

October 20, 2021



Cincinnati City Council
Council Chambers, City Hall
Cincinnati, Ohio 45202

Dear Members of Council:

We are transmitting herewith a Notwithstanding Ordinance captioned as follows:

AUTHORIZING the existing building located at 4870 Winton Road in the Spring Grove Village neighborhood to be renovated and used as a day care center NOTWITHSTANDING the provisions of Section 1403-05, "Land Use Regulations," of Chapter 1403, "Single-Family," and Section 1405-05, "Land Use Regulations," of Chapter 1405, "Residential Multi-Family," of the Cincinnati Zoning Code and any other applicable provisions of the Cincinnati Zoning Code and the Cincinnati Municipal Code.

Summary:

The applicant wishes 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 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 single-family zoning district or the adjacent RM-2.0 residential multi-family 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 to MA, but the access drive to the property crosses property containing Winton Wood Apartments through an access easement, zoned RM-2.0, which does not allow a day care center use and would require a Use Variance from the Zoning Hearing Examiner. The MA zoning also requires a 35-foot bufferyard along residential property, which would require additional relief for the proposed parking lot. The MA zoning district also allows higher intensity uses beyond a day care center, which was a concern from the Spring Grove Village Community Council (SGVCC) and surrounding property owners.

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 in the SF-6 zoning district, which addresses neighborhood concerns and removes the necessity for variances. The SGVCC supports the proposed Notwithstanding Ordinance.

The NWO is consistent with the criteria of Cincinnati Municipal Code Section 111-5 and is consistent with *Plan Cincinnati* (2012).

The Administration recommends Approval of this Notwithstanding Ordinance.

Motion to Approve: Mr. Smitherman

Seconded: Mr. Samad

Ayes:

Mr. Juech
Mr. Smitherman
Ms. McKinney
Mr. Eby
Mr. Stallworth
Mr. Samad
Ms. Sesler

THE CITY PLANNING COMMISSION

A handwritten signature in black ink that reads "Katherine Keough-Jurs".

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

KKJ: jmw

Encl.: Staff Report, Ordinance