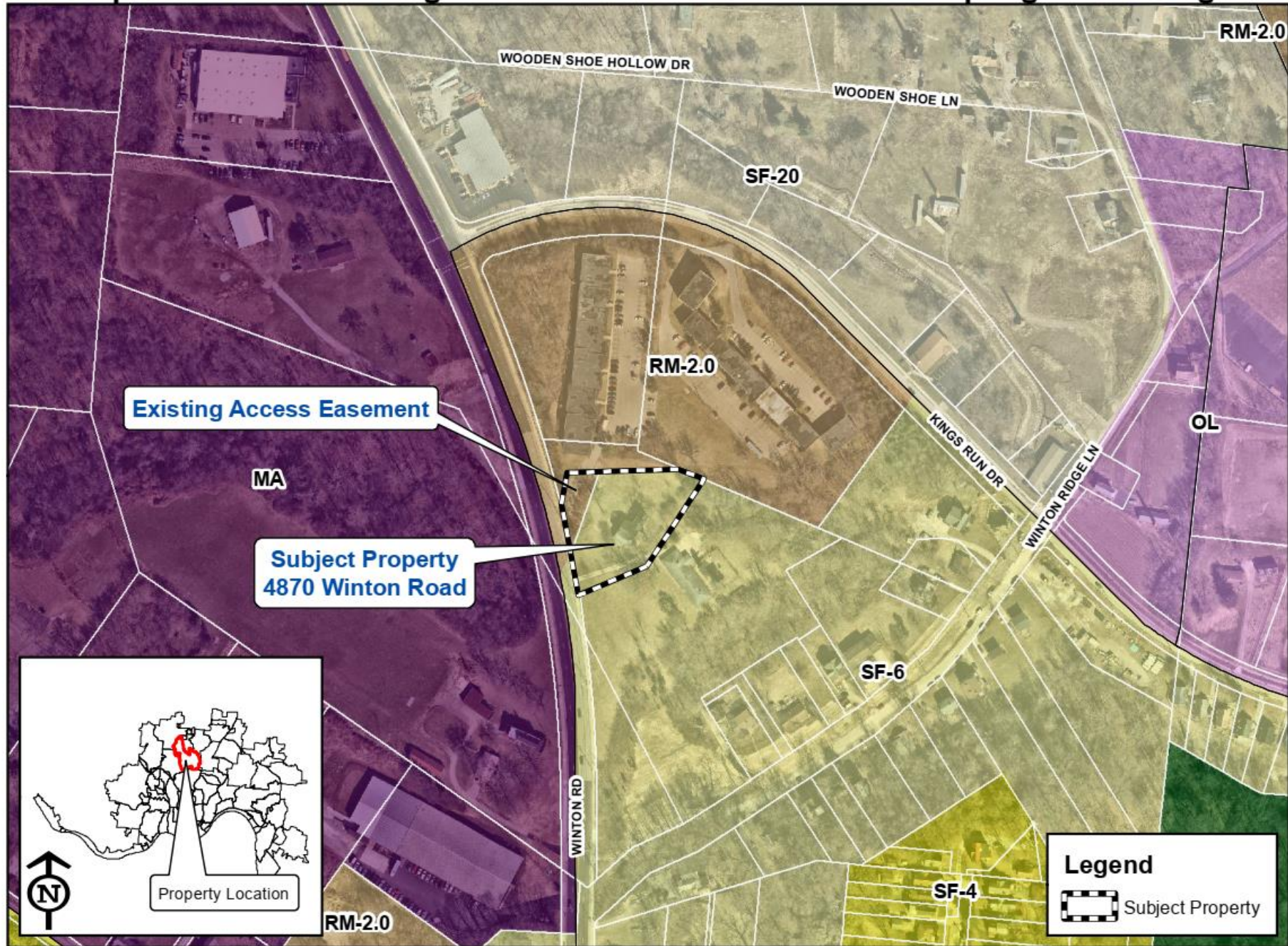




Proposed Notwithstanding Ordinance at 4870 Winton Road in Spring Grove Village

