

October 15, 2021

Honorable City Planning Commission
Cincinnati, Ohio

SUBJECT: A report and recommendation on a proposed Notwithstanding Ordinance permitting the construction and use of a day care center at 4870 Winton Road in Spring Grove Village.

GENERAL INFORMATION:

Location: 4870 Winton Road
Cincinnati OH 45232

Petitioner: Steve Hampton, Hampton Architects, LLC
110 East McMicken Avenue
Cincinnati, OH 45202

Owner: Kevin & Melonie Longino
4840 Winton Road
Cincinnati OH 45232

EXHIBITS:

Provided in addition to this report are the following exhibits:

- Exhibit A Location Map
- Exhibit B Zone Change Application
- Exhibit C Letter requesting a Notwithstanding Ordinance
- Exhibit D Site Plan
- Exhibit E Site Plan with 35" Buffer
- Exhibit F Floor Plans
- Exhibit G Coordinated Site Review Letter

BACKGROUND:

Kevin and Melonie Longino are the property owners of a vacant two-family home at 4870 Winton Road next to their primary residence at 4840 Winton Road. The property is zoned SF-6 (Single-family) and currently contains a four-space parking lot serving the building and is accessed via an access easement through a separate parcel to the north containing Winton Woods Apartments, zoned RM-2.0 (Residential Multi-family).

The applicant is proposing to renovate the property at 4870 Winton Road and change the use from a two-family home to a day care center for 47 children. The site plan (Exhibit D) includes a two-story day care center, the expansion of the parking lot from four to eight spaces, and an outdoor play area. A day care center is not a permitted use in the SF-6 zoning district or the adjacent RM-2.0 zoning district to the north but is permitted in the adjacent MA (Manufacturing Agricultural) zoning district across Winton Road to the west.

The applicant originally requested a zone change from SF-6 to MA (Exhibit B) to allow for the use. Although a zone change to MA would allow the use of a day care center, the proposal would have also required significant variances to the existing standards of the MA zoning district, complicated further by the access via a shared easement through a separate parcel containing Winton Woods Apartments, which is zoned RM-2.0. The RM-2.0 zoning does not allow the proposed day care use. Section 1441-09(b) of the Cincinnati Zoning Code states that building permits or Certificates of Occupancy cannot be issued for a use that requires access across a zoning district which prohibits the use. Another issue with the initial zone

change request was that there would be a required 35-foot buffer yard where the MA zoning district abuts residential zoning districts, which in this case would be to the north, east, and south of the subject property. The site plan for the project shows the entire parking lot serving the proposed day care center within the buffer yard, which does not allow surface parking (Exhibit E). Both variances would be difficult for City staff to support as these hardships for relief are created by the applicant.

The MA zoning district also allows higher intensity uses beyond a day care center, such as public safety facilities (as a conditional use), food preparation, maintenance and repair services, wholesaling and distribution, limited production, and animal keeping, farms, and gardens.

Based on the relief that would be required to move the project forward in addition to a zone change to MA, along with feedback given by Spring Grove Village neighborhood leaders and surrounding property owners, the applicant amended their request to a Notwithstanding Ordinance (NWO) to allow for the construction and use of a day care center only, which addresses neighborhood concerns and removes the necessity for variances.

PROPOSED NOTWITHSTANDING ORDINANCE:

The applicant requests an NWO (Exhibit C) at 4870 Winton Road and the adjoining access easement over the driveway to the property on Winton Woods Apartments property to permit the use of a day care center. Doing so would allow the use on both the property and the access easement and would remove the need for additional zoning relief that would be required if the zoning was changed to MA.

Surrounding property owners and Spring Grove Village Community Council stated their support for a day care center in this location, but shared concerns of other potential uses that are permitted in the MA zoning district should the day care center cease to operate.

This request for a NWO will allow the applicant to open a day care center in this location while limiting any future potential incompatible uses on the property.

PUBLIC COMMENT:

The Department of City Planning and Engagement held a Virtual Public Staff Conference on the requested zoning change on September 14, 2021. Notice was sent to all property owners within a 400-foot radius of the subject property along with the Spring Grove Village Community Council. Besides City staff, seven people attended the meeting, including the applicant team.

The tone of the meeting was generally supportive of a day care center on this property, but concerns were brought up based on what other uses are permitted in the MA zoning district should the day care operation cease to exist in the future. Several attendees spoke to the issue of traffic and speeding along Winton Road, along with the challenge of making a left turn into the site. Some suggestions were to extend the school zone speed limit to include this property, create a dedicated turn lane for the property, time traffic lights, and potentially install speed cushions on Winton Road. Those concerns have been forwarded to the City's Department of Transportation & Engineering (DOTE). One attendee shared concerns about the potential of additional water runoff from the property.

During the Public Staff Conference, the idea of a Notwithstanding Ordinance to allow the day care center was brought up. It was explained that a NWO would allow the applicant the ability to obtain approval for the project without also needing variances and would give Spring Grove Village certainty that this property will only be able to be used as a day care center or single-family home. Both the applicant team and community members believed that a NWO would be the best course of action.

