (see below Table 3-); the hydraulic gradient "S" along the river is assumed to be between 0.001, and the river width at subsection is listed in Table 2-2. Based on those parameters and the sensitivity calculations, a representative exercise result is provided and summarized in Table 2-2 for discussion.

Table 3-2: 100-yr Flood Discharge Assessment at the Project Site

Items	Main Stream Subsection	Riverside Floodway/Zone Subsection	Project Walls	
Water Surface Width (ft)	1200	1800	450	
Water Depth (ft)	25-30	0-21	3-5	
Manning Coefficient	0.024	0.034	0.045	
Calculated Discharge (cfs)	604,000	115,000	2	
Percentage over total discharge (%)	84	16	0.3	

The impact of the discharge due to the installation of the design project proposed walls will be lower than 0.3%, and the impact of flood water levels might be too small to be calculated. In



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addition, the flow velocity at the riverside floodway/flood zone is much smaller than that at the main stream based on the assessment.

It is important to note that project site is located at the inner side of the river turning curve. Theoretically speaking, the water flood elevation and flood velocity at the inner side shall be smaller than that at the outer side (Covington Side).

Table 3-3: River Channel Bed Roughness from USACE EM 1110-2-1601

A la colonia di a	Danielanea	C4	m		
rrygraunc	Roughness,	Channel	Rea	ano	Banks

Reference	m	$n_b$	$n_1$	$n_2$	$n_3$	$n_4$	n
USDT (Arcement and Schneider 1989), pp 4 & 7	1.0	0.024	0.002	0.002	0.001	0.005	0.034
Barnes (1967), p 78	-	0.037	-	-	-		0.034
Chow (1959), p 109, Table 5-5, Fine Gravel	1.0	0.024	0.005	0.0	0.0	0.00	0.034
Chow (1959), p 112, Table 5-6, D-1a3	-	0.040	-	-	-	-	0.040
Chow (1959), p 120, Figure 5-5(14)	*	0.030	~	*	-	-	0.030
Brater and King (1976), p 7-17, Natural	-	0.035	-	100	•	•	0.035
Mean							0.035
Standard deviation							0.003

Note:

 $n = (n_b + n_1 + n_2 + n_3 + n_4)m$ 

where

 $n_b$  = base n-value

 $n_1$  = addition for surface irregularities

 $n_2$  = addition for variation in channel cross section

 $n_3$  = addition for obstructions

 $n_4$  = addition for vegetation

m = ratio for meandering

### (B) Dynamic Flow

Dynamic flow is kind of complex but it could be approximated as several phases of steady flow assumed the flow acceleration is not significant which seems applicable in those area.

Wind wave setup may contribute to the impacts of flood water elevation and velocity but the impacts will be limited very local areas in front of the structure.

It is also important to note that the wall site is located at between the Brent Spence Bridge and Clay Wade Bailey Bridge, where those higher block walls under the Bridges Roads could function as protection structure to the walls particularly in dynamic flood flow.



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In short, the impact of the discharge due to the installation of the design project proposed walls in dynamic flow may also be ignorable and could not result in measurable variances even to adjacent structures.

# 4. Conclusions

This Technical Memo mainly address one issue, associated CBC Chapter 1109, if the design project proposed walls impact on FEMA floodwater levels at Ohio River is ignorable; namely if the project will result in the FEMA flood level measurable increase.

Based on simple desktop assessment on the 100-year river flood flow and elevation, and based on my professional engineering experiences and engineering judgement, I conclude that the proposed design project tiny project walls could not result in any measurable impact to areas adjacent upstream and downstream in terms the flood elevations and flows.

### 5. References

<u>Chapter 1109. FLOOD DAMAGE REDUCTION, Title XI. CINCINNATI BUILDING CODE, Code of Ordinances, Cincinnati (elaws.us), 2022.</u>

KZF (2022); Design Progress Review Drawings for Interim Indoor Practice Facility. KZF Design Inc., March, 2022.

FEMA FIRM (2012). Flood Insurance Rate Map: Hamilton County, Ohio, Panel 332 and 334 of 390. Federal Emergency Management Agency, February 2012.

FEMA FIRM (2013). Flood Insurance Rate Map: Kenton County, Kentucky, Panel 9 of 145. Federal Emergency Management Agency, May 2013.

FEMA FIS (2021). Flood Insurance Study: Hamilton County, Ohio, Federal Emergency Management Agency. March, 2021, 98p.

