ORDINANCE NO. 15-08

AN ORDINANCE APPROVING A REZONING AMENDMENT FOR UNION ELECTRIC TO ALLOW A PMU (PLANNED MIXED USE OVERLAY DISTRICT) AT 259 VERNON AVENUE ON APPROXIMATELY 1.63 ACRES ON PROPERTY ZONED R-4 (MEDIUM DENSITY RESIDENTIAL DISTRICT).

WHEREAS, the Planning Commission at its meeting of January 21, 2015 recommended approval of a Rezoning Amendment for Union Electric to allow a PMU (Planned Mixed Use Overly District) at 259 Vernon Avenue on approximately 1.63 acres on property zoned R-4 (Medium Density Residential District) (PC 2014-2505), and

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Delaware, State of Ohio:

SECTION 1. That the Rezoning Amendment for Union Electric to allow a PMU (Planned Mixed Use Overly District) at 259 Vernon Avenue on approximately 1.63 acres on property zoned R-4 (Medium Density Residential District), the same and is hereby confirmed, approved, and accepted with the following condition:

1. Any new signage (permanent or temporary) shall achieve compliance with the zoning code.

SECTION 2. This Council finds and determines that all formal actions of this Council and any of its committees 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 any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law including Section 121.22 of the Revised Code.

VOTE ON RULE SUSPENSION: YEAS 6 NAYS 0 ABSTAIN 0

PASSED: February 9, 2015 YEAS 6 NAYS 0 ABSTAIN 0

ATTEST: Elaine McCloskey
CITY CLERK

Carolyn Kay Riggle
MAYOR

CITY OF DELAWARE
PLANNING & COMMUNITY DEVELOPMENT

PLANNING COMMISSION / STAFF REPORT

CASE NUMBERS: 2014-2505 & 2506
REQUEST: Multiple Requests
PROJECT: Union Electric
MEETING DATE: January 21, 2015

APPLICANT/OWNER
Notturniano Investments LLC
259 Vernon Avenue
Delaware, Ohio 43015

REQUEST
2014-2505: A request by Union Electric for approval of a Rezoning Amendment to allow a Planned Mixed Use Overlay District (PMU) at 259 Vernon Avenue on approximately 1.63 acres on property zoned R-4 (Medium Density Residential District).
2014-2506: A request by Union Electric for approval of a Conditional Use Permit allowing the placement of Planned Mixed Use Overlay District (PMU) at 259 Vernon Avenue on approximately 1.63 acres on property zoned R-4 (Medium Density Residential District).

PROPERTY LOCATION & DESCRIPTION
The subject parcel is at 259 Vernon Avenue which is located north of Vernon Avenue and just east of the railroad tracks. The subject parcel is zoned R-4 (Medium Density Residential District) as are the properties to the south and west. The property to the north is zoned R-1 (One Family Residential District) while the property to the east is zoned A-1 (Agricultural District).

BACKGROUND/PROPOSAL
The owner purchased the subject property in April 2014 and has utilized the building for their Union Electric business since. Prior to purchasing the property in 2014, the subject property was used a contractors office and storage area since it was constructed in 1977 and is deemed a legal non-conforming use per the zoning code. The owner, who has worked diligently with staff since prior to their purchasing of the property, is requesting to bring to site into zoning compliance with a proposed PMU that would permit the existing office and light industrial use.

STAFF ANALYSIS

- **COMPREHENSIVE PLAN:** The Comprehensive Plan recommends a future land use of Medium Density Single Family for the subject property. The existing electrical shop is likely less intense than the previous contractors facility as it is a destination point on the dead end street next to the railroad tracks. As noted above, the site has been utilized for light industrial uses since 1977 and has become an accepted use in the area.
- **ZONING:** As previously mentioned, the subject property (Union Electric) has been deemed a legal non-conforming use per the City Zoning Code Section 1151.02 & 03 which would permit the existing or similar uses unless it has been discontinued or abandoned for a one year period. The rezoning to a PMU is accompanied by specific development text (see attached) which would allow certain residential, office and light industrial uses and would need to be approved by the Planning Commission and City Council.
- **SITE CONFIGURATION:** The subject site has a single curb cut on the western portion of the site from Vernon Avenue that extends into a gravel parking lot. A second curb cut is located just east of the site and accesses the parking lot but is located on railroad property. The building is located in the center of the property with a fenced-in storage area located just east of the building. The owner is not proposing any revision to the current site plan. They have significantly cleaned up the site which had fallen into disrepair with piles of debris outside when Union Electric purchased the property. The owner desires to utilize the property in a low profile manner for their office and secure indoor storage.
- **BUILDING DESIGN:** The single story 7,700 square foot metal building with a flat roof was constructed in 1977 for light industrial uses. The owner is not proposing any revisions to the current building.
- **SIGNAGE:** Currently there is not any signage on the site. Any building and site signage would have to achieve compliance with the minimum zoning code requirements.
- **LIGHTING:** The building has wall lighting but there is not any site lighting.
- **LANDSCAPING & SCREENING:** There is not any landscaping on the subject property.