Economic Growth & Zoning Committee | November 9, 2021

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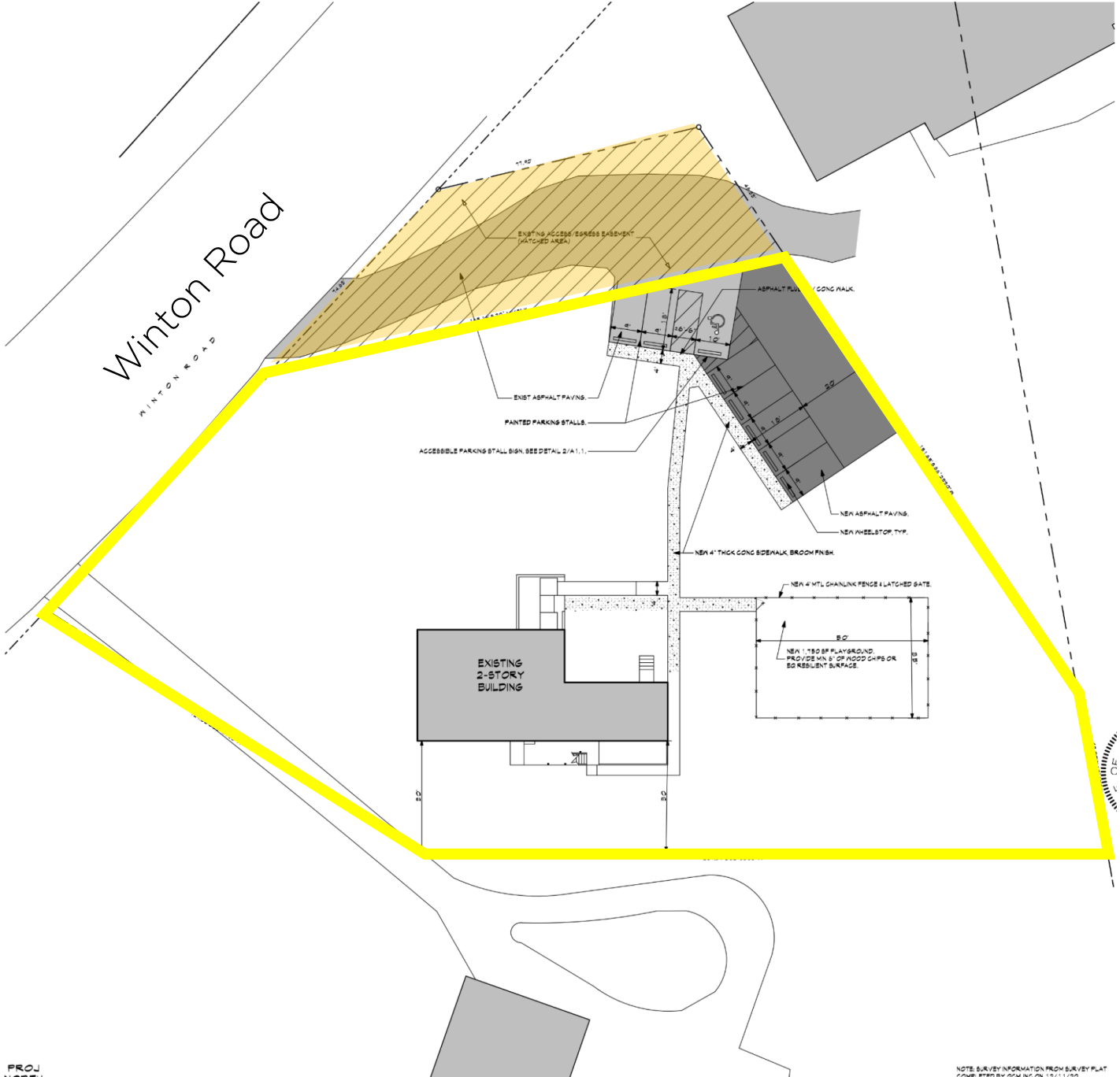
BACKGROUND

