

APPLICATION FOR
ECONOMIC DEVELOPMENT OVERLAY
EDO-19

David Nianouris and Greg Thompson (Forrer Development, LTD) hereby request the City of Kettering to approve an Economic Development Overlay District known as the "Forrer Pointe Economic Development Overlay District" on Lot D of the former Delphi property. This application ("Application") is made pursuant to Chapter 1163, Economic Development Overlay, of the Kettering Codified Ordinances.

A. DESCRIPTION OF AREA

The AREA is limited to approximately 6.0625 acres formerly of a 32.322 (Parcel #2) Acre Tract of land as conveyed by Delphi Automotive System LLC. Located in Section 31 Town 3, Range 6 E City of Kettering, Montgomery County, Ohio. A copy of the Plat of Survey is attached to this application for the "Forrer Pointe Economic Development Overlay District" as Exhibit A.

B. OWNERSHIP

The property is owned by Forrer Development, LTD. 4197 Research Blvd, Beavercreek, Ohio 45430.

C. JUSTIFICATION FOR ECONOMIC DEVELOPMENT OVERLAY DISTRICT

It is in the best interest of the City of Kettering and Forrer Pointe for an EDO to describe the varied uses for the development in order to form a mutually supportive business park. Forrer Pointe will be vital in maintaining small businesses in the City of Kettering as well as acting as an incubator for small business development. The site constraints placed on this site given its proximity to the Delphi facility and the limited access onto Woodman Drive and Forrer Boulevard make this property difficult to develop. A coordinated office and industrial development, with shared access and compatible building architecture will improve the overall economic health of the City of Kettering as well as the surrounding area.

D. INTENT

The property is currently zoned I-Industrial. Included in the development are buildings A, B, and C as well as Outlot #1 and Outlot #2. The intent of the Forrer Pointe Economic Development Overlay is to allow multiple uses on Buildings A, Outlot #1, and Outlot #2. The goal is to create an

office condominium environment that allows small light industrial uses in an incubator style building, mutually supportive office uses.

The proposed uses are designed to support and service the nearby office and manufacturing uses in the area, but to minimize uses that are intensive traffic generators. Retail development shall not be permitted. The development plan shall provide safe, efficient, and adequate circulation and parking facilities, and shall have harmonious design and landscaping to blend with the surrounding area.

E. PERMITTED USES

1. The following uses shall be permitted within Buildings B and C of the Forrer Pointe Economic Overlay District. Any limitations on such uses are noted.
 - a. Self-Storage Facilities, including the storage of vehicles, records, equipment, product inventory, and warehouse uses.
2. The following uses shall be permitted within Building A of the Forrer Pointe Economic Overlay District as well as Outlot #1 and Outlot #2. Any limitations on such uses are noted. Those uses that require justification based on the requirements of Section 1163.05D of the City of Kettering Zoning Code are identified with an asterisk (*).
 - a. Light Industrial uses, including but not limited to the following:
 - i. Warehousing and Distribution
 - ii. Light manufacturing
 - iii. Industrial craft shops
 - iv. Construction trades and contractors offices
 - v. Wholesaling
 - vi. Construction Equipment Rental, Sales, and Storage
 - b. Furniture and appliance repairs.
 - c. Automobile parts and accessories installation facilities (*).
 - d. Uses engaged in, printing, copying and bookbinding.
 - e. Studios for artists, film, photography, video and sound recording, duplicating, editing and processing. (*)
 - f. Building and trade showroom.
 - g. Any other uses approved by the Hearing Examiner to be of the same general character as the permitted uses or within the intent of the Forrer Pointe Overlay District and are not detrimental to the economic health of the city.

3. The following uses shall be permitted only on Outlots #1 and #2 of the Forrer Pointe Economic Overlay District. Any limitations on such uses are noted. Those uses that require justification based on the requirements of Section 1163.06 of the Kettering Codified Ordinance are identified with an asterisk (*).
 - a. Automobile washing facilities. The orientation of the overhead doors for an automobile washing facility shall not face Woodman Drive (*).
 - b. Automobile Accessories Installation (*).
 - c. Any other uses approved by the Hearing Examiner to be of the same general character as the permitted uses or within the intent of the Forrer Pointe Overlay District and are not detrimental to the economic health of the city.

