

City of Cincinnati Zoning Board of Appeals
805 Central Parkway, Suite 500
Cincinnati, Ohio 45202

JUSTIFICATION FOR APPEAL

Re: Liberty-Elm 12—2-2016 Cincinnati Planning Commission Decision (mailed 12-21-2016) regarding Planned Development #76 located at the northwest corner of West Liberty Street and Elm Street in Over-The-Rhine (the “Property”)

Honorable Members of the Zoning Board of Appeals,

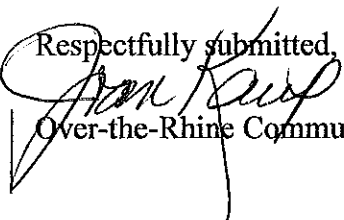
As a community organization recognized by City Council as representing the area that includes the subject property and that has prepared a community plan accepted by Council, Over-the-Rhine Community Council has standing to appeal pursuant to Cincinnati City Code Section 1449-03(e) and hereby provides Notice of Appeal of the above-referenced decision.

The justification for the appeal is that the Final Development Plan did not substantially conform to the Planned Development Conceptual Plan that was approved by City Council (Ordinance 251-2016) on June 29, 2016. The City Planning Commission (CPC) erred in its decision by failing to acknowledge the substantial amendment of the concept plan to replace the proposed parking garage with a surface parking lot (see CMC §1429-12). In its decision the CPC adopted the erroneous finding of city staff that “(t)he Final Development Plan is similar to the approved Concept Plan with minor changes to the exterior of the façade color and material”.

The Historic Conservation Board (HCB) also erred in approving a Certificate of Appropriateness and recommending a Final Development Plan on September 26, 2016, because the project submitted to the HCB for review is not consistent with the OTR Historic District Guidelines. The CPC erred in adopting the HCB’s conclusions about appropriateness. The CPC also erred in approving a Final Development Plan that had been substantially amended from the COA approved by the HCB. Moreover, the CPC erred in approving a plan that is not consistent with OTR Historic District guidelines, the Over-the-Rhine Comprehensive Plan and other applicable plans.

Finally, the CPC erred in concluding that the Final Plan is consistent with the purpose of the PD District.

Respectfully submitted,


Over-the-Rhine Community Council