- Kevin and Melanie Longino, the applicants own 4870 Winton Road and reside next door at 4840 Winton Road
- The applicants wish to open a day care center at 4870 Winton Road, which is not permitted under the existing SF-6 zoning
- The applicant originally requested a zone change to Manufacturing Agriculture (MA), but are now requesting a Notwithstanding Ordinance (NWO)

PROPOSAL

- The proposed day care center would have:
 - Two story building with a capacity for 47 children
 - Outdoor play area
 - 8 off-street parking spaces
- MA zoning is adjacent across Winton Road, which permits a day care center use
 - Additional development standards and variances

Winton Road
WINTON ROAD



1
A1.1

SITE PLAN

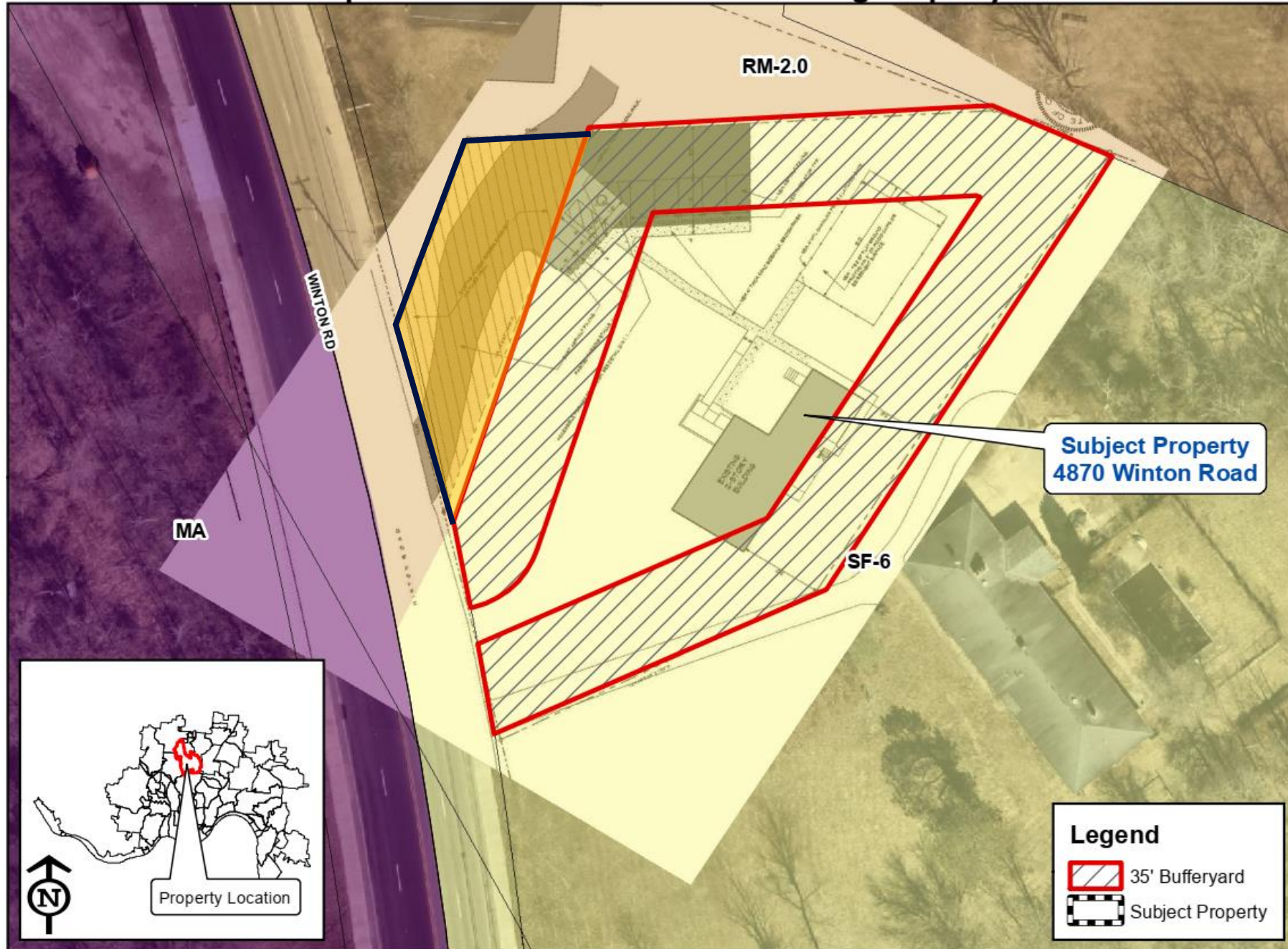
Scale: 1/16" = 1'-0"

