

RECORD OF ORDINANCES

Ordinance No. 3691

Passed: Feb 9, 2021

AN ORDINANCE ADOPTING AN AMENDMENT TO THE OFFICIAL ZONING MAP TO REZONE PROPERTY LOCATED AT 1450 S. ELM STREET, BEING PARCEL ID #K48 00416 0032 AND COMPRISING 5.35 ACRES, FROM PUD PLANNED UNIT DEVELOPMENT TO R-PUD RESIDENTIAL PLANNED UNIT DEVELOPMENT, AND APPROVING A PRELIMINARY R-PUD PLAN TO CONSTRUCT 70 SENIOR INDEPENDENT-LIVING DWELLING UNITS.

WHEREAS, an application has been filed by MVAH Partners, 9100 Centre Pointe Dr., Suite 201, West Chester, OH 45069, agent for the owner the City of West Carrollton, 300 E. Central Ave., West Carrollton, OH 45449, proposing an amendment to rezone property located at 1450 S. Elm St., being Parcel ID #K48 00416 0032 and comprising 5.35 acres, from PUD Planned Unit Development to R-PUD Residential-Planned Unit Development, and approval of a Preliminary R-PUD Plan to construct 70 senior independent-living dwelling units; 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, notification of a public hearing before the City Council regarding this matter was properly advertised in a newspaper of general circulation on December 17, 2020 in accordance with Section 154.08.01(D)(1) of the Zoning Code; and

WHEREAS, notification of a public hearing before the City Council regarding this matter was properly mailed on January 6, 2021 to all abutting property owners within 200 feet in accordance with Section 154.08.01(D)(2) of the Zoning Code; and

WHEREAS, a sign regarding this matter was placed in a conspicuous location on the property on December 30, 2020, and the application and meeting notice was posted on the City's website; and

WHEREAS, a public hearing was held on January 7, 2020 by the West Carrollton Planning Commission, and the Planning Commission unanimously recommends approval of this request; and

WHEREAS, Section 154.05.05(C) of the West Carrollton Zoning Code specifies circumstances which justify amending the Official Zoning Map, Sections 154.08.01 and 154.08.02 outlines the procedure for amendments to the Official Zoning Map, and Sections 154.10.121 through 154.10.134 govern the establishment of R-PUD Districts and Preliminary R-PUD Plans; and

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WHEREAS, a public hearing was held by the West Carrollton City Council on January 26, 2021, at which time all people who wished to testify gave their comments.

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 amendment to the Official Zoning Map pursuant to case R-PUD 20-1, said findings of fact based upon criteria found within Section 154.05.05(C) of the Zoning Code:

- a) The vacant property located at 1450 S. Elm Street comprises 5.35 acres and is zoned PUD Planned Unit Development (South Alex Road PUD). The property is bordered by S. Elm Street on the north, Royal Ridge Drive on the south, and is just west of S. Alex Road.
- b) Surrounding this property to the west are two-family and multiple-family dwellings on Minstrel Drive, Royal Ridge Drive, and S. Elm Street zoned R-4 Multiple-Family Residential District; to the south are Needmore Vending and Site One Landscape Supply zoned PUD; to the east are the Ameristop Plaza and a strip commercial center zoned PUD; and to the north is vacant land and parking owned by Down the Pike and Crayons Academy behind two medical office buildings zoned PUD.
- c) MVAH Partners is seeking approval of an amendment to the Official Zoning Map to rezone property located at 1450 S. Elm St., being Parcel ID #K48 00416 0032 and comprising 5.35 acres, from PUD Planned Unit Development to R-PUD Residential Planned Unit Development, and approval of a Preliminary R-PUD Plan to construct 70 senior independent-living dwelling units.
- d) The Preliminary R-PUD Plan illustrates the conceptual development plan for the property. A total of 70 senior independent-living dwelling units are proposed in three buildings: 58 units in a 4-story building fronting on S. Elm Street, and two 6-unit ranch villa buildings near Royal Ridge Drive.
- e) The letter from the applicant indicates that the "West Carrollton Senior Village" would offer one- and two-bed options in the 4-story elevated building, as well as on-site management, a community room, fitness center, business center, and senior programs. The 12 "cottages" will provide two-bed ranch living options.
- f) Two points of access are proposed, one on S. Elm Street and one on Royal Ridge Drive. An access drive would traverse the property from S. Elm Street to Royal Ridge Drive, with parking spaces provided proximate to the 4-story building.
- g) The applicant has built similar projects in Huber Heights at Carriage Trails, and in Riverside off of Harshman Road.
- h) The Official Zoning Map amendment is in conformance with the West Carrollton Sustainable Comprehensive Plan:

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- a. The *West Carrollton Sustainable Comprehensive Plan's* future land use map designates this parcel for future mixed-use development (Figure 3-7). The applicant's proposal is consistent with that designation in that it enables the construction of residential units, which the current South Alex Road PUD District does not permit, and it also permits some compatible non-residential uses as described below and listed in Sections 154.10.122 and 154.10.123 of the Zoning Code. Thus, the R-PUD District zoning more closely aligns the property's zoning with its future land use designation.
- b. The proposal is also consistent with numerous objectives articulated in the *Comprehensive Plan*: to provide new housing alternatives which allow residents to transition to new housing types and remain in the community as they age (III-2, Ch. V); to develop a retirement community and low-maintenance condominiums and patio homes (III-2, Ch. V); to create diversity of housing to match residents' life stages and income levels, especially the "encore years" (III-7, Ch. V); and to provide for the need for "encore year" housing, specifically in the area around S. Elm Street and S. Alex Road (III-8, Ch. V). The proposal also touches on transportation goals to improve the signal at S. Alex Road/Royal Ridge Drive/Indian Trail to create a realigned and safer intersection (VIII-14), and to provide improved public transportation access especially to seniors (VIII-16). This project also facilitates economic development goals to redevelop/re-use available buildings and sites, and to support the growth of existing businesses in the vicinity (Chapter IV).
- c. In addition, by ensuring that future development of the property meets the design standards articulated in the R-PUD regulations, this proposal is consistent with the goals of the *Comprehensive Plan* and other long-range plans to elevate the image and "enhance the visual character" of the community and to support and enhance community property values. The project will improve an unsightly property which has been vacant for many years, which may have detracted from the community's image and surrounding property values. This proposal puts the property back into productive use for the benefit of the community.
 - i) There has been a substantial change in this area: The senior population is the fastest-growing demographic in West Carrollton, while senior housing options in the community are limited. This change in conditions justifies the proposed rezoning and project.
 - j) There is need for additional land in the zoning district classification: Existing R-PUD Districts are located in the Redbluff Drive neighborhood, the Longbow Lane neighborhood, and the S. Elm St./Indian Trail neighborhood. As such, a particular need for additional land in the R-PUD District classification has not been identified. However, the need and demand for senior housing has grown, and additional land dedicated to that use is most definitely needed in the community.

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- k) There is an error in the Zoning Code: As part of the Zoning Code, the Official Zoning Map and corresponding South Alex Road PUD District which does not permit residential uses is inconsistent with the mixed land use designation for this property shown on the future land use map in the Comprehensive Plan. This proposal corrects that deficiency.

SECTION II. That the City Council makes the following findings of fact and conclusions of law with respect to the proposed Preliminary R-PUD Plan pursuant to case R-PUD 20-1, said findings of fact based upon criteria found within Section 154.10.121 through 154.10.134 of the Zoning Code:

- a) The purpose and intent of the R-PUD District is stated in Section 154.10.121 of the Zoning Code: *"The purpose of the R-PUD District is to provide a permissive voluntary alternative zoning procedure for residential development and housing. Under this procedure, a tract of land under unified ownership may be planned and developed as a unit in accordance with an approved Preliminary PUD Plan and subsequent Final Detailed PUD Plans. A mixture of housing types, densities, and architectural design is encouraged."*
- b) Principal permitted uses listed in Section 154.10.122 include churches, day care facilities, dwellings (single-family, two-family, row, and multiple-family), group homes, bed and breakfasts, parkland, recreation, and schools. Conditionally permitted uses listed in Section 154.10.123 include group homes, public utility substations and transmission facilities, and wireless telecommunications facilities.
- c) A minimum land area of 5 acres is required for R-PUD Districts, along with public water and sewer, as specified in Section 154.10.125. The property to be rezoned comprises 5.35 acres, and has access to public water and sewer.
- d) Section 154.10.125 also sets limits on maximum density for different types of R-PUD Districts, including no more than 14 dwelling units per acre in multiple-family R-PUD Districts. This application proposes 70 multiple-family dwelling units on 5.35 acres, yielding a proposed density of 13.08 dwelling units per acre.
- e) Section 154.10.126 and 154.10.127 indicate that minimum frontage, lot size, and yard/building setback requirements may established by the owner/developer in the Preliminary R-PUD Plan in accordance with the requirements and conditions of approval listed in Section 154.10.133(E). Section 154.10.133(B) requires that the owner or developer shall establish all lot sizes and front, side, and rear yard setbacks in the Detailed Final PUD Plan. As illustrated on the plan, a 35-foot building setback is proposed along the entire perimeter of the property. No minimum lot size or frontage is specified, since this is a unified project.
- f) For multi-family dwelling R-PUD Districts, the maximum height of buildings is 45 feet or 4 stories as stated in Section 154.10.128. The 58-unit building is four stories, while the 6-unit ranch villas are 28 feet in height.
- g) A minimum land area of 20 percent of the entire tract is required to be reserved for use as common open space. This open space shall not consist of isolated or fragmented pieces of land which would serve limited purposes. Uses such as

