**CITY OF WEST CARROLLTON**

**PLANNING COMMISSION**

**STAFF REPORT**

**DATE:** August 26, 2021

**CASE NUMBER:** M-21-1, OD to PUD 06-1 MOD 8/21

Olde Downtown Rezoning

**APPLICANT:** City of West Carrollton

**SUMMARY OF**

**REQUEST:** Proposal for an amendment to the Official Zoning Map to rezone a portion of the OD Olde Downtown District to Planned Unit Development District PUD 06-1, and for amendments to the PUD 06-1 development regulations.

**Statutory Authority**

Section 154.05.04 of the Zoning Code authorizes the Planning Commission to review amendments to the Official Zoning Map, “*to promote the best interest of the public in general, only if the amendment can be justified on one of the following grounds: (a) The change is in conformance with the Comprehensive Plan of the city; (b) There has been a substantial and significant change in area conditions; (c) There is a need for additional land in the zoning district classification being requested for change; or (d) There is an error in the Zoning Code*.”

Section 154.08.01 of the Zoning Code outlines the procedure for amendments to the Zoning Code. Since Section 154.09.03 states that the Official Zoning Map is officially adopted as part of the Zoning Code and incorporated by reference therein, the same procedure applies to Zoning Map amendments. After a public hearing, the Planning Commission shall by resolution, recommend the approval, approval with modification, or disapproval of the application, and shall transmit the resolution to the City Council. On receipt of the recommendation, the City Council shall hold a public hearing and then act on the proposed amendment after two readings of the ordinance. When the recommendation of the Planning Commission is for disapproval of the proposed amendment, an affirmative vote of at least a majority plus one member of the City Council present shall be required for approval.

Section 154.08.02 requires the Zoning Enforcement Officer to amend the Official Zoning Map to reflect any approved amendment within fifteen days of the effective date of the change. The Official Zoning Map shall then be signed by the Mayor and attested to by the City Clerk.

Section 154.10.705(G) of the Zoning Code, Planned Unit Development District regulations, specifies that after a PUD District has been approved by City Council, it may only be amended *“…by the use of the same procedures as are applicable for the original adoption of a PUD District.”* These procedures are detailed in sections 154.10.701 to 154.10.705, which require review and recommendation by the Planning Commission and final action by City Council.

# PUBLIC NOTICE

As indicated in the enclosed materials, a Notice of Public Hearing regarding this proposal was properly advertised in the Miamisburg-West Carrollton News on August 12, 2021, in accordance with the requirements of Section 154.08.01(C)(1) of the Zoning Code.

A Notice of Public Hearing regarding this proposal was mailed on to all abutting property owners within 200 feet as required by Section 154.08.01(C)(2) of the Zoning Code.

This proposal was also posted on the City website.

No input has been received to date from the public on this proposal.

# BACKGROUND

Staff has reviewed this proposal previously with City Council and with the Planning Commission in separate work sessions. Both City Council and the Planning Commission directed staff to bring the proposal forward for a formal public hearing and consideration of adoption.

# PROPOSAL

As reflected in Exhibit A of Resolution M-21-1, staff is proposing an amendment to the Official Zoning Map by rezoning most of the Carrollton Centre business district from OD Olde Downtown District to Planned Unit Development District PUD 06-1, which encompasses the Miami Valley Sand property and Civic Center property. The area to be rezoned is outlined in Exhibit A, and includes the two full blocks bordered by Central Avenue, N. Locust Street, Main Street, and N. Walnut Street, as well as the half blocks on the north side of Central Avenue between N. Walnut Street and Miami Avenue.

Staff recommends excluding the two half blocks in the Olde Downtown District located on the north side of Main Street between N. Locust Street and N. Walnut Street, since those lots are currently used and designed for residential purposes and staff believes they should remain as such and be rezoned back to R-2 Single Family Residential District. A separate Official Zoning Map amendment for that area is proposed for adoption.

The second part of this proposal is reflected in Exhibit B of Resolution M-21-1, which are amendments to PUD 06-1 regulations. These amendments are summarized below:

* Re-name the PUD to the Carrollton Centre District PUD, reflecting the new branding of this redeveloping area.
* Eliminate permitted and prohibited uses by geographic location within the PUD, in favor of one permitted and prohibited use list for the entire PUD to ensure consistency.
* Reference and incorporate the design standards of the *West Central Avenue Strategic Plan*, to supplement and enhance the existing PUD design guidelines.
* Add a reference to the Zoning Code architectural design standards as the minimum standards for architectural design within the PUD.