STAFF RECOMMENDATION (2014-2505 – REZONING AMENDMENT)
Staff recommends approval of a request by Union Electric of a Rezoning Amendment to allow a Planned Mixed Use Overlay District (PMU) at 259 Vernon Avenue on approximately 1.63 acres on property zoned R-4 (Medium Density Residential District), with the following condition that:

1. Any new signage (permanent or temporary) shall achieve compliance with the zoning code.

STAFF RECOMMENDATION (2014-2506 – CONDITIONAL USE PERMIT)
Staff recommends approval of a request by Union Electric for approval of a Conditional Use Permit allowing the placement of Planned Mixed Use Overlay District (PMU) at 259 Vernon Avenue on approximately 1.63 acres on property zoned R-4 (Medium Density Residential District).

COMMISSION NOTES:

MOTION: _____ *1st* _____ *2nd* *approved* *denied* *tabled* _____

CONDITIONS/MISCELLANEOUS:

FILE:
ORIGINAL: 1/16/15

PC TEXT

UNION ELECTRIC
NOTTURNIANO INVESTMENTS, LLC.
259 VERNON AVENUE

DEVELOPMENT TEXT
PLANNED MIXED USE OVERLAY DISTRICT

1. DESCRIPTION OF DEVELOPMENT

Union Electric owned by Nottorniano Investments, LLC. is requesting a Planned Mixed Use Overly District (PMU) on their subject property zoned R-4 (Medium Density Residential District) that encompasses approximately 1.638 acres located at 259 Vernon Avenue.

Address	**Parcel #**	**Use(s)**
259 Vernon Avenue	519-442-01-002-000	Office/Light Industrial

2. GENERAL DEVELOPMENT STANDARDS

a. **Purpose and Intent.** It is the intent of the owner to bring the site into zoning compliance to allow the existing building to accommodate an office and light industrial use while maintaining the R-4 zoning district for single family and two family uses. Currently the office and light industrial uses are a legal nonconforming use in the R-4 zoning district. Therefore, the PMU Overlay District would permit the existing building to be rebuilt per Section 1151.02 which states a structure can be rebuilt if it was destroyed by any means or razed to the extent of fifty percent (50%) of the fair replacement cost of the structure. This Development Text represents the zoning requirements for this area unless otherwise noted.

b. **Conformance with Codified Ordinances and City Policy.** Unless noted otherwise within this development text, all development will be constructed and provided in conformance with the then current Codified Ordinances and City Policy in effect at the time of application.

c. **Limitations.** Nothing in this text shall prohibit additional restrictions or requirements from being placed on the approval of any Final Development Plan.

d. **Major Modifications.** The existing building, parking lot and all other site improvements at the date of approval comprise the Final Development Plan. Once a Final Development Plan has been approved by City Council, any subsequent major modification to that plan shall only be permitted by resubmission and approval of a revised Final Development Plan through the procedures set forth in the Zoning Code. Major modification for the purposes of this text shall mean any modification of the approved Final Development Plan, as determined by the Director of Planning & Community Development, that results in:

(1) Any major change in the use or occupancy or any increase from the existing building envelope that might be proposed in the future.
(2) Major change in the approved location of land uses.

e. **Minor Modifications.** Once a Final Development Plan has been approved by City Council, any subsequent minor modification to that plan shall only be permitted by resubmission and approval by the Director of Planning and Community Development of a revised Final Development Plan. Minor modification for the purposes of this text shall mean any modification of the approved Final Development Plan, as determined by the Director of Planning & Community Development, that results in:

(1) Any modification that is not considered a major modification by this Zoning Text or by determination of the Director of Planning & Community Development.
(2) Any minor change to the use or occupancy other than those uses specifically allowed in this text or any minor changes to the approved site layout.
(3) Minor change in the approved location of land uses.
(4) Minor structural alterations that do not alter the overall design intent of the building.