ANALYSIS:

The Department of City Planning and Engagement has consistently taken a position to not support any NWOs because they do not comply with the Cincinnati Zoning Code that the department is charged with developing and enforcing. However, Cincinnati Municipal Code Section 111-5 establishes a list of factors by which a City Council committee may consider a notwithstanding ordinance application. As such, the City Planning Commission shall consider the following when making a recommendation on notwithstanding ordinances 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 development was reviewed through the Coordinated Site Review (CSR) process as CPRE210047 (Exhibit G) as a zone change application to the adjacent Manufacturing Agriculture (MA), as the existing zoning does not permit a day care center. The City Administration, Spring Grove Village Community Council, and adjoining property owners do not have objections to a day care center in this location. It is consistent with the surrounding area and will not adversely impact surrounding properties.

- 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.

The proposed Notwithstanding Ordinance would permit the renovation of an existing structure. The proposed day care center would activate an underutilized space. It does not create any new curb cuts and the proposed parking lot is adjacent to the existing parking lot for the property and Winton Woods Apartments. The front of the existing building faces away from Winton Road, so the building form should not change.

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

The proposed Notwithstanding Ordinance would provide a necessary service to the surrounding residential land uses, including a 149-unit apartment complex that shares access with the property.

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

The predominant land use surrounding the subject properties is residential, with Winton Woods Apartments to the north and single-family to the east, west, and south. The proposed day care center is compatible with the residential nature of the area and will provide a needed service to the neighborhood. It will also bring a vacant residential building back to a productive use.

- (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 Plans" for further analysis).

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

The original proposal of a zone change to MA could potentially destabilize the

existing land uses on the east side of Winton Road based on the potential land uses permitted in the MA zoning district should day care operations cease. Allowing a day care use on this property along with the access easement over the access drive to the north of the property would ensure that the future use of this property will remain a day care center or a single-family home.

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

The proposed Notwithstanding Ordinance would permit a new day care center with capacity for 47 children. Renovating the building into a day care center will provide an additional service to the surrounding neighborhood, including the 149-unit Winton Woods Apartments, which shares an access drive through an easement with the subject property.

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

The subject properties are located along Winton Road, a busy, four-lane arterial street that is a major north-south route through the City. There are sidewalks on both sides of the street, and the property is located less than a quarter mile from the main residential area of Spring Grove Village. Additionally, it is along a bus route and immediately adjacent to a bus stop.

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

The proposed Notwithstanding Ordinance would permit a day care use for 47 children. It will not increase population density. Instead, it will serve the existing residents of Spring Grove Village and surrounding neighborhoods.

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

The proposed Notwithstanding Ordinance does not provide a variance from any other laws of the City of Cincinnati. The owner would need to abide by the building code and fire regulations outlined in the Cincinnati Municipal Code. The proposed development was reviewed by all permitting agencies during the Coordinated Site Review process and there were no concerns regarding access to the property (Exhibit G).

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

The subject property is not located within a Hillside Overlay District or a flood plain.

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

The subject property is not located within a historic district.

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

According to Sec. 1425-19-A of the Cincinnati Zoning Code, a total of eight parking spaces (two for the facility and one for every eight clients) are required. The proposal provides eight parking spaces. At the public staff conference, there was concern from Spring Grove Village about traffic on Winton Road and the proposal of turning left

into the property when driving southbound down the hill. Several suggestions were made, including re-timing traffic signals, extending the school zone to include this facility, or reducing the speed limit through this area. These suggestions were shared with the Department of Transportation and Engineering.

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

Proposed signage was not submitted as part of the application. However, a condition of the proposed Notwithstanding Ordinance is that the property shall remain subject to all other provisions of the Cincinnati Municipal Code, the SF-6, "Single-family," zoning district. This would include any signage regulations, which is a maximum of two sign faces of no more than 24 square feet each. The existing structure does not appear to have any signage beyond an address indicator.

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

One of the recommended conditions, should the City Planning Commission approve the proposed Notwithstanding Ordinance, is that the use of the property at 4870 Winton Road should not be considered a nonconforming use.

COORDINATED SITE REVIEW:

This project went through the City's Coordinated Site Review (CSR) process as CPRE210047 (Exhibit G). The most significant comments related to moving the project forward were from the Department of Buildings and Inspections – Zoning, which identified the zoning challenges of the SF-6 and MA zoning districts. Additionally, Stormwater Management Utility (SMU) will require a grading plan before a building permit is issued to ensure that the proposal will not increase stormwater runoff from the site, which was a concern brought up at the public staff conference.

CONSISTENCY WITH PLAN CINCINNATI:

The proposed day care center is consistent with the Compete Initiative Area of *Plan Cincinnati* (2012), specifically the goal to "Grow our own" by focusing on retention, expansion and relocation of existing businesses (page 104)," specifically a short-range Action Step under "Secure a trained and skilled workforce (page 106)," which specifically states to "Improve early childhood education programs." Increasing the capacity of existing day care availability by 47 children, especially in such proximity to a large apartment complex, will benefit both children and their parents.

CONCLUSIONS:

The Spring Grove Village community and surrounding property owners were supportive of a day care use on this site but expressed concerns about the potential of more intense future uses permitted in the proposed zoning district. Additionally, significant variances would be required for the day care center even upon approval of a zone change.

The proposed Notwithstanding Ordinance will cover both the property and the access easement to allow the applicant to open a day care center at 4870 Winton Road without the requirements of applying for additional relief from the Zoning Hearing Examiner.

The NWO will also give Spring Grove Village and surrounding property owners the certainty that this property will either be a day care center or a single-family home, and not a more intense use that could be permitted under the MA zoning district, especially if a zone change was approved and the requests for relief were denied by the Zoning Hearing Examiner.

