

Proposed Notwithstanding Ordinance at 4924 Winton Road in Spring Grove Village and Winton Hills

Equitable Growth & Housing Committee
December 20, 2022

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Background

- The City notifies Harnist & Corcoran of intent to acquire their current location via eminent domain.
- They are given until October 23rd, 2023 to vacate.
- Harnist & Corcoran enter a purchase contract for the subject property in July.
- There are zoning conflicts that must be resolved prior to finalizing the purchase.



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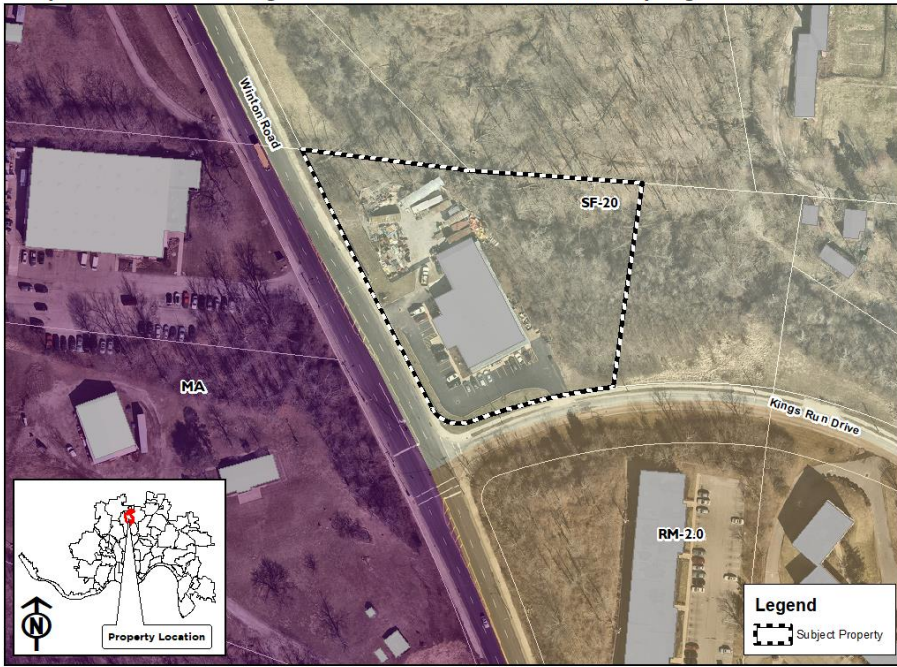


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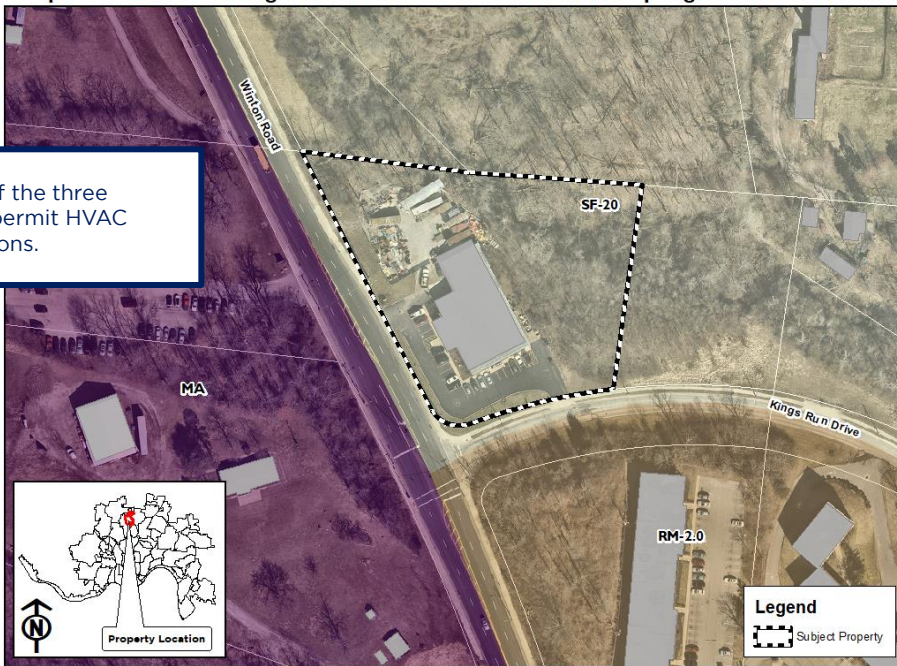
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- None of the three zones permit HVAC operations.