3. USE & SPECIFIC DEVELOPMENT STANDARDS



a. **Uses.** The following residential, office and light manufacturing uses shall be considered permitted, conditionally permitted, or limited uses on the site as represented in the chart below by P, C, or L, respectively, and as defined by Chapter 1121 of the Zoning Code. Any use not listed in the chart shall be considered a prohibited use unless amended by action of the Planning Commission and City Council through a Zoning Amendment process.

Residential/Office/Light Industrial Uses

(1) **Permitted Uses.** Permitted uses are permitted by-right and shall meet all development standards specified within this text and the Zoning Code, as applicable.

(2) **Conditionally Permitted Uses.** In addition to all standards specified within this development text, uses listed as conditionally permitted uses shall meet all the then current Zoning Code standards for approval of a Conditional Use Permit current at the time of application for the specific conditional use as well as any other regulations contained within the Zoning Code and applicable to the conditional use.

(3) **Limited Uses.** Limited uses shall be considered permitted uses subject to complying with all the specific limitations and restrictions as specified within this text as determined by Final Development Plan approval.

(4) **Accessory Uses and Structures.** Although not specified in the chart below, accessory uses, which are considered allowed uses, include those items that are customarily incidental and secondary to the principal use of the land. Such items include but are not limited to sheds (non-commercial), fences, walls, trash receptacles and enclosures and off-street parking areas. If the uses are specified as conditional or limited uses the processes and limitations shall apply regardless of accessory use status.

Land Use Category	Uses
(a) Residential	
(1) Single-family dwelling	L*
(2) Two family dwelling	L*
(b) Offices and Professional Services	
(1) Offices – administrative, business and professional	P
(2) Research and Development	P
(3) Medical and dental offices, health and allied services	P
(4) Training Facility	P
(c) Storage and Distribution	

Land Use Category	Uses
(1) Contractor warehouse or indoor storage facility	P
(2) Storage (aboveground) of flammable liquids	C
(d) Outdoor Storage	
(1) Storage of fleet vehicles for operation of principal use	P
(e) Other	
(1) Public safety facility	C
(2) Public utility substation or distribution facility	C
(f) Accessory Uses	
(1) Off-street parking and loading area	A
(2) Fencing and walls	A
(3) Trash receptacles	A
(4) Sheds (non-commercial)	A

b. **Lot Standards.** The following standards shall apply for lot standards and coverage.

Lot Standards	
(1) Minimum lot area	1.5 acre
(2) Minimum lot width	150 ft.

c. **Building Setback Standards.** The following standards shall apply for minimum building setbacks, except as otherwise approved on the Final Development Plan.

Minimum Building Setbacks	
(1) Front Yard	Existing condition** or 50 feet for a new building/construction.
(2) Side Yard	Existing condition** or 50 feet for a new building/construction.
(3) Rear Yard	Existing condition** or 50 feet for a new building/construction

d. **Parking Setbacks.** The following standards shall apply for minimum parking setbacks. Parking setbacks include any parking space, parking lot drive aisle, and parking lot circulation aisle.

Minimum Parking Setbacks	
(1) Setback from street right-of-way	Existing condition** or 50 feet for a new building/construction.
(2) Setback from rear and side setbacks	Existing condition** or 30 feet for a new building/construction.

** Existing condition or rebuilds because of an act of God.

e. **Maximum Building Height.** The maximum height of any building or structure shall be 35 feet as measured from finished floor elevation to the highest point of the roof.

f. **Building Design.** Any new building (except for rebuilds because of an act of God) shall comply with Chapter 1171 Design Criteria and Performance Standards.

g. **Tree Removal and Replacement.** Any new building (except for rebuilds because of an act of God) shall comply with Chapter 1168 Tree Preservation Regulations.

h. **Landscaping and Screening.** Any new building (except for rebuilds because an act of God) shall comply with all landscaping and screening requirements per Chapter 1166.