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 particular situation is very unique. Section 111-5 of the Municipal Code suggests that a Notwithstanding Ordinance may be considered in a situation in which there are practical difficulties created by following existing legislative and administrative procedures. 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 options that did not solve the issues of the site or create additional challenges. It could be argued that the proposed redevelopment of 4870 Winton Road as a day care is uniquely suitable for use of a Notwithstanding Ordinance, considering the factors listed in Section 111-5, as addressed in the *Analysis* section above.

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 instance however, the staff of the Department of City Planning and Engagement recommends that the City Planning Commission 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.
- 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.

Respectfully submitted:



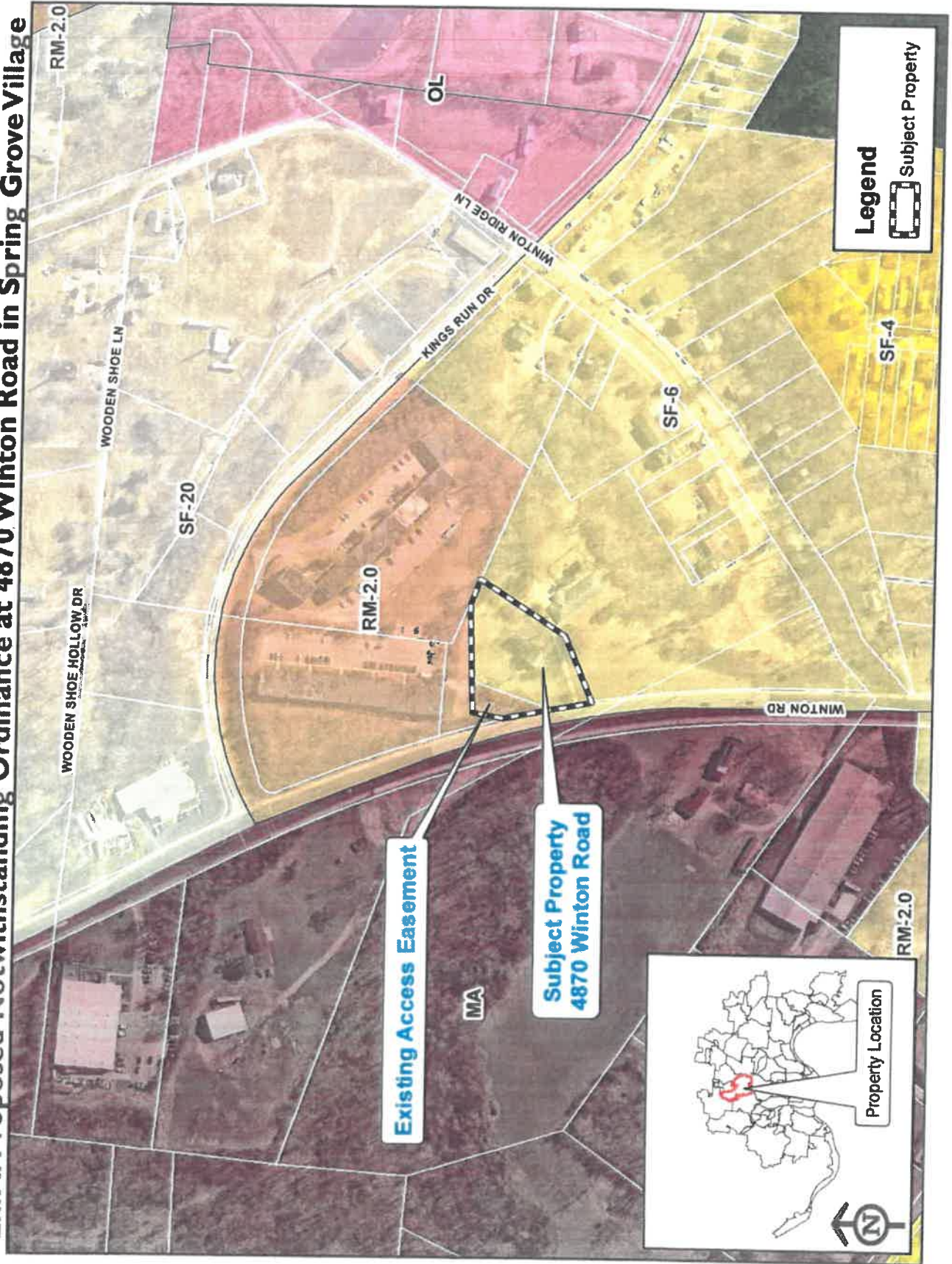
James Weaver, AICP, Senior City Planner
Department of City Planning and Engagement

Approved:



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

Ex. A: Proposed Notwithstanding Ordinance at 4870 Winton Road in Spring Grove Village



**PETITION FOR CHANGE OF ZONING OF PROPERTY
LOCATED IN THE CITY OF CINCINNATI, OHIO**

To: The Honorable Council of the City of Cincinnati

Date: 06/22/21

I hereby request your Honorable Body to amend the Zoning Map of the City of Cincinnati by changing the area described in the attached legal documentation and depicted on the attached plat from the SF-6 Zone District to the MA Zone District.

