

**Honorable City Planning Commission
Cincinnati, Ohio**

July 6, 2007

SUBJECT: A report and recommendation on a proposed zone change at the Richard Miller Water Treatment Plant property, 5651 Kellogg Avenue, from the RF-R Riverfront Residential/Recreational, SF-6 and SF-20 Single-Family Districts to RF-C Riverfront Commercial District in the neighborhood of California.

GENERAL INFORMATION:

Petitioner: Greater Cincinnati Water Works Chester Park Complex
4747 Spring Grove Avenue
Cincinnati, Ohio 45232

Request: A change of zoning at 5651 Kellogg Avenue, from the RF-R Riverfront Residential/Recreational, SF-6 and SF-20 Single-Family Districts to RF-C Riverfront Commercial District

Adjacent Land Use and Zoning:

South: RF-R Riverfront Residential/Recreational District

East: SF-20 Single-Family District, RF-R Riverfront Residential/Recreational District and RF-C Riverfront Commercial District

North: SF-20 Single-Family

West: RF-R Riverfront Residential/Recreational District

Staff Conference: The Planning Division staff held a public conference on this request on Friday May 18, 2007. The petitioner and two neighboring property owners attended. There were questions of the Water Works staff, yet there were no concerns regarding the zone change.

BACKGROUND:

Zoning History: Prior to February 2004 the property at 5651 Kellogg Avenue was zoned RF-1 Riverfront (Recreational-Residential-Commercial) Zoning District.

Existing Use: The property at 5651 Kellogg Avenue is currently The Richard Miller Water Treatment Plant.

Proposed Use: The petitioner, Greater Cincinnati Water Works (GCWW) will continue to use the property as The Richard Miller Water Treatment Plant.

During the Zoning Code rewrite process, this property was mistakenly rezoned from RF-1 to RF-R, SF-6 and SF20. In the previous zoning code the RF-1 permitted public utilities. The current RF-R Zoning District does not permit public utility uses and under the SF-6 and SF-20 permit it is a conditional use and therefore a non-conforming use and a conditional use situation have been created.

During the Zoning Code rewrite process, it was the intent of the Planning Commission and staff to apply the new zoning designations based on existing use of the land areas. In this case the Water Works property needed a designation that permitted public utilities. This current inappropriate zoning impacts GCWW's ability to maintain and upgrade its facility as needed to protect the public water supply.

FINDINGS:

Community Response: The California Community Council has been notified throughout this process and there has been no response.

ANALYSIS:

In order to eliminate the non-conforming use staff chose the RF-C Riverfront Commercial Zoning District, which permits public utilities and will ensure that the GCWW can continue to provide quality drinking water by maintaining current and up-to-date facilities. This zone change is for Water Works property only.

CONCLUSIONS:

- a) This property was rezoned RF-R Riverfront Residential/Recreational, SF-6 and SF-20 Single-Family thereby creating a non-conforming use and a conditional use situation.
- b) Previously, this property was zoned RF-1 Riverfront (Recreational-Residential-Commercial) Zoning District, which permitted public utility uses.
- c) This property is approximately 540 acres and can be rezoned without creating a spot zone.
- d) In order to eliminate the non-conforming use this property needs to be rezoned to RF-C Riverfront Commercial Zoning District.
- e) The RF-C zoning designation will not negatively impact the existing character of the surrounding area.
- f) The RF-C zoning designation will ensure that the GCWW can continue to provide quality drinking water by maintaining current and up-to-date facilities.
- g) This zone change is for Water Works property only.

RECOMMENDATION:

The staff of the Planning Division recommends the City Planning Commission take the following action:

1. Approve a zone change for the property located at 5651 Kellogg Avenue (The Richard Miller Water Treatment Plant) from the RF-R Riverfront Residential/Recreational, SF-6 and SF-20 Single-Family Districts to RF-C Riverfront Commercial Zoning District for the reasons that:
 - a) This property was rezoned RF-R Riverfront Residential/Recreational, SF-6 and SF-20, which created a non-conforming use and a conditional use situation.
 - b) Previously, this property was zoned RF-1 Riverfront (Recreational-Residential-Commercial) Zoning District, which permitted public utility uses.
 - c) This property is approximately 540 acres and can be rezoned without creating a spot zone.
 - d) In order to eliminate the non-conforming use this property needs to be rezoned to RF-C Riverfront Commercial Zoning District.
 - e) The RF-C zoning designation will not negatively impact the existing character of the surrounding area.
 - f) The RF-C zoning designation will ensure that the GCWW can continue to provide quality drinking water by maintaining current and up-to-date facilities
 - g) This zone change is for Water Works property only.

APPROVED:

Respectfully submitted,

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