



# City of Cincinnati

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## An Ordinance No. \_\_\_\_\_

- 2022

AMENDING the official zoning map of the City of Cincinnati to rezone certain real property in the Pleasant Ridge neighborhood located at 6010, 6018, 6024, and 6026 Montgomery Road and 5984 and 5988 Lester Road from the CC-P, "Commercial Community-Pedestrian," and RMX, "Residential Mixed," zoning districts to Planned Development District No. 93, "Montgomery and Lester Development."

WHEREAS, Towne Properties, E. Levental Companies, LLC, and Pleasant Ridge Development Corporation (collectively, "Developer") own or control certain real property located at 6010, 6018, 6024, and 6026 Montgomery Road and 5984 and 5988 Lester Road in the Pleasant Ridge neighborhood ("Property"); and

WHEREAS, the Property currently contains a mix of vacant and improved land, including one single-family home; and

WHEREAS, the Developer seeks to develop the Property by constructing a five-story, mixed-use building housing approximately 82 apartments, residential amenities, and two ground-floor retail spaces totaling more than 6,000 square feet, and served by approximately 96 off-street parking spaces ("Project"); and

WHEREAS, the Developer has sufficient control over the Property to complete the Project and has submitted a petition to rezone the Property from the CC-P, "Commercial Community-Pedestrian," and RMX, "Residential Mixed," zoning districts to Planned Development District No. 93, "Montgomery and Lester Development," to permit the construction of the Project; and

WHEREAS, the Developer has submitted a concept plan and development program statement for the Project, which concept plan and development program statement describe the land use and development regulations that will govern the Project, and which documents otherwise meet the requirements of Cincinnati Municipal Code Section 1429-09; and

WHEREAS, on August 19, 2022, the City Planning Commission approved the rezoning of the Property from the CC-P, "Commercial Community-Pedestrian," and RMX, "Residential Mixed," zoning districts to Planned Development District No. 93, "Montgomery and Lester Development," upon finding that: (i) the Developer's concept plan and development program statement are consistent with applicable plans and policies and are compatible with surrounding development; (ii) the concept plan and development program enhance the potential for superior urban design in comparison with the development under the base district regulations that would apply if the plan were not approved; (iii) deviations from the base district regulations applicable to the Property at the time of the Developer's application are justified by compensating benefits of the concept plan and development program statement; and (iv) the concept plan and development program statement include adequate provisions for utility services, refuse collection, open space, landscaping and buffering, pedestrian circulation, traffic circulation, building design, and building location; and

WHEREAS, a committee of Council held a public hearing on the proposed rezoning of the Property following due and proper notice pursuant to Cincinnati Municipal Code Section 111-1, and the committee approved the rezoning, finding it in the interest of the public's health, safety, morals, and general welfare; and

WHEREAS, the Project is consistent with the "Live" Initiative Area of *Plan Cincinnati* (2012), including the goal to "[p]rovide a full spectrum of housing options, and improve housing quality and affordability" (page 164), and is also consistent with the "Compete" Initiative Area, including the goal to "[c]ultivate our position as the most vibrant and economically healthiest part of our region" (page 114); and

WHEREAS, the Project is further consistent with both the *Pleasant Ridge Urban Design Plan* (2000), including its goals to "[m]aintain an aesthetically attractive, pedestrian oriented, community business district with a desirable mix of uses and businesses" (page 28) and to "[i]ncrease the visual attractiveness of existing and new buildings through improvements to facades, signage, and building appurtenances" (page 28), and the *Pleasant Ridge Community Council Market Study & Vision Plan* (2016 Update), including the goal that the "redevelopment of second tier commercial properties (along Montgomery Road) should be geared toward mixed-use alternatives that increase the local resident population (and the pool of potential business patrons)" (page 18); and

WHEREAS, Council considers the establishment of Planned Development District No. 93, "Montgomery and Lester Development," to be in the best interests of the City and the public's health, safety, morals, and general welfare; now, therefore,

BE IT ORDAINED by the Council of the City of Cincinnati, State of Ohio:

Section 1. That the Council hereby adopts as its own independent findings the Department of City Planning and Engagement's and the Cincinnati Planning Commission's findings that the planned development proposed by Towne Properties, E. Levental Companies, LLC, and Pleasant Ridge Development Corporation for the real property located at 6010, 6018, 6024, and 6026 Montgomery Road and 5984 and 5988 Lester Road in the Pleasant Ridge neighborhood ("Property"), which area contains approximately 2.04 acres, conforms to the requirements of Cincinnati Municipal Code Sections 1429-05, 1429-09, and 1429-11.

Section 2. That the shape and area of the City's official zoning map in the location of the Property is hereby amended from the CC-P, "Commercial Community-Pedestrian," and RMX, "Residential Mixed," zoning districts to Planned Development District No. 93, "Montgomery and Lester Development." In addition, the boundaries of Urban Design Overlay District No. 13,

“Pleasant Ridge Business District,” are hereby revised to remove the Property from the district for so long as Planned Development District No. 93, “Montgomery and Lester Development,” remains in effect. The Property is identified on the map attached hereto as Exhibit “A” and made a part hereof, and it is more particularly described on Exhibit “B,” attached hereto and made a part hereof.

Section 3. That the development program statement, attached hereto as Exhibit “C” and made a part hereof, and the concept plan, attached hereto as Exhibit “D” and made a part hereof, are hereby approved. The approved development program statement and concept plan shall govern the use and development of the Property during the effective period of Planned Development District No. 93, “Montgomery and Lester Development.”

Section 4. That, should Planned Development District No. 93, “Montgomery and Lester Development,” lapse pursuant to provisions of Cincinnati Municipal Code Chapter 1429, “Planned Development Districts,” the Property shall revert to the CC-P, “Commercial Community–Pedestrian,” and RMX, “Residential Mixed,” zoning districts in effect immediately prior to the effective date of Planned Development District No. 93, “Montgomery and Lester Development,” and additionally, the boundaries of Urban Design Overlay District No. 13, “Pleasant Ridge Business District,” shall revert to the same boundaries in effect immediately prior to the effective date of Planned Development District No. 93, “Montgomery and Lester Development.”

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

Passed: \_\_\_\_\_, 2022

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Aftab Pureval, Mayor

Attest: \_\_\_\_\_  
Clerk