Location of Property (Street Address): 4870 WINTON ROAD CINCINNATI OHIO 45252

Area Contained in Property (Excluding Streets): 0.821 ACRES

Present Use of Property: SINGLE FAMILY DWELLING

Proposed Use of Property & Reason for Change: DAYCARE. THE PROPOSED USE IS NOT ALLOWED IN THE CURRENT ZONING

Property Owner's Signature: _____

Name Typed: KEVIN LONGINO & MELONIE KHALFANI-LONGINO

Address: 4850 WINTON RD CINCINNATI OH 45252 Phone: (513) 227-4221

Agent Signature: _____

Name Typed: STEVEN HAMPTON, ARCHITECT

Address: 110 E MCMICKEN AVENUE CINCINNATI OH 45202 Phone: (513) 484-2498

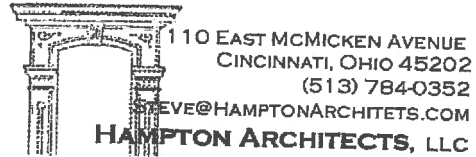
Please Check if the Following Items are Attached

Application Fee x

Copies of Plat x

Copies of Metes and Bounds x

Exhibit C



09/28/21

James Weaver
City of Cincinnati
Department of City Planning and Engagement
Two Centennial Plaza
805 Central Avenue, Suite 720
Cincinnati, OH 45202

RE: Notwithstanding Ordinance for 4870 Winton Road

Mr. Weaver,

Per our discussion, this is a request for a Notwithstanding Ordinance for the property at 4870 Winton Road, Cincinnati Ohio 45232 to be allowed to be used as a "Day Care Center".

The existing structure on the property is a two-family dwelling, and the property is zoned SF-6. The owner wishes to establish a Day Care Center in the existing building. This use is not allowed in the current zone, and changing the zoning to be MA will require additional variances for buffer yards, location of parking, and use of the access easement on an adjoining property.

The project is supported by the community, who see a Day Care Center as a desirable and needed use for the neighborhood. It is also supported by the neighboring property owners.

The owner wishes to get as narrow of an approval as possible, and along with the community does not wish to see the zoning changed that would allow more incompatible uses at some future date.

The owner also does not want to go through the process of changing the zoning, only for the required variances to not be granted making the project infeasible.

The project will utilize the existing structure on the site with no additions, with a portion of the building in the required buffer yard. The existing parking in the required buffer yard will be expanded with an additional 4 spaces in the required buffer yard, minimizing the amount of new hardscape on the site. The site will continue to be accessed through the access easement on the adjoining property to the north, to remain zoned SF-6.

We feel a Notwithstanding Ordinance would allow the project to proceed in a manner that provides the neighborhood with a needed resource with limited impact while limiting any incompatible uses.

Please let me know if you have any questions or if you need any additional information.

Sincerely,

HAMPTON ARCHITECTS, LLC
Steven T. Hampton, Director
Architect, NCARB

CHILDREN'S CENTER RENOVATIONS
 4870 WHITTON ROAD
 CINCINNATI, OHIO 45222
HAFFTON ARCHITECTS, LLC
 10 EAST MCKENDEN AVENUE
 CINCINNATI, OHIO 45202
 513.764.0325
 513.764.0325



RESERVED PARKING
 ACCESSIBLE
 (with wheelchair icon)

DETAIL
 SCALE: 1/8" = 1'-0"

SITE PLAN
 SCALE: 1/4" = 1'-0"



SITE PLAN
 SCALE: 1/4" = 1'-0"