NOTE: SURVEY INFORMATION FROM SURVEY PLAT COMPLETED BY GSM INC ON 12/11/20

ADDITIONAL DEVELOPMENT STANDARDS

- The driveway crosses RM-2.0 zoning, which does not permit the use, via an access easement with the multi-family use to the north
 - Use Variance required through Zoning Hearing Examiner
- 35' Type D buffer yard required between MA and residential zoning districts
 - Surface parking not permitted in buffer yard, requires relief from Zoning Hearing Examiner
- Other uses permitted in MA zoning that may be more intense than a day care center

Ex. E: Proposed Site Plan with 35' Buffer Along Property Lines



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

PUBLIC COMMENT

- Notices sent to property owners within a 400-foot radius and Spring Grove Village Community Council (SGVCC)
- Virtual Staff Conference held on September 14, 2021
 - Seven attendees who were generally supportive of the day care center
 - Some concerns about traffic, stormwater runoff and other uses permitted in the MA zoning district
 - Letter of support from SGVCC

COORDINATED SITE REVIEW

CPRE210047 : Preliminary Design Review

- Concern from Zoning about issues and potential variances from both SF-6 and MA zoning
- Stormwater Management Utility (SMU) will require grading plans before issuing permits
 - Ensure that additional stormwater runoff from parking lot will not affect surrounding properties

CONSISTENCY WITH *PLAN CINCINNATI* (2012)

COMPETE INITIATIVE AREA

- **Goal 1:** “Foster a climate conducive to growth, investment, stability, and opportunity” (page 104)
- **Strategy:** “‘Grow our own’ by focusing on retention, expansion and relocation of existing businesses” (page 106)
- **Action Step:** “Secure a trained and skilled workforce” to “improve early childhood education programs”

CONCLUSIONS

- The Department of City Planning and Engagement researched and considered multiple administrative and legislative options that would allow a day care center on this site.
 - Ultimately, there were no other options that solve the issues of the site or create additional challenges.
- The proposed redevelopment of 4870 Winton Road as a day care is uniquely suitable for use of a NWO, considering the factors listed in Section 111-5

RECOMMENDATION

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

APPROVE the Notwithstanding Ordinance permitting the construction and use of a day care center at 4870 Winton Road in Spring Grove Village with the following conditions:

1. The use of a day care facility on this property must be constructed per the approved site plan (Exhibit D).
2. The capacity of the day care facility will not exceed 47 children.

RECOMMENDATION

3. The Notwithstanding Ordinance does not provide a variance from any other laws of the City of Cincinnati, and the properties shall remain subject to all other provisions of the Cincinnati Municipal Code, the SF-6, “Single-family,” zoning district or RM-2.0, “Residential Multi-Family,” zoning district.
4. The use of 4870 Winton Road for a day care facility should not be considered a nonconforming use.