

AUTHORIZING the real property located at 4870 Winton Road in the Spring Grove Village neighborhood to be developed and used as a day care center NOTWITHSTANDING the use limitations contained Chapter 1403, “Single-Family,” and Chapter 1405, “Residential Multi-Family,” of the Cincinnati Municipal Code and any other applicable zoning regulations that would restrict the property’s development and use as a day care center.

WHEREAS, Kevin and Melonie Longino (“Owners”) own the real property located at 4870 Winton Road in the Spring Grove Village neighborhood (“Property”), which property is located in the SF-6, “Single-Family,” zoning district and consists of one parcel containing an existing vacant residential structure; and

WHEREAS, the Property is accessed via an access easement through a separate parcel to the north, which contains the Winton Woods Apartments complex and is located in the RM-2.0 “Residential Multi-Family,” zoning district; and

WHEREAS, Hampton Architects, LLC (“Petitioner”), on behalf of the Owners, now seeks to develop the property for use as a day care center serving up to forty-seven children, including by renovating the existing building on the Property, expanding the existing parking lot from four to eight parking spaces, and constructing an outdoor play area (“Project”); and

WHEREAS, the Project is compatible with the surrounding residential land use in the area, would return a vacant residential building to productive use, and would provide a necessary service for the surrounding community and the adjacent Winton Woods Apartments complex; and

WHEREAS, the Petitioner has requested authorization to complete the Project notwithstanding certain zoning code provisions that would otherwise prevent the Property’s use as a day care center; and

WHEREAS, reasonable deviations from zoning code provisions that would otherwise prevent the Property’s use as a day care center will provide substantial public benefits by significantly increasing the availability of child care services for the surrounding residential area; and

WHEREAS, the City Planning Commission, at its regularly scheduled meeting on October 15, 2021, upon considering the factors set forth in Cincinnati Municipal Code (“CMC”) Section 111-5, recommended the adoption of a notwithstanding ordinance authorizing the Project subject to certain conditions; and

WHEREAS, a legislative variance authorizing the Project is consistent with *Plan Cincinnati* (2012), specifically the goal to “[g]row our own by focusing on retention, expansion,

and relocation of existing businesses” (page 81) and the Action Step to “[i]mprove early childhood education programs” (page 106); and

WHEREAS, the Council finds that the Project will preserve the quality and character of the neighborhood by improving and rehabilitating an existing building that will fit within the context of Winton Road and the Spring Grove Village neighborhood; and

WHEREAS, the Council additionally finds that permitting the Project will not have an adverse effect on the character of the area or the public health, safety, and welfare, and the Project is 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, following its own independent review and consideration, the City Council incorporates the foregoing recitals as if fully rewritten herein, and it hereby confirms that the legislative variance criteria set forth in Section 111-5 of the Cincinnati Municipal Code are satisfied in all respects.

Section 2. That the Council specifically finds that a legislative variance authorizing the development and use of the property located at 4870 Winton Road in the Spring Grove Village neighborhood (including the area contained within the access easement that benefits the property) as a day care center (“Project”), which property is depicted on the map attached hereto as Exhibit A and incorporated herein by reference, will not have an adverse effect on the character of the surrounding area or the public's health, safety, and general welfare and that it is consistent with the purposes of the Cincinnati Municipal Code and the zoning districts within which the property is located.

Section 3. That the Council authorizes the construction of the Project and its use as a day care center, subject to the terms and conditions set forth in this ordinance. This authorization is granted notwithstanding the use limitations contained in Chapter 1403, “Single-Family,” and Chapter 1405 “Residential Multi-Family,” of the Cincinnati Municipal Code, and any other

applicable zoning regulations that would restrict the construction of the Project and its use as a day care center.

Section 4. That the Council authorizes the construction of the Project and its use as a day care center subject to the following conditions:

- a. That the Project must be constructed and used per the approved site plan attached hereto as Exhibit B.
- b. That the capacity of the day care facility shall not exceed forty-seven children.
- c. That this 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 and the SF-6, "Single-Family," and RM-2.0 "Residential Multi-Family," zoning districts.
- d. That the use of the property shall not be considered a nonconforming use of land by virtue of this ordinance.

Section 5. That the City Manager and the appropriate City officials are authorized to take all necessary and proper actions to implement this ordinance, including by issuing building permits and related approvals provided they conform to applicable building codes, housing codes, accessibility laws, or other laws, rules, or regulations.

Section 6. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: _____, 2021

John Cranley, Mayor

Attest: _____
Clerk