PROFESSIONAL SEAL
 ARCHITECT
 STATE OF OHIO
 No. 11111
 JOHN J. HARTMAN

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

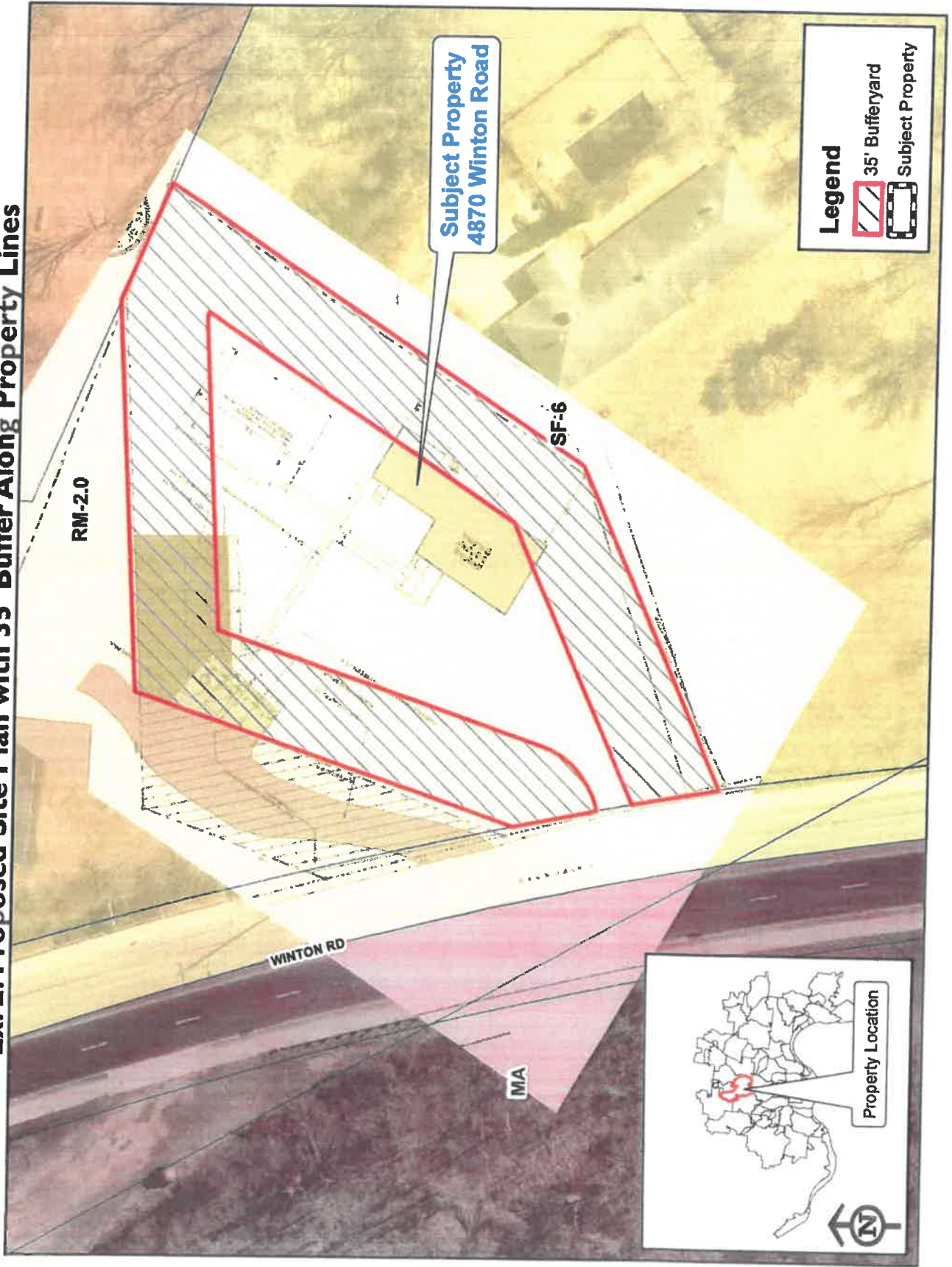


Exhibit F

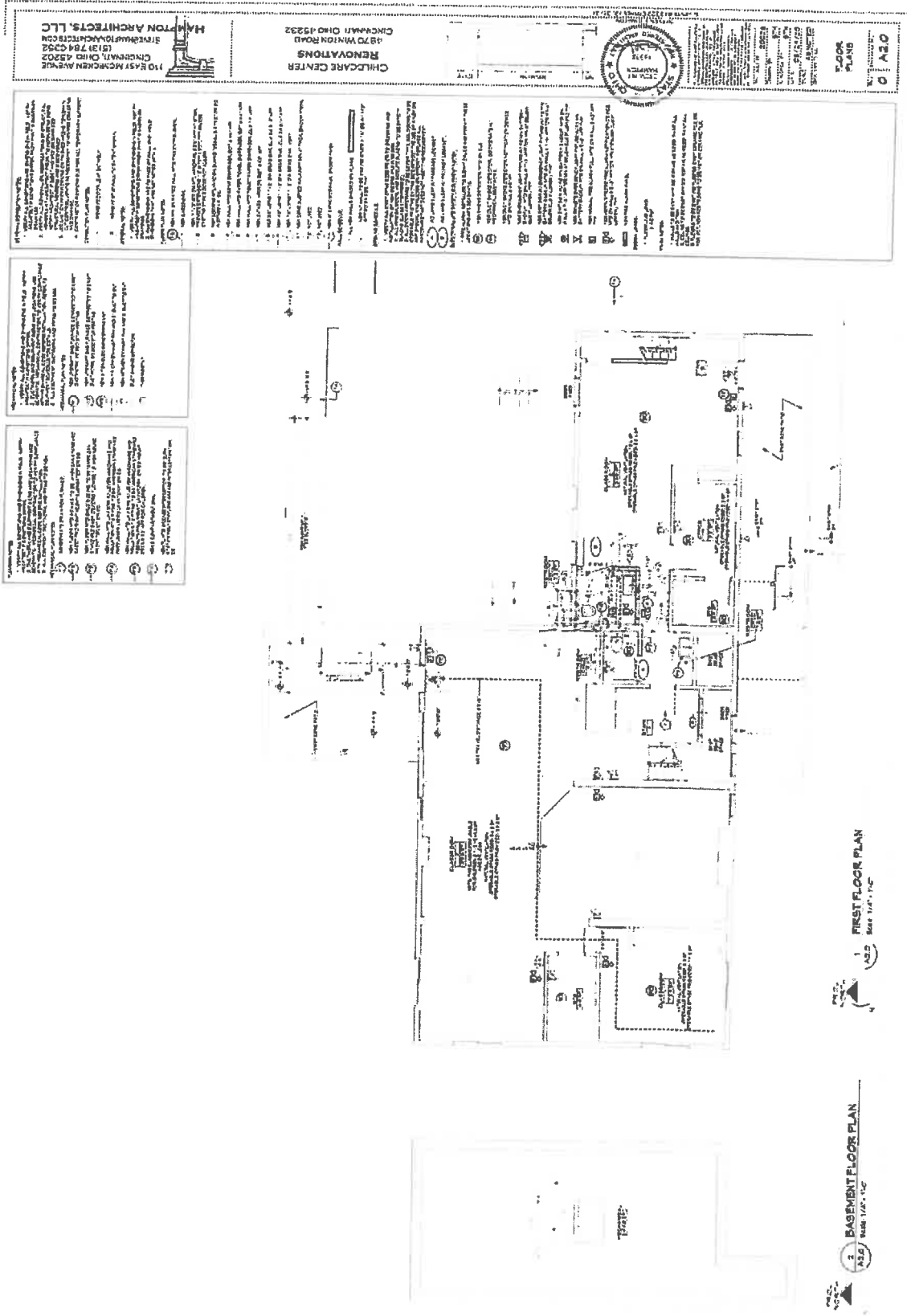


Exhibit F

PROFESSIONAL ENGINEER'S CERTIFICATE OF DESIGN AND CONSTRUCTION
 I, the undersigned, a duly Licensed Professional Engineer in the State of Ohio, do hereby certify that the design and construction of the above described project has been completed in accordance with the Ohio Professional Engineering Act, Chapter 4733, Ohio Revised Code, and the rules and regulations of the Board of Professional Engineers, Ohio State Board of Professional Engineers, 100 East Madison Avenue, Cincinnati, Ohio 45202.