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- pedestrian walkways, parkland, open areas, drainageways, swimming pools, clubhouses, tennis courts, and other lands of essentially open character may be included, but not off-street parking areas. The plan indicates that open space will be more than 40 percent on this site.
- h) Ownership of this land shall be transferred to a legally-established homeowners' association or be dedicated to the City, and proper legal documents necessary for the transfer or dedication shall be prepared by the owner or developer and approved by City Council. At the option of the City, this common open space may become a part of the park and open space system of the city. The establishment of a homeowners' association or dedication to the city will be addressed at the Detailed Final R-PUD Plan stage.
 - i) Section 154.10.133 requires that, unless specified otherwise therein, the design standards for the R-PUD shall be governed by the standards of the zoning district most similar in nature and function to the proposed R-PUD District use, as determined by the Planning Commission. Exceptions to these standards may be granted by the Planning Commission when it finds that the exceptions encourage a desirable living environment and are shown to be necessary to provide the required amount of common open space.
 - j) It is noted that this project is subject to the City's architectural design standards as required by Section 154.10.134.
 - k) The PUD District is in conformance with the Comprehensive Plan for the City. This condition is met, as described in Section I.
 - l) Each individual stage of development will not exceed the maximum density allowed for the planned unit development landholding as a whole. Since the property comprises a single parcel of 5.35 acres, the maximum density will not be exceeded even at full build-out.
 - m) The uses proposed will not be detrimental to present and potential surrounding uses, but will have a beneficial effect which could not be achieved under the other zoning districts. Given the multi-family dwellings and residential neighborhoods immediately west of this property as well as the numerous multi-family complexes on the east side of S. Alex Road, the proposed senior independent living community is entirely compatible with surrounding uses. The R-PUD District provides the opportunity for more flexibility and creative and imaginative site design that might not otherwise be possible with conventional zoning districts, and it gives the City additional control over the design of the project through the Preliminary and Detailed Final R-PUD Plan processes and the establishment of a mechanism for ongoing maintenance of the open space.
 - n) The areas proposed will be used only for residential purposes and the usual accessory uses such as garages, storage space, parks, recreation sites, open spaces, and community purposes including churches and schools. The proposal complies with this requirement.
 - o) The internal streets and major and minor streets that are proposed shall properly

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interconnect with the surrounding existing major and minor streets as designated in the official thoroughfare plan of the city. The engineering and fire departments have reviewed the proposal for access to and circulation on the property, and have expressed no concerns. The Fire Department has also suggested that, although not required, a gate constructed into the existing fence line at the dead-end parking area south of the 4-story building would provide emergency access to the rear of the building from the existing fire lane behind the adjacent commercial center to the east, and would allow the Fire Department to use the existing hydrant in that location. The gate would have "Do Not Use"/"Emergency Only" signage and would be secured with a Knox Box padlock for Fire Department access only.

- p) The minimum common open space area has been designated and shall be duly transferred to a legally established homeowners' association, or has been dedicated to, and accepted by the city as herein provided. The minimum requirement for common open space area is far exceeded. The establishment of a homeowners' association or dedication to the city will be addressed at the Detailed Final R-PUD Plan stage.
- q) The preliminary PUD plan is consistent with the intent and purpose of this Zoning Code, to promote the public health, safety, and general welfare of the residents of the city. The proposal would return a long-vacant property to productive use, provide a new housing product in the community, and will be designed to be visually-appealing and to enhance surrounding property values.

SECTION III. That the City Council hereby approves an amendment to the Official Zoning Map to rezone property located at 1450 S. Elm St., being Parcel ID #K48 00416 0032 and comprising 5.35 acres, from PUD Planned Unit Development to R-PUD Residential-Planned Unit Development as reflected in Exhibit A attached hereto; and approves the proposed Preliminary R-PUD Plan to construct 70 senior independent-living dwelling units as reflected in Exhibit B and attached hereto.