(1) A minimum 6 foot high solid fence or equivalent landscaping shall be installed adjacent to the parking lot to buffer the residence to the west.

i. **Lighting.** Any new exterior lighting (except for rebuilds because an act of God) shall be provided in accordance with the Chapter 1158 Lighting Plan.

j. **Signs.** All new signage shall comply with Chapter 1165 Signs and the Gateways and Corridors Plan except for the following:

k. **Dumpster.** Any new dumpster(s) shall be screened by a wood enclosure with doors painted or stained to compliment the building color. Staff recommends a brick or stone enclosure with woods doors to match to lessen the future durability and maintenance concerns.

l. **Parking.** Any new building (except for rebuilds because an act of God) shall comply with all parking and loading requirements per Chapter 1161.

m. **Specific Standards for Limited Uses.**** Any use listed as a limited use shall meet all requirements of the Zoning Code, unless otherwise exempted or modified in this Section which shall take precedence in all cases, as determined through the Final Development Plan approval process. If any of the requirements set forth in this text or the then current Zoning Code are not met, the use shall be considered a Conditional Use and a Conditional Use Permit must be approved as set forth in the Zoning Code.

(1) **Single and Two Family Dwelling.** Such limitations include: 1. Only one single family dwelling or one two family dwelling shall be allowed on the subject lot. For more than one single family dwelling or two family dwelling, a zoning amendment to this PMU and a Preliminary/Final Development Plan and Preliminary/Final Subdivision Plat shall be required to be approved by the Planning Commission and

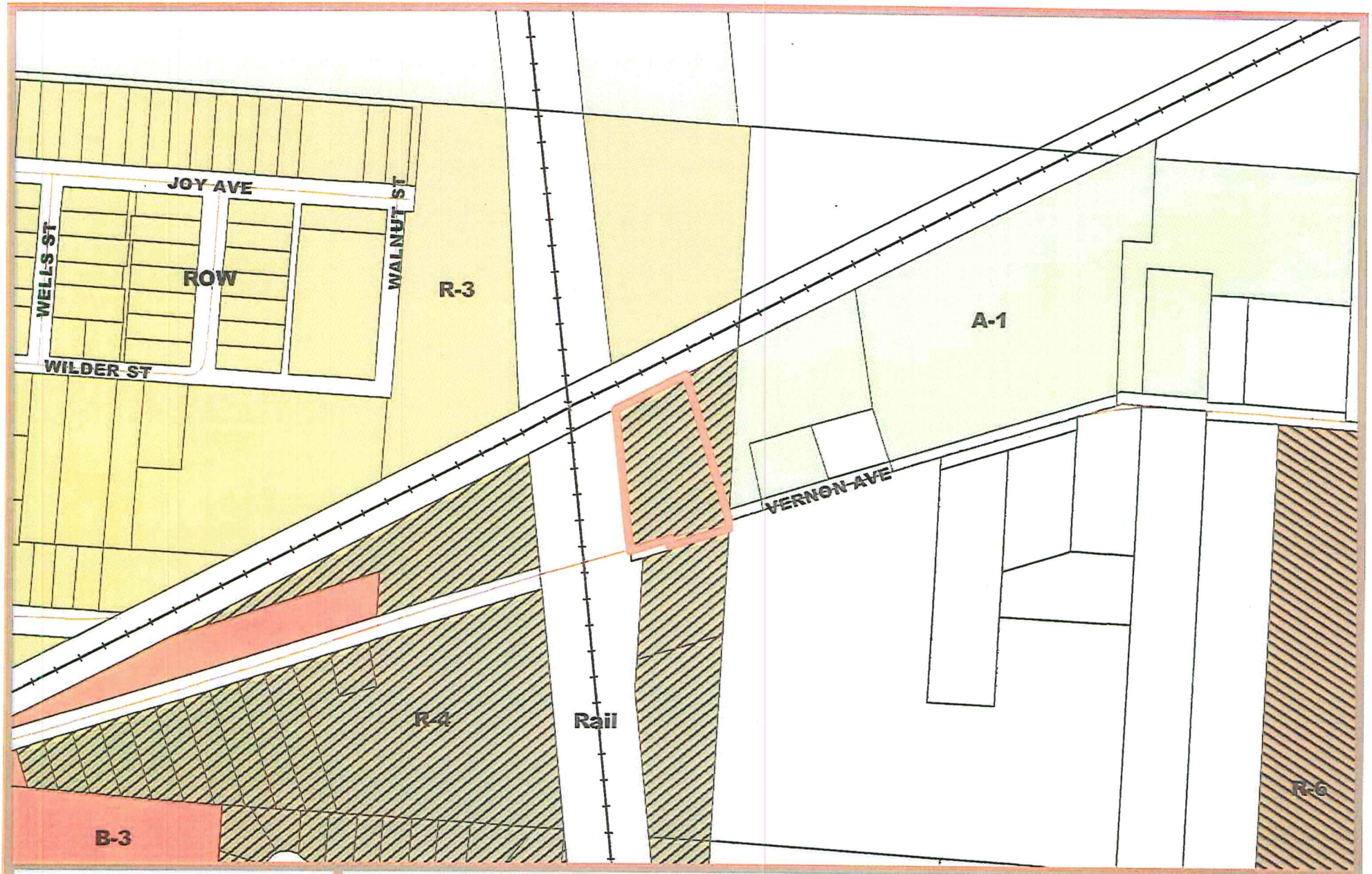
City Council. 2. All single and two-family structures shall comply with minimum bulk requirements in an R-4 zoning district along with achieving compliance with Chapter 1171.08 Residential Development and Design Criteria and Performance Standards.