F. CONDITIONS FOR PERMITTED USES

1. No permitted use shall be permitted to create objectionable noise, fumes, smoke, or vibration outside its building.
2. No permitted use shall conduct any part of its business in a manner that is discernible outside the building in which it is located unless a conditional use permit has been obtained for such activity.
3. No commercial vehicles shall be regularly stored in the front (or side yard) of any Lot. This shall include, but not be limited to, restricting the regular parking lot of vehicles bearing advertising for a business in the front yard of a Lot.
4. No permitted use shall have a drive through window facing Woodman Drive or Forrer Boulevard. Except that overhead doors for an Automobile Washing Facilities shall be permitted to face Forrer Boulevard but not Woodman Drive

G. CONDITIONAL USES

The following uses shall be conditional uses on Outlots 1 and 2 within the Forrer Pointe EDO #19. Applications for conditional use approval shall follow the procedures and requirements of Section 1175.12 of the City of Kettering Zoning

Code. Those uses that require justification based on the requirements of Section 1163.06 of the Kettering Codified Ordinance are identified with an asterisk.

1. Business, Professional and Administrative Offices (*)
2. Medical Offices and Clinics (*)
3. Financial establishments, banks, savings and loan associations, and credit unions (*)
4. Funeral homes and mortuaries (*)

H. ACCESSORY USES AND BUILDINGS

1. Except for dumpster enclosures, no use shall be permitted the placement of a detached accessory building within this Economic Development Overlay District.
2. Signs as regulated in Section I below.

I. PROHIBITED USES

The following uses shall be prohibited on all lots within the Forrer Pointe Economic Development Overlay District:

1. General merchandise stores and supermarkets.
2. Specialty Retail Commercial establishments and boutiques.
3. Automobile service stations.
4. Automobile repair shops, and automobile painting and body shops.
5. Bowling alleys.
6. Game rooms and pool halls.
7. Dance halls, bingo halls, assembly, and exhibition halls.
8. Vehicle sales, rentals and service facilities.
9. Cafeteria, buffet, and dining room restaurants.
10. Fast food restaurants.
11. Fraternal and social associations and private clubs.
12. Drive-thru stores, including kiosks and stand-alone automatic teller machines.
13. Convenience food stores, mini-markets, and carry outs.

J. BUILDING ARCHITECTURE

The objective of the development is to provide an overall high quality look while maintaining the uniformity with the surrounding area. Special emphasis is placed on designing buildings that are of high quality appearance, and that blend into the architecture of adjacent properties. All

buildings within this Economic Overlay District shall be compatible in terms of building materials, building height, bulk, orientation, and setback.

1. Building A, B, and C shall be constructed in accordance with the site plan and building elevations approved by the City of Kettering Planning Commission on September 20, 2004. Modifications to Buildings A, B, or C shall be reviewed and approved in accordance with Section 1163.09 of the City of Kettering Zoning Code.
2. Any new building constructed within this economic development overlay district shall be equally finished on all four sides and constructed primarily with brick. A limited amount of complimentary accent materials shall be permitted. All colors of brick and any other materials shall be compatible with the materials used for Buildings A, B, and C.
3. The use of split-faced block, single scored concrete block, vinyl or wood siding on any building within this economic development overlay district shall be prohibited.

K. BUILDING PLACEMENT, ORIENTATION AND SETBACK

Building Height. No building or structure shall be taller than 45 feet, except that no building or structure shall exceed 25 feet in height within 100 feet of any residential district, provided that it complies with all other setback requirements.

Building Coverage. The maximum site coverage of all buildings, including accessory buildings, but not including parking structures, surface parking, or driveways shall not exceed 40% of the gross lot area.

Site Coverage. The maximum site coverage of all buildings, including accessory buildings, paving, and curbing shall not exceed 80% of the gross lot area.

Street Setbacks

Woodman Drive Setback. Woodman Drive is the street front yard for Buildings A, B, and C. The minimum building setback along Woodman Drive is 25 feet; there are no side yard setbacks with the exception of the required bufferyards and landscaping. The required rear yard setback shall be twice the height of any part of the building that is within 50 feet of the rear property line. Parking is not permitted within 20 feet of Woodman Drive.

Forrer Boulevard Setback. The minimum building setback along Forrer Boulevard is 25 feet. Parking shall not be permitted within 20 feet of Forrer Boulevard.

L. Signs.

Freestanding Signs

One (1) freestanding sign shall be permitted for Building A. The maximum size of the freestanding sign shall be 24 square feet. The freestanding sign for Building A shall be constructed with an aluminum frame, internally illuminated, and mounted on a masonry base to match the architecture of Building A.

