

NOTWITHSTANDING ORDINANCE FOR FIRST STEP HOME AT 2215 FULTON AVENUE IN WALNUT HILLS

Economic Growth and Zoning Committee | June 22, 2021

1

PROJECT LOCATION



Legend
Subject Property

2




3

PROPOSED NOTWITHSTANDING ORDINANCE

Authorizes the rehabilitation of an existing residential structure for use as offices notwithstanding:

- **Use limitations** contained in Chapter 1405 “**Residential Multi-Family Districts**”
 - Permitted: Offices are not permitted as principal use
 - Proposed: Use of building as offices
- **Parking limitations** contained in Chapter 1425, “**Parking and Loading Regulations**”
 - Required: 9 off-street parking spaces
 - Proposed: 0 off-street parking spaces


4

4

ANALYSIS

Section 111-5 of the Cincinnati Municipal Code

The committee of council shall consider the following when making a recommendation to council:

- Whether the proposed application will not have an adverse effect on the character of the area or the public health, safety and welfare;
- Whether the proposed application is consistent with the purposes of this code and the zoning district where the subject property is located and includes fourteen items (see staff report for details)

ANALYSIS

- (b) Preserving the character and quality of residential neighborhoods
- (c) Fostering convenient, harmonious and workable relationships among land uses
- (g) Creating pedestrian-friendly environments to reduce reliance on the automobile for travel
- (l) Lessening congestion in the public streets by providing for off-street parking

PUBLIC COMMENT

- **Notice of Staff Conference and City Planning Commission** sent to all property owners within 400' and the Walnut Hills Area Council
- **Virtual Public Staff Conference held on May 17, 2021**
 - City staff and Applicant Team in attendance
- **Letter of Support received from the Walnut Hills Area Council**
- **No additional correspondence received to date**

7

CONSISTENCY WITH PLANS

Plan Cincinnati (2012)

Sustain Initiative Area

Goal: “Become a healthier Cincinnati”

Walnut Hills Reinvestment Plan (2017)

Action Item: “Invest in People, Places, and Homes”

8

CONCLUSIONS

- The proposed NWO:
 - Would permit an office use in the Residential Mixed zoning district and waive all parking requirements
 - Would allow First Step Home to respond to increased demand for their services and expand their offerings while preserving an existing building
 - Is consistent with *Plan Cincinnati* and the *Walnut Hills Reinvestment Plan*
- City Planning 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.

RECOMMENDATION

The City Planning Commission recommends that City Council take the following action:

APPROVE the Notwithstanding Ordinance to permit an office use in the Residential Mixed (RMX) zoning district at 2215 Fulton Avenue in Walnut Hills with the following conditions:

- 1) The renovations at 2215 Fulton Avenue must substantially conform to the project specifications outlined in the report and the applicant will provide all required items for building permit review.
- 2) The Notwithstanding Ordinance does not provide a variance from any other laws of the City of Cincinnati, and the property shall remain subject to all other provisions of the Cincinnati Municipal Code, RMX, "Residential Mixed," zoning district.
- 3) The use of the property should not be considered a nonconforming use.