1. The design and construction of the above described project has been completed in accordance with the Ohio Professional Engineering Act, Chapter 4733, Ohio Revised Code, and the rules and regulations of the Board of Professional Engineers, Ohio State Board of Professional Engineers, 100 East Madison Avenue, Cincinnati, Ohio 45202.

2. The design and construction of the above described project has been completed in accordance with the Ohio Professional Engineering Act, Chapter 4733, Ohio Revised Code, and the rules and regulations of the Board of Professional Engineers, Ohio State Board of Professional Engineers, 100 East Madison Avenue, Cincinnati, Ohio 45202.

3. The design and construction of the above described project has been completed in accordance with the Ohio Professional Engineering Act, Chapter 4733, Ohio Revised Code, and the rules and regulations of the Board of Professional Engineers, Ohio State Board of Professional Engineers, 100 East Madison Avenue, Cincinnati, Ohio 45202.

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6. The design and construction of the above described project has been completed in accordance with the Ohio Professional Engineering Act, Chapter 4733, Ohio Revised Code, and the rules and regulations of the Board of Professional Engineers, Ohio State Board of Professional Engineers, 100 East Madison Avenue, Cincinnati, Ohio 45202.

7. The design and construction of the above described project has been completed in accordance with the Ohio Professional Engineering Act, Chapter 4733, Ohio Revised Code, and the rules and regulations of the Board of Professional Engineers, Ohio State Board of Professional Engineers, 100 East Madison Avenue, Cincinnati, Ohio 45202.

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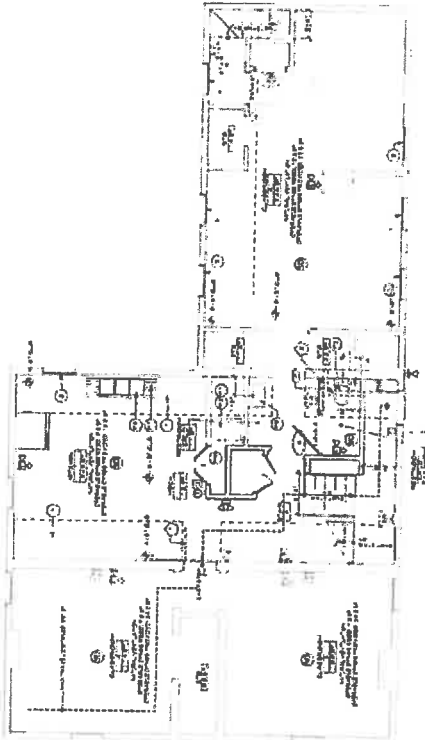
9. The design and construction of the above described project has been completed in accordance with the Ohio Professional Engineering Act, Chapter 4733, Ohio Revised Code, and the rules and regulations of the Board of Professional Engineers, Ohio State Board of Professional Engineers, 100 East Madison Avenue, Cincinnati, Ohio 45202.

10. The design and construction of the above described project has been completed in accordance with the Ohio Professional Engineering Act, Chapter 4733, Ohio Revised Code, and the rules and regulations of the Board of Professional Engineers, Ohio State Board of Professional Engineers, 100 East Madison Avenue, Cincinnati, Ohio 45202.

10 EAST MADISON AVENUE
 CINCINNATI, OHIO 45202
 HAMILTON ARCHITECTS, LLC

CHENOCARE CENTER
 RENOVATIONS
 4870 WINSTON ROAD
 CINCINNATI, OHIO 45233

FLOOR PLAN
 0 A2.1



1 SECOND FLOOR PLAN
 02.1 100' x 100'

Exhibit G



June 3, 2021

Mr. Steven Hampton
Hampton Architects
110 E. McMicken Avenue
Cincinnati, Ohio 45202

Re: 4870 Winton Road | Day Care Center (D) – (CPRE210047) Final Recommendations

Dear Mr. Hampton,

This letter is to inform you that our CSR Advisory-TEAM and CSPRO Committee has reviewed your proposed project at **4870 Winton Road** in the Community of Spring Grove Village. The information provided is the recommendations of the City of Cincinnati and must be followed as you move forward with your project. As a reminder, we will have a **WebEx conference call meeting** with you on **June 8, 2021 @ 10 am** to discuss this information. Please see the feedback listed below. Thank you for developing within the City of Cincinnati.

City Planning Department

Immediate Requirements to move the project forward:

1. In order to move forward to put a Day Care Center at this location, a zone change is required.
2. The applicant has identified a zone change to Manufacturing Agricultural, which permits Day Care Centers. The zone change process must be complete before permits can be issued.
3. <https://www.cincinnati-oh.gov/buildings/zoning-administration/zone-change-application-packet/>

Requirements to obtain permits:

- None

Recommendations:

1. The Department of City Planning recommends engaging and sharing these plans with the Spring Grove Village Community Council prior to applying for a zone change.