One (1) freestanding sign shall be permitted for each building on Outlots 1 and 2. The maximum size of the freestanding signs shall be 24 square feet. The freestanding sign shall be constructed with an aluminum frame, internally illuminated, and mounted on a masonry base to match the architecture of the principal building.

The maximum height of all freestanding signs within the economic development overlay district shall be six (6) feet, measured from the ground elevation to the tallest point of the freestanding sign.

All freestanding signs shall be setback a minimum of ten (10) feet from the public right-of-way and 20 feet from any side property line.

The design and color of all freestanding signs shall be compatible with the color and design of Building A within this planned unit development. The number of colors used for the freestanding sign shall be kept to a minimum. The final design and colors shall be reviewed and approved by the City of Kettering Zoning Administrator and incorporated herein as part of this economic development overlay district.

A landscaped planting bed shall be installed a minimum of 30 inches around the base of all freestanding signs.

Wall Mounted Signs

Each tenant in Building A shall be permitted a maximum of one (1) wall-mounted sign.

The maximum size of any wall-mounted sign for Building A shall be ten (10) square feet.

The location of wall signs for Building A shall be reviewed and approved by the City of Kettering Zoning Administrator as part of the sign permit application process. The location of all wall signs for Building A shall be consistent throughout the development and all new wall signs shall be placed in accordance with the approved sign locations.

Wall signs for Building A shall not be placed either above the awnings for lower parapet sections, or above the horizontal pediment for taller parapet sections.

Wall Mounted signs for Buildings B and C shall be limited to a number or letter used to identify the individual storage space. The maximum size for these identification signs shall be eight (8) inches in height.

Buildings on Outlots 1 and 2 shall be permitted the placement of one (1) wall sign per street frontage. The maximum area for each wall sign shall be calculated as one-half (1/2) square foot of sign area for every one (1) foot of building frontage on which the sign will be located. The maximum area for any single wall sign shall be 50 square feet. If a building has more than one wall sign, the total maximum area for both wall signs shall be 75 square feet.

Multi-tenant buildings on Outlots 1 and 2 shall be permitted one (1) wall sign per tenant. The maximum area for each tenant wall sign shall be calculated as one (1) square foot of sign area, for every one (1) foot of tenant building frontage. The maximum area for all wall signs for a multi-tenant building shall be 75 square feet.

Window and Door Signs

Each tenant within Building A shall be permitted the placement of one (1) permanent sign on the front and rear entry doors of their tenant space.

The maximum area for a tenant sign on the door shall be three (3) square feet.

Placement of signs on the overhead doors of Building A shall be prohibited.

Temporary Signs

Tenants within Building A shall be permitted the placement of a maximum of one (1) temporary sign.

The maximum area for a temporary sign shall be thirty-two (32) square feet if wall mounted and sixteen (16) square feet if ground mounted.

Temporary signs shall be permitted for a period of time not to exceed thirty (30) days maximum, up to six (6) times in any one calendar year.

A maximum of three (3) temporary signs (wall and ground signs) for Building A shall be displayed at any given time.

The location and placement of all temporary signs shall be reviewed and approved by the City of Kettering Zoning Administrator prior to issuance of a temporary sign permit.

Buildings B and C shall not be permitted the placement of any temporary signs.

Address Signs

Each tenant shall be permitted the placement of the address of the property in the window immediately adjacent to the door into the tenant space. The maximum area for the address sign shall be one (1) square foot.

Address signs shall be constructed of vinyl, or other similar material, applied directly to the window.

Supplemental Regulations

A permit shall be required for all signs, temporary or permanent, within this development.

The use of awning signs within this development is prohibited.

All signs not regulated by this sign policy shall follow the requirements of Section 1171 of the City of Kettering Zoning Code.

M. Landscaping and Screening.

Landscaped bufferyards are required to be installed on all four sides of any site.

Along the Woodman Drive and Forrer Boulevard frontages, the "F" bufferyard is required. On the interior property lines between the properties, the "A" bufferyard is required.

The "A" bufferyard consists of a 5-foot minimum width with a total of one (1) shade tree and three (3) ornamental trees for every 100 linear feet of bufferyard.

The "F" bufferyard requires a 10-foot minimum width with a total of three (3) shade trees for every 100 linear feet of bufferyard.