SECTION IV. That as required by Section 154.08.02 of the Zoning Code, the Zoning Enforcement Officer is hereby directed to amend the Official Zoning Map pursuant to this approval within fifteen (15) days of the effective date of this approval, and the amended Official Zoning Map shall then be signed by the mayor and attested to by the City Clerk.

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

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Mayor

Attest: Tom Reilly
Clerk of Council

Effective Date: March 11, 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: _____

Exhibit A

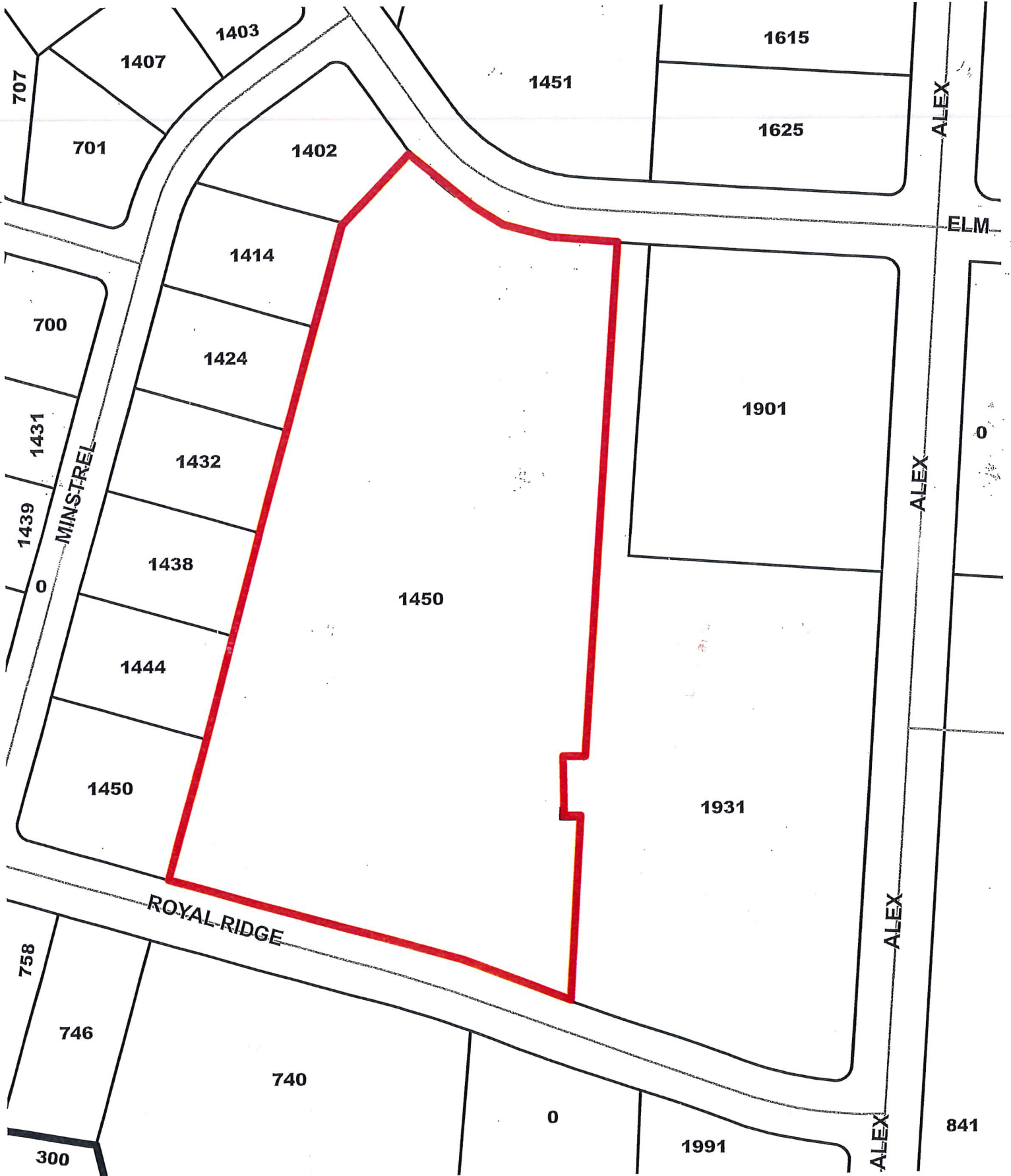