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Proposed Notwithstanding Ordinance

Why an NWO?

- The timeline is constrained due the need for all renovations of the relocation site to be complete prior to the vacation date of October 23rd 2023 to avoid adverse impacts on business.
- A similar Notwithstanding Ordinance was issued nearby in 2021 for a daycare.

This ordinance only provides relief for **zoning code modifications**. All other City Code regulations **still apply**.





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- Located on an existing commercial strip of Winton Road.
- Adjacent to multiple similar or identical businesses.
- Buffered against adjacent residential uses by vegetation.

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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 including but not limited to:

Analysis

- | | |
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| <ul style="list-style-type: none"> (a) Providing a guide for the physical development of the city. (b) Preserving the character and quality of residential neighborhoods. (c) Fostering convenient, harmonious and workable relationships among land uses. (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. (e) Promoting the economic stability of existing land uses and protecting them from intrusions by inharmonious or harmful land uses. (f) Providing opportunities for economic development and new housing for all of the community. (g) Creating pedestrian-friendly environments to reduce reliance on the automobile for travel. (h) Preventing excessive population densities and overcrowding of land or buildings. | <ul style="list-style-type: none"> (i) Ensuring the provision of adequate open space for light, air and fire safety. (j) Ensuring that development is compatible with the environment, particularly on the hillsides and along the riverfront. (k) Promoting the conservation, protection, restoration and enhancement of the historic resources of the city. (l) Lessening congestion in the public streets by providing for off-street parking and loading areas for commercial vehicles. (m) Providing effective signage that is compatible with the surrounding urban environment. (n) Setting standards by which a nonconforming use may continue to function and to provide for the adaptive reuse of nonconforming buildings |
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Consistency with *Plan Cincinnati* (2012)

Compete Initiative Area

Goal: Foster a climate conducive to growth, investment, stability, and opportunity.

Strategy: Grow our own by focusing on retention, expansion and relocation of existing businesses.

Notice and Public Comment

Notice was sent to all property owners within 400 feet of the site, as well as both the Spring Grove Village and Winton Hills community councils.

Community members have expressed concerned with the **impact to the hillside** and **stormwater management** as related to the site plan.

Conclusion

The Department of City Planning and Engagement has typically taken the position to not support Notwithstanding Ordinances for land use decisions. However, due to:

- The relocation being driven by the City's **appropriation of property** for the **Western Hills Viaduct Project**
- The **constraining factors on location selection**, including the nature of the business and financial concerns
- The **unique zoning circumstances** of the site
- The minimal impact the proposed development will have on the **existing character of the area**

Staff found that a Notwithstanding Ordinance is suitable to resolve this matter in a timely fashion.

Recommendation

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

APPROVE the proposed Notwithstanding Ordinance permitting an HVAC business (Harnist & Corcoran) at 4924 Winton Road in Spring Grove Village and Winton Hills with the following conditions:

Recommendation

1. The proposed development substantially conforms to the site plan as submitted, including:
 - a) Construction of an approximately 2,500 sq. ft. garage in the rear of the existing gravel parking lot
 - b) Paving of the existing gravel parking lot
 - c) Installation of a new 10 by 15 foot sign in front of the building
 - d) Installation of a shed roof over the existing loading dock
 - e) Installation of a 6 foot high replacement fence surrounding the loading area
 - f) Parking expansion on the south side of the existing building (approximately 800 sq. ft.)

Recommendation

2. All site work and regrading, excluding what is necessary for the addition of the 3-bay garage, will remain subject to the regulations of the Hillside Overlay.
3. The Notwithstanding Ordinance does not provide relief from any other code except necessary zoning modifications.