Contact:

- **James Weaver** | City Planning | 513-352-4882 | james.weaver@cincinnati-oh.gov

Buildings & Inspections – Zoning

Immediate Requirements to move the project forward:

1. The subject property is located in a Single-Family (SF-6) zoning district. Per Sec. 1403-05, a Daycare Center is not a permitted use in the SF-6 district unless it is accessory to a public or semi-public land use. No public or semi-public use has been identified, so the proposed project would require a Zone Change. Per Sec. 1413-05, a Daycare Center is a permitted use in the proposed Manufacturing Agricultural (MA) district if a zone change is approved.

2. Per Sec. 1441-09(b) [Access to a Use], a building permit or Certificate of Occupancy and Use may not be issued for any building or use that would require access across a zoning district prohibiting the use. For the purposes of this Zoning Code, access to a use is deemed the use. So, you cannot access the proposed use via the easement over the adjacent parcel in a Residential Multi-Family (RM-2.0) district as depicted, because a Daycare Center is not a permitted as a principal use in the RM-2.0 district. Therefore, you will need to provide egress only across the subject property.
3. Per Sec. 1423-13, a Buffer Yard Type D must be provided in any side or rear yard where the MA district borders residential (SF or RM) zoning districts. A Buffer Yard Type D requires a width of 35 feet, and the following buffering elements for every 50 linear feet of buffer yard:
 4. A screen wall or fence 6 feet in height and (4) 6 feet high evergreen trees, (4) 1.5-inch caliper trees, and (3) 2.5-inch caliper trees, OR
 5. A berm 8 feet in height, and (3) 6 feet high evergreen trees, (3) 1.5-inch caliper trees, and (2) 2.5-inch caliper trees.
 6. Buffer yards may be used as required yards, open space, or driveways, but accessory structures and surface parking are not permitted in a buffer yard.

Requirements to obtain permits:

1. Provide a Buffer Yard Plan per Chapter 1423. Depict the egress drive across the subject property on a Site Plan.

Recommendations:

- None

Contact:

- **Tre Sheldon** | ZPE | 513-352-2422 | henry.sheldon@cincinnati-oh.gov

Metropolitan Sewer District (MSD)

Immediate Requirements to move the project forward:

- None

Requirements to obtain permits:

1. Your project may change flow to a sewer overflow. Please complete the Request for Availability of Sewer Service Form online. The link to the online form can be found at http://www.msdbg.org/customer_care/development_services/index.html REQUEST for AVAILABILITY of SEWER SERVICE Form Website
2. Your project will require a grease trap review. The application and instructions can be found at http://msdbg.org/customer_care/permits_and_records/index.html. Submit the application, plans, and menu to SewerUseApplications@cincinnati-oh.gov.

Recommendations

- None

Contact:

- **Jim Wood** | MSD | 513-352-4311 | jim.wood@cincinnati-oh.gov



Stormwater Management Utility (SMU)

Immediate Requirements to move the project forward:

- None

Requirements to obtain permits:

1. Submit grading plan.
2. Submit utility plan.
3. Submit erosion control plan.

Recommendation:

- None at this time

Contact:

- **Rob Goodpaster** | SMU | 513-581-0893 | robert.goodpaster@cincinnati-oh.gov

Water Works

Immediate Requirements to move the project forward:

- None

Requirements to obtain permits:

1. Must have proper backflow preventer per Greater Cincinnati Water Works Rules and Regulations 401-125 and Ohio EPA Chapter 3745-95 of Ohio Administrative Code, contact Premise Services, Ben McQueary 513-591-7835.
2. The development is receiving water service from the 12" public water main in Winton Road with the following address and branch:

Address	Branch No.	Branch Size	Meter No.	Meter Size
4870 Winton Rd	H- 266535	3/4"	266535	5/8"

3. Any existing water service branch not to be used for this development, must be properly disconnected at the owner's / developer's expense. Owner would be required to fill out the online Discontinuance Form (FOD) at <https://www.cincinnati-oh.gov/water/engineering-construction/forms-specifications/fod/> authorizing removal of the existing water service branch before any new water service can be sold. Any questions contact 513-591-7837.

Recommendations:

1. The Owner(s)/Developer(s) will need to hire a Greater Cincinnati Water Works certified licensed and bonded plumber to perform the private water service branch design work and installation.
2. The Owner(s)/Developer(s) must have a licensed plumber that is bonded and certified with GCWW and fill out the Online Branch application <https://www.cincinnati-oh.gov/water/engineering-construction/forms-specifications/> for water service.

Contact:

- **Rick Roell** | WaterWorks | 513-591-7858 | richard.roell@gcww.cincinnati-oh.gov

Fire Department

Immediate Requirements to move the project forward:

1. The minimum fire flow requirements for Commercial/Educational structures is a minimum of 2,000 gallons/per/minutes (GPM) @ 20 pressure/per/square inch (psi) (138Kpa).
2. Closest hydrants are 4870 and 4890 Winton Rd.

Requirements to obtain Permits:

- None

Recommendations:

- None

Contact:

- Kenneth Caldwell | Fire Dept. | 513-357-7595 | kenneth.caldwell@cincinnati-oh.gov

Office of Environment and Sustainability (OES)

Immediate Requirements to move forward with project:

- None

Requirements to obtain permits:

1. Commercial waste, including construction and demolition debris, generated during the renovation of the site building as part of this development project must utilize a City - franchised commercial waste collection service per Cincinnati Municipal Code Chapter 730. Current franchise holders include Rumpke of Ohio, Republic Services of Ohio, Best Way of Indiana, and Bavarian Trucking Company.