USGS (2022), Water Annual Statistics from #03255000 Ohio River at Cincinnati. https://waterdata.usgs.gov/nwis/annual/

# The items of zoning relief we identified are:

- A use variance will be required from 1415-05 Land Use Regulations RF-M.
- A variance of 85 parking spaces is required from 1425-19-A.
- Special Exceptions are required from 1425-29, Parking Lot Landscaping (no west side landscaping buffer and 19 trees required).
- A variance of 2 ft. is required from 1421-33(b) to permit an 8 ft. fence.
- Signage relief from 1427-39:
  - Variance of 2 for Maximum Number of Wall Signs.
  - o Variance of 5,741 SF for Maximum Sign Area of east side wall sign.
  - o Variance of 6,221 SF for Maximum Sign Area of west side wall sign.
  - Variance of 1,213.25 SF for Maximum Sign Area of north side wall sign.
  - o Variance of 1,851.25 SF for Maximum Sign Area of south side wall sign.
  - Variance of 32 ft. for maximum sign height.

# A more detailed explanation of our zoning analysis is below:

The proposed lot area consists of 8 separate parcels: 013700030079. 013700030080 013700030081, 013700030082, 013700030083, 013700030084 013700030085, 013700030091. Luke has indicated consolidation is in process, and all zoning analysis is based on the assumption of parcel consolidation.

Parcels 013700030079. 013700030080 013700030081, 013700030082, 013700030091 are in an MG Zoning district.

Parcels 013700030084 013700030085, 013700030091 are in an RF-M Zoning district.

# **Zoning Use Analysis:**

The use has been determined to be 1401-01-R2. - Recreation and Entertainment (b)Indoor or small-scale recreation and entertainment.

This use is a permitted use in the MG zoning district.

This use is not a permitted use in the RF-M zoning district.

A use variance will be required from 1415-05 Land Use Regulations RF-M.

# **Development Standards Analysis:**

Mehring Way is the front property line with Smith Street creating a corner side lot line on the northeast corner.

The drawings do not show the height of the proposed structure. The maximum height in the MG zoning district is 85', 1413-07. There is no maximum height in RF-M. Luke has confirmed the maximum height will be 75'.

Schedule 1425-19-A: Off-Street Parking and Loading Requirements for an Indoor and small-scale use requires 1 parking space for every 350 sq. ft.

The required number of parking spaces is 272. The drawings provided indicate that there are 187 parking spaces provided.

# A variance of 85 parking spaces is required from 1425-19-A.

Section 1425-29. - Parking Lot Landscaping states that Parking lots must provide a perimeter landscape area of at least three feet in width.

The drawings provided show that the required landscaping is not provided on the west side of the property.

1425-29. - Parking Lot Landscaping.

One tree, two inches or more in caliper, must be planted for every ten parking spaces.

The drawings provided show that the required trees are not provided.

# Special Exceptions are required from 1425-29.

The drawings provided do not show any parking lot lighting or exterior lighting, section 1421-39. - Exterior Lighting. Luke confirmed that no exterior lighting will exceed the 20 ft. above grade limit.

The drawings provided indicate compliant fence height at a maximum of 6 ft. Luke indicated they are seeking 8 ft. maximum fence height and final fence design will be subject to review by Art for flood considerations.

# Signage Analysis:

Section 1427-39. - Sign Standards for the M, RF-R, RF-C and RF-M Districts states that Signs in the M, RF-R, RF-C and RF-M Districts are permitted two square feet for every linear foot of building frontage per establishment.

Maximum number of wall signs is 1 per building frontage per establishment. The building has two frontages. The applicant is proposing a sign on each face of the structure, for four signs. A variance of 2 signs is required.

The allowable sign area for the east side of the structure is 480 Sq. Ft. The applicant is proposing a banner size of 6,221 Sq. Ft.

A variance of 5,741 Sq. Ft. is required.

The allowable sign area for the west side of the structure is 0 Sq. Ft. because it has no frontage. The applicant is proposing a banner size of 6,221 Sq. Ft.

A variance of 6,221 Sq. Ft.

The allowable sign area for the north side of the structure is 638 Sq. Ft. The applicant is proposing a sign that is 1851.25 Sq. Ft. A variance of 1,213.25 Sq. Ft.

The allowable sign area for the south side of the structure is 0 Sq. Ft. because it has no frontage. The applicant is proposing a sign that is 1851.25 Sq. Ft.

# A variance of 1851.25 Sq. Ft.

Section 1427-39. - Sign Standards for the M, RF-R, RF-C and RF-M Districts states that Signs in the M, RF-R, RF-C and RF-M Districts allows for a Maximum Sign Height of 30 foot. The applicant is proposing a sign height of approximately 62'.

A Variance of 32'.







# Allez à avery ca/gabants

CENTRAL RAILROAD CO OF INDIANA 500 N BUCKEYEP O BOX 554 KOKOMO IN 46903-0554

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> STATE OF OHIO 505 SOUTH STATE ROUTE 741 **LEBANON OH 45036**

CINCINNATI DOCK PROPERTIES INC 603 W PETE ROSE WY **CINCINNATI OH 45202** 

DUKE ENERGY OHIO INCC/O TAX **DEPARTMENT** 550 TRYON STP O BOX 1321 **CHARLOTTE NC 28201** 

HILLTOP BASIC RESOURCES INC 1 W FOURTH ST CINCINNATI OH 45202-3615

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