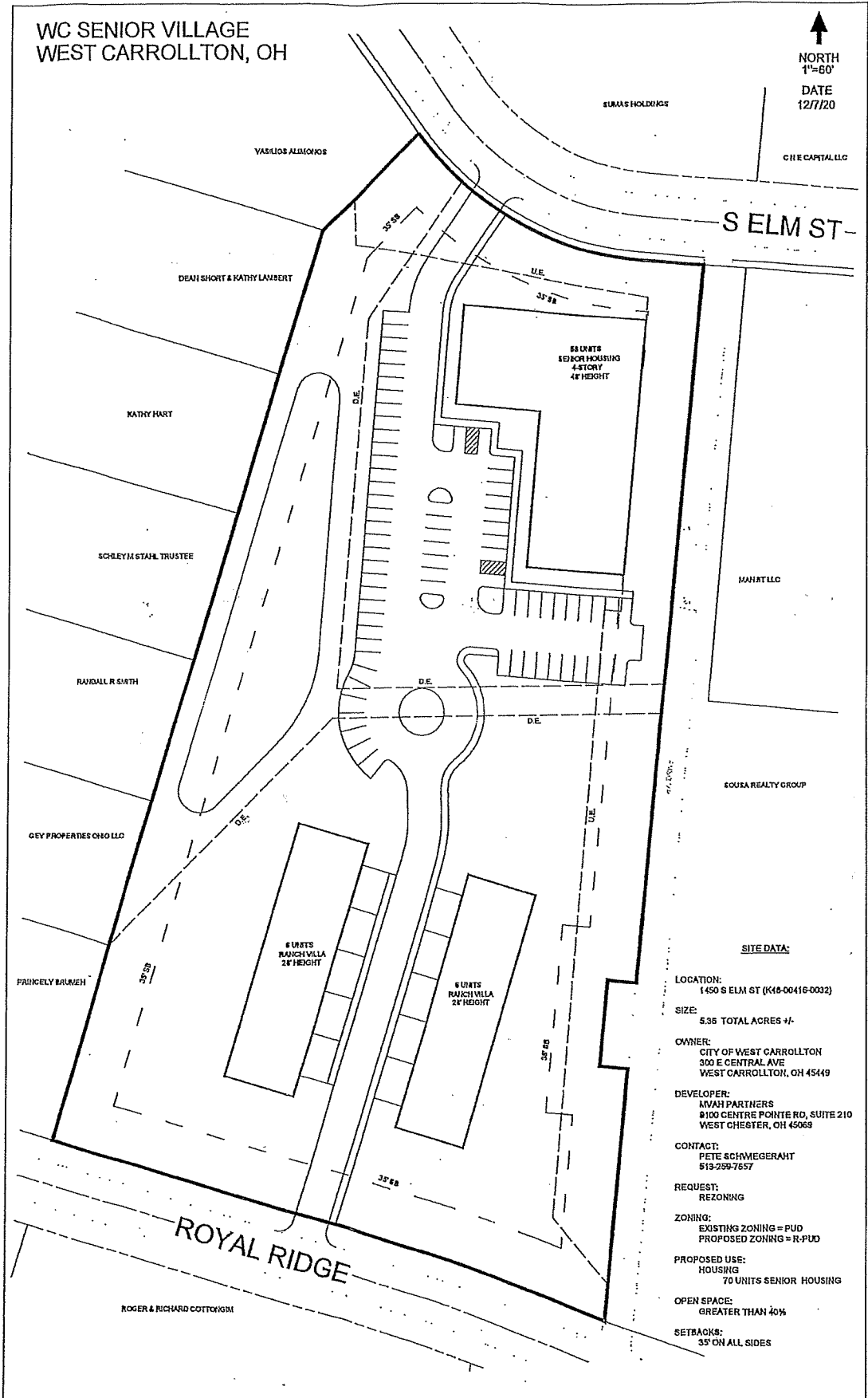


Exhibit B

WC SENIOR VILLAGE
WEST CARROLLTON, OH

NORTH
1"=60'
DATE
12/7/20



S ELM ST

ROYAL RIDGE

SITE DATA:

LOCATION:
1450 S ELM ST (K18-00416-0032)

SIZE:
5.36 TOTAL ACRES +/-

OWNER:
CITY OF WEST CARROLLTON
300 E CENTRAL AVE
WEST CARROLLTON, OH 45449

DEVELOPER:
MVAH PARTNERS
8100 CENTRE POINTE RD, SUITE 210
WEST CHESTER, OH 45069

CONTACT:
PETE SCHWEGERAHT
513-259-7657

REQUEST:
REZONING

ZONING:
EXISTING ZONING = PUD
PROPOSED ZONING = R-PUD

PROPOSED USE:
HOUSING
70 UNITS SENIOR HOUSING

OPEN SPACE:
GREATER THAN 40%

SETBACKS:
35' ON ALL SIDES