Recommendations:

1. Due to the age of the existing site building, asbestos, lead based paint, and other hazardous building materials should be surveyed and, if needed, abatement should be conducted following all applicable regulations prior to renovation.
2. The renovation goal should be to earn at a minimum the LEED Certified rating level.
3. Rooftop solar should be considered in the design as a renewable energy source.
4. Site parking should include electric vehicle charging stations.
5. Site areas designated for trash carts should also have at least equal space designated for recycling carts (or dumpster).
6. The use of trees in the landscape design should be included to enhance urban forestry.
7. The use of pervious surfaces should be maximized to the extent practical in the design.

Contact:

- Howard Miller | OES | 513-352-6999 | howard.miller@cincinnati-oh.gov

Parks Department (Urban Forestry)

Immediate Requirements to move the project forward:

- None

Requirements to obtain permits:

- None

Recommendations:

- None

Exhibit G



Contact:

- **Robin Hunt** | Urban Forestry | 513-861-9070 | robin.hunt@cincinnati-oh.gov

Department of Transportation & Engineering (DOTe)

Immediate Requirements to move the project forward:

- None

Requirements to obtain permits:

1. Any work in the right of way requires a DOTe permit.
2. Address will remain as 4870 Winton Rd. Address must be posted and visible from Winton Rd.

Recommendations:

- None

Contact:

- **Morgan Kolks** | DOTe | 513-335-7322 | morgan.kolks@cincinnati-oh.gov

Buildings & Inspections – Buildings

Immediate Requirements to move the project forward:

- None

Requirements to obtain permits:

1. Classroom 2 is limited to the area where there is no step.
2. Specify the ages and number of occupants in each space.
3. Exterior doors must provide a 32" clear opening.
4. The common path of egress travel cannot exceed 75' in an unsprinklered education building. Sprinklers are required for your 3412 analysis 3412.6.17

Recommendations:

- None

Contact:

- **Robert Martin** | B&I Plans Exam | 513-352-2456 | robert.martin@cincinnati-oh.gov

Law Department

Immediate Requirements to move the project forward:

- No comments at this time

Requirements to obtain permits:

- None

Recommendations:

- None

Contact:

- **Charles Martinez** | Law | 513-352-3359 | charles.martinez@cincinnati-oh.gov

Exhibit G



Department of Community & Economic Development (DCED)

Immediate Requirements to move the project forward:

- None

Requirements to obtain permits:

- None

Recommendations:

- None

Contact:

- **Taylor German** | DCED | 513-352-4546 | taylor.german@cincinnati-oh.gov

Health Department

Immediate Requirements to move the project forward:

- None

Requirements to obtain permits:

1. A food facility plan review by the Cincinnati Health Department (CHD) will be required if future or current space (or tenant) is licensable (or is currently licensed) as a food service operation (FSO) or retail food establishment (RFE). If licensable, plumbing will not issue permits until CHD has completed the food facility review and approved the project.

Recommendations:

1. For assistance in determining whether facility is licensable as an FSO/RFE or not, please contact me.

Contact:

- **Trisha Blake** | Health Dept. | 513-352-2447 | trisha.blake@cincinnati-oh.gov

Police Department

Immediate Requirements to move the project forward:

- None currently.

Requirements to obtain permits:

- No comments.

Recommendations:

- None

Contact:

- **Katalin Howard** | Police Dept. | 513-352-3298 | katalin.howard@cincinnati-oh.gov
- **Brandon Kyle** | Police Dept. | 513-564-1870 | brandon.kyle@cincinnati-oh.gov

FINAL ACTION: The CSR Advisory-TEAM and CSPRO Committee believes that the proposed project plans are moving in the appropriate direction and recommends that the project move forward to City Planning Commission subject to the following condition.

- **The subject development must follow the requirements listed above to ensure that the development meets the requirements of all agencies as they apply for all permits.**

Exhibit G



Sincerely,

A handwritten signature in blue ink that reads "Art Dahlberg". The signature is written over a horizontal line.

Art Dahlberg,
Director of Buildings and Inspections Department
& CSPRO Committee Chair

A handwritten signature in blue ink that reads "Rodney D. Ringer". The signature is written over a horizontal line.

Rodney D. Ringer,
Development Manager

AD:RDR:hs



Spring Grove Village Community Council

October 13, 2021

James Weaver
Dept of Planning & Engagement

This letter is to provide community endorsement and feedback concerning a proposed Notwithstanding Ordinance permitting the construction and use of a day care center at 4870 Winton Road.

Spring Grove Village Community Council wishes to express our input as related to a "Notwithstanding Ordinance" for 4870 Winton Road. We value the shift to using a NWO for this project in lieu of a formal zone change to permit the requested day care facility. This would lock in the future use of this property to the requirements of the NWO, e.g., day care center or other SF6 uses. The largest concern expressed by residents and our zoning committee is the hazards associated with access at this difficult section of Winton Rd using an existing access easement shared by the adjacent apartment complex. We urge DOTE and the property owners involved to consider site modifications to make this a safer area for daycare commuters.

This proposed ordinance was discussed at our general community meeting on 10/12/21. If there are any questions about this endorsement, please let us know.

Gary Robbins, Pres.
Spring Grove Village Community Council
702-7029
www.MySGV.org

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