# EXISTING CONDITIONS

Current zoning and land use are illustrated on the enclosed aerial maps and described below.

Existing Zoning and Land Use

The properties included in this rezoning proposal are currently zoned OD Olde Downtown District and include the following uses:

* Full eastern block (N. Elm St./E. Main St./N. Locust St./E. Central Ave.):
  + Canal Block building: 1-22 N. Elm St., 1-9 E. Central Ave.
  + Wilson & Shonesy Insurance: 32 N. Elm St.
  + Residences: 42 N. Elm St., 6 E. Main St., 12 E. Main St., 26 E. Main St., 32 E. Main St., 36 E. Main St., 40 E. Main St.
  + Office building: 31 N. Locust St.
  + Former fire station: 41 N. Locust St.
  + Tracy & Tracy Attorneys: 31 E. Central Ave.
  + Masonic Temple: 25 E. Central Ave.
  + Vacant City-owned land
  + Public parking lot
* Full western block (N. Elm St./W. Main St./N. Walnut St./W. Central Ave.)
  + Commercial buildings: 5-25 N. Elm St., 29 N. Elm St., 15 W. Central Ave.
  + Residences: 31 N. Elm St., 20 W. Main St., 12 N. Walnut St.
  + Renee & Co. Hair Designs: 41 N. Elm St.
  + WC Church of Christ: 28 W. Main St.
  + Convenience store: 27 W. Central Ave.
  + Vacant City-owned land
  + Public parking lot
* Half block between N. Walnut St. and N. Smith St.: WC Fire Station #56
* Half block between N. Smith St. and N. Miami Ave.: vacant land (City-owned)

Surrounding Zoning and Land Use

Surrounding property to the north is zoned OD Olde Downtown and R-2 Single-Family Residential District and is comprised of residences. Property abutting to the east is zoned R-2 Single-Family Residential District and H Heritage District, and includes Memorial United Methodist Church and residences. To the south the property is zoned PUD 06-1 and is comprised of the Civic Center complex and Miami Valley Sand. To the west of N. Miami Ave. property is zoned B-2 General Commercial District used for commercial purposes including B&G Cigars, Southside Drive-Thru, and automobile repair garages.

# ANALYSIS

This section will provide analysis of the four circumstances justifying a Zoning Code and Official Zoning Map amendment as outlined in Section 154.05.04(B)(3) of the Zoning Code. Meeting only one of the four conditions is required. Analysis will also be provided for the PUD conditions of approval required by Section 154.10.705(E).

Comprehensive Plan and Area Plans

The proposed amendment to the Official Zoning Map can be justified on the grounds that the change is in conformance with the Comprehensive Plan and area plans of the city.

The proposal supports one of the fundamental goals of the 2009 *West Carrollton Sustainable Comprehensive Plan*, which is to stimulate economic vitality within the city. The rationale for this proposed rezoning is that the City is seeking to redevelop this area as a unified mixed-use district, re-branded as the “Carrollton Centre”. The district is envisioned to include not only the property on the south side of Central Avenue where Miami Valley Sand is located, but also the current Carrollton Centre business district and property along the north side of Central Avenue. Consistency in zoning would ensure that this area is redeveloped with uniform development standards, and that the design of the district is unified, well-planned, coordinated, and visually-appealing as it develops over time. The Future Land Use Plan designates this area for future mixed-use development (Figure 3-7).

In addition, by ensuring future development of the property meets the design standards articulated in the PUD regulations, this proposal is consistent with the goals of the Comprehensive Plan and the *West Central Avenue Strategic Plan* to elevate the image and enhance the visual character of the community and to support and enhance community property values. The PUD development standards are entirely consistent with the Design Guidelines articulated in the *West Central Avenue Strategic Plan*. By maintaining an attractive built environment, the amendment supports the City’s goal to facilitate future economic growth, including the retention and expansion of existing businesses and the re-use of vacant buildings and sites. The rezoning may also contribute to achieving the City’s goal of becoming a destination city as articulated in these plans by attracting other businesses to this site which draw business from outside the community, such as Miami Valley Sand.

Rezoning to a PUD also supports the goal of the Comprehensive Plan to create additional flexibility in land use controls, thereby enhancing property values and facilitating private investment.

