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| PLANNING DATE 12/08/2022 |
| COUNCIL DATE 01/05/2023 |

P&Z STAFF REPORT

PREPARED BY:

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| DOCKET/APPLICATION # | APPLICANT | ADDRESS/PARCEL # |
|----------------------|----------------------|---------------------------------------|
| RZ-2022-10 | Foster Holdings, LLC | Parcel 073611002, 160 Greencastle Rd. |

SUMMARY & HISTORY

Foster Holdings, LLC has submitted an application to rezone 160 Greencastle Rd. from Office Institutional (OI) to Downtown Commercial (C-1). The stated intent of this rezoning is to permit a greater variety of uses on the property than are otherwise permitted, namely an exercise studio/gym.

STAFF DETERMINATION

It is staff's determination that the building placement on site would be illegal under C-1 setback standards, particularly along the southern property line where the building would encroach on the 20' C-1 setback. Although C-1 zoning is permitted in the Commercial Gateway character area, Market Hill business park was developed for office-institutional structures and uses; subsequent buildings and sites are designed according to this configuration. Staff cannot recommend approval of the rezoning given the building placement according to C-1 setback standards. Given the applicant's stated reason for the request, a discussion regarding which uses are/are not appropriate within the O-I district may be relevant for future text amendments.

PLANNING COMMISSION RECOMMENDATION

Planning Commission has recommended denial of the proposed rezoning due to the setback conflict the building would have under C-1 zoning. Planning Commission did direct staff to pursue research on a text amendment that would permit exercise studios or similar uses in the O-I district.



| EXISTING ZONING | PROPOSED ZONING | EXISTING LAND USE | SURROUNDING ZONING | SITE IMPROVEMENTS | PROPERTY ACREAGE |
|-----------------------------|----------------------------|------------------------------|--|-------------------|------------------|
| O-I Office Institutional | C-1 Downtown Commercial | Multi-Tenant Office Building | North: OI South: OI East: OI West: R-12 | Office Building | 1 Acre |