CITY OF DELAWARE
PLANNING & COMMUNITY DEVELOPMENT

2014-2505-2506
Conditional Use Permit and Rezoning
259 Vernon Ave - Union Electric
Location Map

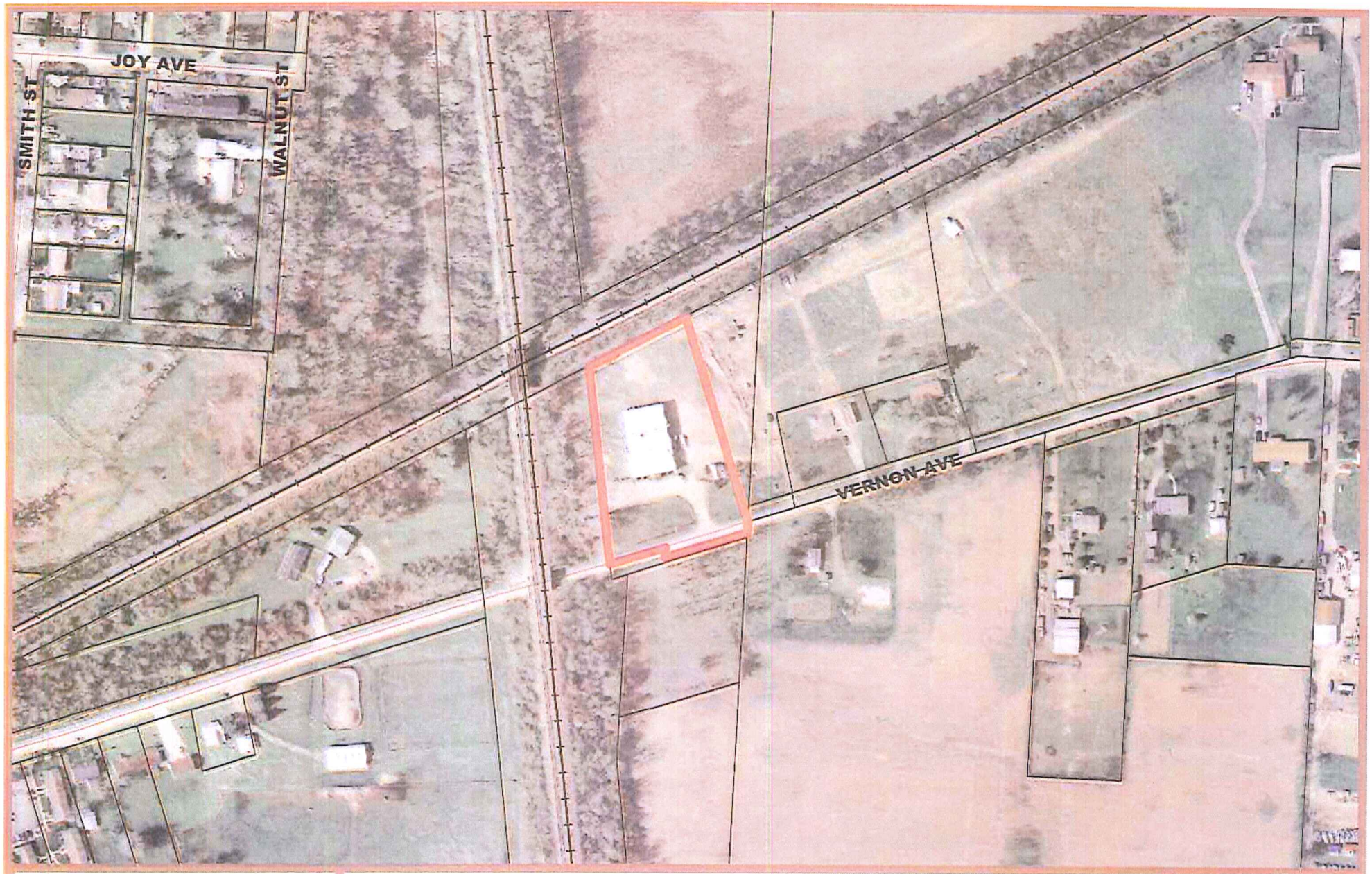
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CITY OF DELAWARE
PLANNING & COMMUNITY DEVELOPMENT

