

RECORD OF ORDINANCES

Ordinance No. 3699

Passed: June 8, 2021

AN ORDINANCE APPROVING A MAJOR AMENDMENT TO THE SOUTH ALEX ROAD PLANNED UNIT DEVELOPMENT TO PERMIT ADULT DAYCARE FACILITIES.

WHEREAS, an application has been filed by John W. Goris, dba Rachel & Friends, 1102 Lord Fitzwalter Drive, Miamisburg, OH 45342, agent for the owner CNE Capital Inc., 8780 Red Lion-Five Points Rd., Springboro, OH 45066, proposing a major amendment to the South Alex Road Planned Unit Development to permit adult daycare facilities; and

WHEREAS, pursuant to Ohio HB 197 and the City of West Carrollton emergency Ordinance No. 3668, normal public notice requirements are suspended and the minimum requirement is to provide public notice at least 24 hours before the meeting; and

WHEREAS, a Notice of Public Hearing regarding this application was published in the Miamisburg-West Carrollton News on April 15, 2021; and

WHEREAS, a Notice of Public Hearing regarding this application was mailed on April 13, 2021 to all abutting property owners within 200 feet; and

WHEREAS, a sign regarding this matter was placed in a conspicuous location on the property; and

WHEREAS, the application and meeting notice was posted on the City's website; and

WHEREAS, a public hearing was held on May 6, 2021 by the West Carrollton Planning Commission, at which time all people who wished to testify gave their comments, and the Planning Commission unanimously recommends approval of the proposed amendment; and

WHEREAS, a public hearing was held on May 25, 2021 by the West Carrollton City Council, at which time all people who wished to testify gave their comments; and

WHEREAS, Section 154.10.706(G) of the West Carrollton Zoning Code specifies that amendments to PUD Districts may be amended only by the use of the same procedures as are applicable for the original adoption of a PUD District, and Sections 154.10.701 through 154.10.706 of the Zoning Code govern the establishment of PUD Planned Unit Development Districts and preliminary PUD plans.

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NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WEST CARROLLTON, COUNTY OF MONTGOMERY, STATE OF OHIO:

SECTION I. That the City Council makes the following findings of fact and conclusions of law with respect to the proposed major amendment to the South Alex Road Planned Unit Development pursuant to case PUD MOD 21-1, said findings of fact based upon the conditions outlined in Zoning Code Section 154.10.705(E) regarding the establishment of the PUD District and the approval of preliminary PUD plans:

- a) The applicant is seeking approval of a major amendment to the South Alex Road Planned Unit Development to permit adult daycare facilities within the PUD
- b) The applicant seeks to establish two businesses within the building located at 1625 South Alex Road, being lot 3862 PT and comprising .646 acres. The upper level of the building is proposed to be used by the applicant's business Goris Counseling & Consulting LLC, which employs licensed therapists providing outpatient behavioral health therapy for the south Dayton community and serves both adolescents and adults. The lower level of the building is proposed to be used to operate Rachel & Friends, an adult daycare program for adults with developmental disabilities. The applicant is the owner and President of Rachel & Friends.
- c) The application states that "*Rachel & Friends will focus on enhancing an adult's daily life after leaving the public school system. Rachel & Friends will provide skills and activities of daily living training. Some activities include job skill training, teaching life skills such as cooking, cleaning, gardening, while providing a continuation of medical therapies (speech, recreation, occupational plus a skilled nurse for oversight for medicine needed for program attendees.*"
- d) A flyer describing the program states that Rachel & Friends will "*provide federally-funded services to 10-15 clients weekly, with transportation provided to and from the building. There will be 2-4 additional staff to assist in the services needed to engage and encourage the clients they serve.*" The focus will be on serving clients in West Carrollton, Miamisburg, Germantown, and surrounding counties.
- e) The applicant indicates that the only exterior alterations which are planned are installing a new sign on the existing ground sign base, as well as a new wall sign. The only interior alterations would be some handicap-accessibility improvements.
- f) The *West Carrollton Sustainable Comprehensive Plan's* future land use map designates this parcel for future commercial use (Figure 3-7). The applicant's proposal to permit adult daycare facilities in this PUD is consistent with that designation, in that it establishes the opportunity for a new business with employees providing job and life skills training in this district. The proposed use of the building

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will establish a new outpatient behavioral health therapy business as well. The proposal facilitates and encourages the *Comprehensive Plan's* goals to maintain and enhance the community's economic vitality; promote available sites and buildings as a potential business location; encourage business growth; redevelop/re-use available buildings and sites; and provide new job opportunities for residents (Chapter IV).

- g) No concerns have been identified with any potential detrimental effects of an adult daycare facility on surrounding property, which includes a medical building, vacant land, a tavern, a commercial strip center, and a multi-family residential complex. Given this mixture of uses, the proposal is entirely compatible with the area. The proposal would return a vacant property to productive use, provide new businesses and employment in the community, and will be designed to be visually-appealing and to enhance surrounding property values.
- h) No changes are proposed with this application that would affect the existing drive approach, parking lot, or circulation pattern on the property.
- i) The engineering and fire departments have reviewed the proposal for access to and circulation on the property, and have expressed no concerns.
- j) The proposal to add adult daycare facilities as a permitted use within this PUD would benefit the general welfare of the community by enhancing the daily life of adults with disabilities after leaving the public school system; by providing job skills training which may benefit local employers; by establishing a new business with new employees; and by re-activating a vacant building.

SECTION II. That the proposal to permit adult daycare facilities within the South Alex Road Planned Unit Development be and hereby is approved.

SECTION III. That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were taken in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

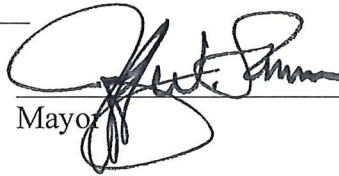
SECTION IV. That this Ordinance shall take effect from and after the earliest period allowed by law.

RECORD OF ORDINANCES

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Mayor

Attest: Tom Rully
Clerk of Council

Effective Date: July 8, 2021

CERTIFICATE

The undersigned, Clerk of Council of the City of West Carrollton, Ohio hereby certifies the Ordinance to be true and a correct copy of Ordinance _____, adopted on the _____ day of _____, 20____.

Clerk of Council

Dated: _____