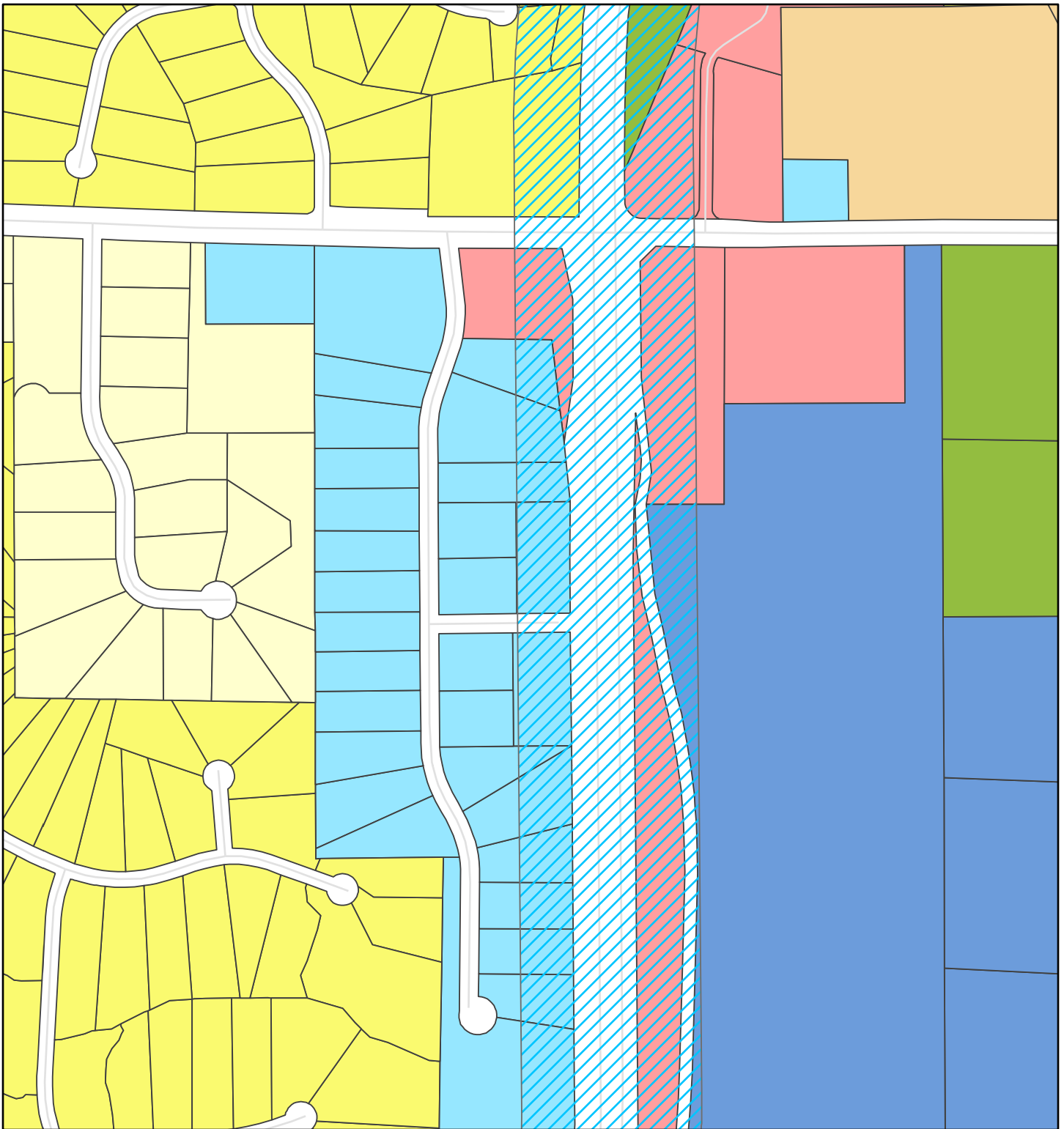
COMPREHENSIVE PLAN & FUTURE DEVELOPMENT MAP COMPATABILITY












This petition could be interpreted as consistent with the Comp Plan and Future Development map as C-1 is listed as a permitted zoning classification in the Commercial Gateway character area. Local context and surrounding zoning also contributes to the compatibility of this request. All surrounding commercial properties are O-I with many buildings built to O-I development standards, including this property. That being the case many of the buildings and site configurations within the Market Hill business park would be unable to move to C-1 zoning due to the more restrictive setback standards designed to accommodate their higher intensity uses.