All mechanical equipment, HVAC equipment, transformers, gas meters, etc. shall be screened from view on all sides with the use of either the design of the building or landscaping. The average minimum height of the screening material is 1 foot taller than the largest item to be screened. In the case of landscaping, the average

height of the landscaping shall be one foot taller than the item to be screened measured from the top of the root ball to the top of the plant, at the time of planting.

Because this site has frontage on two thoroughfares, of the required vehicular use screening shall be installed along both Woodman Drive and Forrer Boulevard. Vehicular use screening shall consist of a hedge, wall, fence, or earth mound a minimum of 2 ½ feet in height at the time of planting.

N. Circulation and Parking.

A maximum of one (1) access point shall be permitted from Woodman Drive. There shall be no direct access from this development to Forrer Boulevard. Access to Forrer Boulevard shall be by access agreement between the property owner and the owner of the property to the west (currently Delphi).

The general location of the driveway onto Woodman Drive is shown on the development concept plan for this economic development overlay district.

All buildings shall meet the off-street parking and loading requirements of the City of Kettering Zoning Code for the proposed uses on the lot.

O. Pedestrian Amenities.

Sidewalks shall be installed along the north and east property lines of this development if they do not already exist. Sidewalks shall also be installed between Building A and Outlots 1 and 2 to provide pedestrian access between the properties.

P. Lighting.

All parking lot lighting and any exterior building lights shall conform to the rules set forth in Performance Standard C of the City of Kettering Environmental Standards Manual. A photometric plan shall be submitted for all new developments as part of the plan review procedure.

Q. Sewer and Water Service.

Shall conform to the rules set forth in the City of Kettering Zoning Code.

R. Storm Water Drainage.

All necessary storm water detention shall be achieved on site. All federal, state, and local regulations and Best Management Practices pertaining to storm water management, erosion, and sedimentation control shall be followed.

S. CONFLICT WITH OTHER PROVISIONS.

The provisions of this Chapter shall prevail over those of other Chapters of the Planning and Zoning Code where the provisions of this Chapter are inconsistent or in conflict thereunder; otherwise, such provisions shall apply with full force and effect.

T. JUSTIFICATION FOR USES

A number of land uses currently not permitted in the I – Industrial district would be appropriate within the Forrer Pointe Economic Development Overlay District. The rationale for including these uses in the Forrer Pointe Economic Development Overlay District is provided below.

1. Automobile Parts and Accessories Installation: Buildings B and C of this overlay district are going to be used for vehicle storage. With the approval of a car wash on Outlot 1, this area takes on an automobile related theme. Installation of Automobile Parts and Accessories is a compatible use with the vehicle storage and car washing activity. Also, the level of intensity of this use will not interfere with the other tenants within this development and should not place an unusual demand on the available parking.
2. Studios for Artists, film, photography, video and sound recording, duplicating, editing and processing: This use would be unobtrusive and add an unique character to the area designed to further encourage a mix of occupations outside the traditional blue and white collar activities.
3. Automobile Washing Facilities: With the storage of vehicles in Buildings B and C, it is logical to permit the construction of a facility for the washing of the vehicles being stored. This use will blend with the industrial nature of the surrounding area, while not interfering with the office and residential uses that about the property to the east.
4. Business Professional and Administrative Offices: Certain office uses would be appropriate for this development, provided that the use did not demand the use of the majority of the available parking. To the east is a freestanding office building that is similar to the office uses planned for this site. By making this use conditionally approved, it allows the City of Kettering to more closely regulate the type of office use that locates in this district.
5. Medical Offices and Clinics: This use is only appropriate for Outlot 1 or 2. Given the limited number of parking spaces for Building A, a medical office use in that building could be disruptive to the balance of uses within the building. As a freestanding office building on Outlot 1 or 2, the appropriate amount of parking can be provided when the property is developed. By

making this use conditionally approved, it allows the City of Kettering to more closely regulate the type of office use that locates in this district.

6. Financial Establishments, banks, savings and loan associations, and credit unions: This use is compatible with the office and manufacturing uses that are permitted within this economic development overlay district and would be designed to serve the surrounding businesses and residences. By approving this use as a conditional use, the City of Kettering has the ability to study and address the issues of parking and access as part of the review process for the development of the property.

7. Funeral Homes and Mortuaries: Much like the other professional office uses listed, this use would be compatible with the surrounding office and manufacturing area. The peak hours of operation for this use would be opposite of most of the other uses within this development. By approving this use as a conditional use, the City of Kettering has the ability to study and address the issues of parking and access as part of the review process for the development of the property.