2014-2505-2506
Conditional Use Permit and Rezoning
259 Vernon Ave - Union Electric
Zoning Map

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CITY OF DELAWARE
PLANNING & COMMUNITY DEVELOPMENT

2014-2505-2506
Conditional Use Permit and Rezoning
259 Vernon Ave - Union Electric
Aerial (2013)

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CITY OF DELAWARE, OHIO
PLANNING & COMMUNITY DEVELOPMENT
MASTER APPLICATION FORM

DEC 3 2014

Planning and Community Development
CITY OF DELAWARE, OHIO

Project # _____ Case # REZ

Planning Commission

- [ ] Amended Final Development Plan
- [ ] Amended Final Subdivision Plat
- [ ] Amended Preliminary Development Plan
- [ ] Amended Preliminary Subdivision Plat
- [ ] Annexation Review
- [ ] Combined Preliminary & Final Development Plan
- [ ] Comprehensive Plan Amendment
- [ ] Concept Plan
- [x] Conditional Use Permit
- [ ] Determination of Similar Use
- [ ] Development Plan Exemption
- [ ] Final Development Plan
- [ ] Final Development Plan Extension
- [ ] Final Subdivision Plat
- [ ] Final Subdivision Plat Extension
- [ ] Floodplain Permit
- [ ] Lot Split
- [ ] Pre-annexation Agreement
- [x] Preliminary Development Plan - No Fee
- [ ] Preliminary Dev Plan Extension
- [ ] Preliminary Sub Plat
- [ ] Preliminary Sub Plat Extension
- [x] Rezoning
- [ ] Subdivision Variance
- [ ] Substitution of a Non-Conforming Use
- [ ] Vacation-Alley
- [ ] Vacation-Easement
- [ ] Vacation-Street

Board of Zoning Appeals

- [ ] Appeal Administrative Decision or Interpretation
- [ ] Conditional Use Permit
- [ ] Substitution of Equal or Less Non-Conforming Use
- [ ] Variance

Subdivision/Project Name _____ Address 259 Vernon Ave

Acreage 1.6380a Square Footage _____ Number of Lots _____ Number of Units _____

Zoning District/Land Use _____ Proposed Zoning/Land Use _____ Parcel # 519-442-01-002-000

Applicant Name Union Electric Contact Person Lisa Notturniano

Applicant Address 259 Vernon Ave, Del. Oh 43015

Phone 740-362-4447 Fax 740 362-5447 E-mail LN34@aol.com

Owner Name Notturniano Investments LLC Contact Person Lisa Notturniano

Owner Address 74 Glengary Drive, Delaware Oh 43015

Phone 614-206-4015 Fax 740 362-5447 E-mail LN34@aol.com

Engineer/Architect/Attorney _____ Contact Person _____

Address _____

Phone _____ Fax _____ E-mail _____

The undersigned, do hereby verify the truth and correctness of all facts and information presented with this application and authorize field inspections by City Staff.

Lisa Notturniano
Owner Signature

Lisa Notturniano
Owner Printed Name

Agent Signature

Agent Printed Name

Sworn to before me and subscribed in my presence this 3rd day of September, 2014

Notary Public

NOTARIAL SEAL STATE OF OHIO

ALLYSON N. SIMCOX
Notary Public
STATE OF OHIO
Recorded in
Fairfield County
My Comm. Exp. 6/9/16