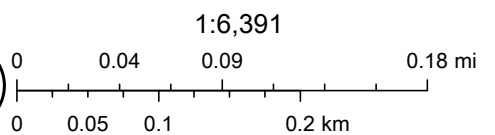
ZONING ORDINANCE COMPATABILITY & IMPACT ASSESSMENT

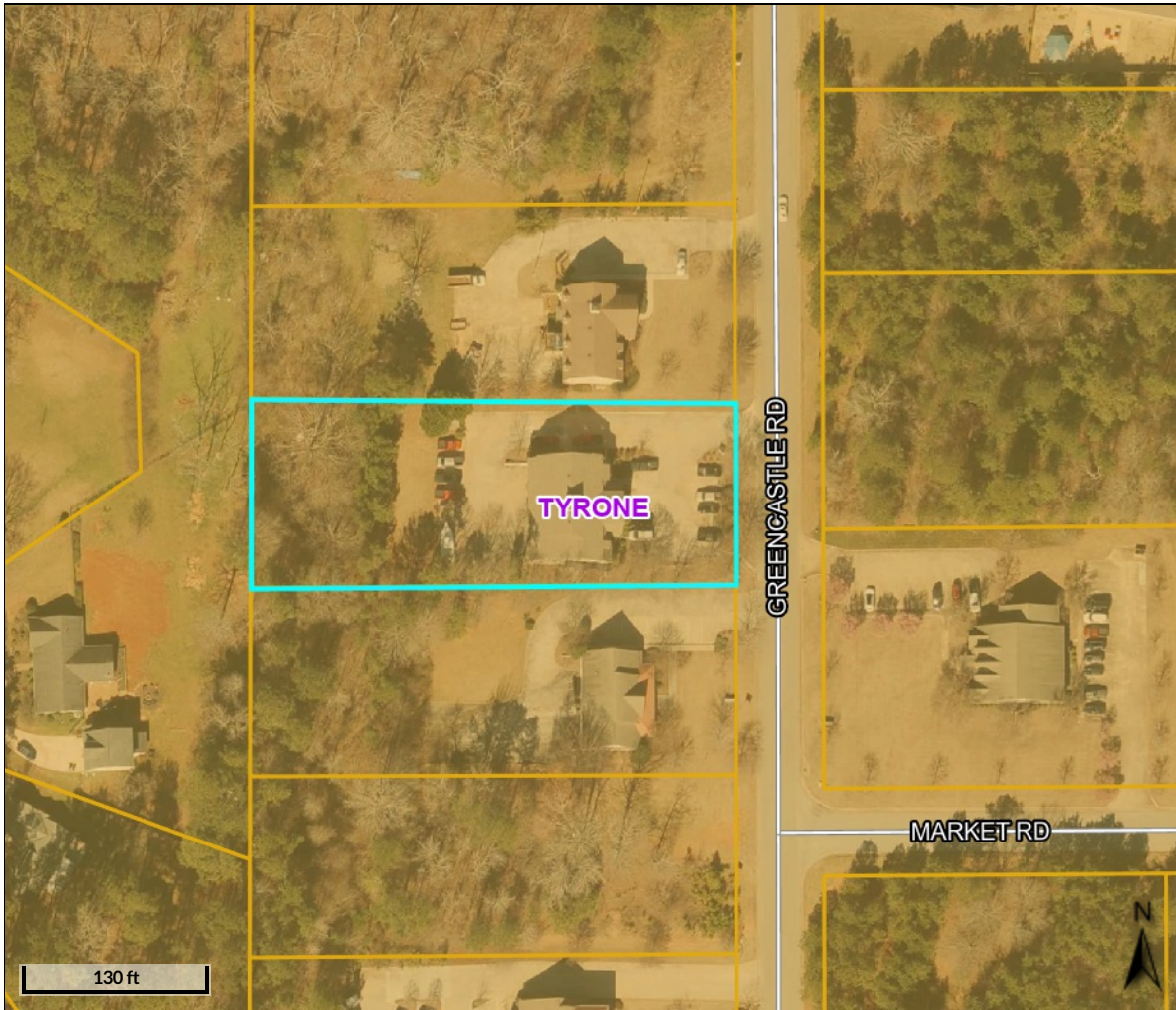
- Will Zoning permit suitable uses with surrounding properties?** C-1 zoning is still considered a lighter intensity commercial district; however, all surrounding properties are zoned O-I per the design of the business park. Use suitability would be inconsistent with the business park's original design and intention, but staff does believe C-1 is suitable for the overall Character Area. The current building placement does not make C-1 a suitable zoning given that it would create an illegal zoning situation.
- Will Zoning adversely affect adjacent properties?** Given the required 75' buffer along the rear of the property, it is staff's opinion that the residential properties would not be adversely affected. Given that OI setbacks are lower to reflect the lower intensity of uses, it is staff's opinion that if zoned to C-1, the encroachment of the current building on that setback would adversely affect the southern property owner with higher intensity uses located closer than what is otherwise permitted.
- Does the property have reasonable economic use as currently zoned?** It is staff's determination that the property does have reasonable economic use as currently zoned.
- Would the proposed zoning result in a use which will or could be excessively burdensome on existing infrastructure?** It is staff's determination that this zoning would not result in an excessive burden on existing infrastructure.

Town of Tyrone Zoning Map

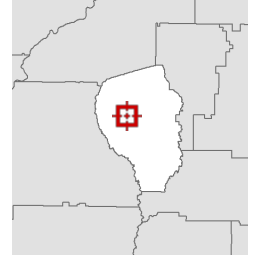


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|---|--|
|  Tyrone Online Zoning Map_WFL1 - Highway 74 Overlay District |  R-18 |
|  Tyrone Online Zoning Map_WFL1 - Roads |  R-12 |
| Tyrone Online Zoning Map_WFL1 - Zoning Districts | |
|  A-R |  DR |
|  CR-3 |  C-1 |
|  R-20 |  O-I |
| |  E-I |












Overview



Legend

-  Parcels
-  Roads
- City Limits
 -  BROOKS
 -  FAYETTEVILLE
 -  PEACHTREE CITY
 -  TYRONE
 -  WOOLSEY

| | | | | | |
|-----------------------|---|--------------|-----|---------------|----------------------|
| Parcel ID | 073611002 | Alternate ID | n/a | Owner Address | FOSTER HOLDINGS LLC |
| Sec/Twp/Rng | 37-78- | Class | C3 | | 3055 BLUE ROCK RD |
| Property Address | 160 GREENCASTLE RD | Acreage | n/a | | CINCINNATI, OH 45239 |
| District | 03 | | | | |
| Brief Tax Description | LOT 6 MARKETHILL OFFICE CENTRE MARKETHILL OFFICE CENTRE | | | | |
| | (Note: Not to be used on legal documents) | | | | |

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Developed by 



Legend

- Parcels
- Roads