The City’s *Urban Design Plan* identifies this area as the “Elm Street Gateway”, as an important link between the southern residential neighborhoods and the Carrollton Centre. It seeks to improve the visual character of this area through landscaping in order to establish a gateway and serve as a transition to the Carrollton Centre. The heightened standards of the PUD district as applied to any future redevelopment of the property will achieve these objectives more effectively than the current zoning.

Substantial Change in Area Conditions

The proposed amendments can be justified on the grounds of substantial or significant change in area conditions.

This area has experienced a dramatic transformation with the closing of the Fraser Papers mill in 2003 and the subsequent acquisition and cleanup of the property by the City. This significant investment resulted in the first private development, Miami Valley Sand, which has become a popular regional attraction and has spurred interest from other developers and businesses. Future development and redevelopment of surrounding property in this PUD is imminent. The City is completing a major upgrade to the streetscaping and infrastructure in the Carrollton Centre on N. Elm St. to enhance its appearance and image and to establish an environment for future community events and private investment. In addition, W. Central Avenue was recently re-designed to create a more inviting atmosphere by reducing the number of travel lanes, providing on-street parking, and installing a new bicycle path. Future plans include relocating the Senior Center to the YMCA as well as removing the water tower, which will open a the third and fourth corners for development.

The City’s investment over many years has completely changed the landscape and market potential of this area, and established a vision to create a unified commercial district that encompasses the former Fraser property as well as the Carrollton Centre. These new conditions require consistency in zoning to ensure a well-planned and visually attractive district.

Need for Additional Land in Zoning District Classification

The proposed amendments can be justified based on the need for additional land in the PUD zoning district classification.

The Planned Unit Development District classification is desirable in that it provides the opportunity for the City and developers/property owners to reach a unique, property-specific set of guidelines for the use and development of property. These guidelines provide additional flexibility beyond traditional zoning for the developer/owner and heightened attention to design and aesthetics for the City. As reflected in the introduction of the PUD section of the Zoning Code, the purpose of PUD zoning is *“…to encourage imaginative and creative urban design that might not otherwise be possible with conventional zoning districts…PUD’s are specifically applicable…in areas having substantial or special public interest towards protecting the existing or proposed character of development, or of major scenic views of, for, or through the area (and) surrounding public or private buildings or grounds whose uniqueness or aesthetic appeal creates a substantial or special public interest.”*

Given the benefits to both the owners and the City, and the substantial public interest in protecting the character of development and aesthetic appeal in this redeveloping area, bringing additional land into a PUD District is both desirable and necessary to accomplish the City’s long-range goals.

Error in Zoning Code

No error in the Zoning Code has been identified relative to this proposal.

PUD Conditions of Approval

Section 154.10.705(G) of the Zoning Code, Planned Unit Development District regulations, specifies that after a PUD District has been approved by City Council, it may only be amended *“…by the use of the same procedures as are applicable for the original adoption of a PUD District.”* These procedures are detailed in sections 154.10.701 to 154.10.705, which require review and recommendation by the Planning Commission and final action by City Council. Analysis is provided below regarding the criteria in Section 154.10.705(E) which must be met to amend PUD district regulations, as is proposed in Exhibit B.

* *The PUD District is in conformance with the Comprehensive Plan for the City.* The amendment to the regulations of PUD 06-1 would re-name and re-brand this PUD district; would establish a single set of permitted and prohibited uses for the district; and would incorporate the design standards of the *West Central Avenue Strategic Plan* as well as the city’s architectural design standards. These amendments are entirely consistent with the overarching goal of the Comprehensive Plan to elevate the appearance of the built environment and image of the city.
* *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.* The proposed uses are specifically selected to be consistent with existing and future uses and to eliminate any undesirable uses or negative external effects.
* *The internal streets and major and minor streets that are proposed shall properly interconnect with the surrounding existing major and minor streets as designated in the official thoroughfare plan of the city.* The PUD 06-1 development standards address this issue. At such future time as the property may be redeveloped, detailed site plan review by the Planning Commission will be required to ensure this condition is met.
* *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 proposed amendments to the PUD 06-1 development standards would enhance the use, operation, and development of district to the benefit of surrounding property owners, and would encourage economic growth to the benefit of the community.

# RECOMMENDATION

Based on the foregoing analysis, staff recommends approval of the proposed amendment to the Official Zoning Map and amendments to the PUD 06-1 development regulations as reflected in the enclosed Resolution M-21-1 and Exhibits A and B. Following the Planning Commission’s decision, the resolution will be transmitted to City Council for final action on the proposed amendment.

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