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January 17, 2006

Village of Boston Heights, Planning and Zoning Commission  
45 E. Boston Mills Road  
Hudson, Ohio 44236

Please be advised that the enclosed revised site plan consists of 382 units. This number of units and corresponding plan represents a substantial and significant reduction in the density of the proposed development that was originally submitted with our initial application. Over the last several months, we have taken into consideration comments that we received from Village representatives, in addition to the public, as it relates to this proposed development. Please be advised, however that based on our experience, in our opinion this plan represents a minimum density in which we feel we would be able to proceed in the development of this property in an economically viable and feasible manner.

Additionally, the economic viability of this project at this density is contingent upon receiving timely approval of this project and our ability to begin construction of improvements in the 2006 season. Any further modification to the site plan or delay in the approval process will increase the cost of the project and thereby necessitate an increase in density to make the project economically viable. We look forward to working with the Village through the approval process and we want to thank the Village and its residents for their participation in the meetings relating to this matter.

Sincerely,

[signed]

Sam Petros  
Boston Hills Property Investment, LLC

## Procedures for Planned Development Areas (PDA Districts)

### INTENT.

To encourage the most skillful planning of parts of the community, to provide for the utilization of planning criteria in the arrangements of buildings related to common open space, and to utilize topography and other site features to best advantage to obtain creative and coordinated designs, it is necessary to expand the scope of land planning and development from a concept of individual lots and structures thereon to the planning and development of larger areas with groups of structures erected thereon as a coordinated entity. Therefore, procedures, supplementary to those applicable in the standard zoning districts created by this Zoning Code, are established under which a developer may prepare development plans particularly designed to meet these objectives. Procedures are also established for professional review of such development plans, action thereon by the City and the implementation thereof.

### SCOPE OF PLANNED DEVELOPMENT AREAS.

(a) Any developer may submit development area plans in accordance with the provisions of this chapter and other applicable parts of this Zoning Code. In addition, the Planning Commission may require developers to prepare and submit development area plans whenever it determines that such planning is essential to assure improved and unified design within the development area and coordination with the surrounding areas.

(b) Development area plans designed in accordance with the regulations, standards and design criteria set forth herein and in other applicable sections of this Zoning Code may include:

(1) PDA-1

- A. One-family attached and detached dwellings; and
- B. Townhouses.

(c) In addition to the aforementioned residential uses, the Planning Commission may permit retail business and office uses to be included in a planned development area.

### PRELIMINARY PLAN OF DEVELOPMENT AREA.

A developer may submit to the Planning Commission a preliminary plan of a planned development area by filing five copies thereof with the Secretary. Such plan may be combined with the preliminary plan of a subdivision. Plans may be submitted, however, only on behalf of a single owner of the parcel or a group of owners of the land included therein who are acting jointly. The preliminary plan of the development area shall indicate all uses proposed for the planned development area, the location and arrangement of uses and, unless waived by the Planning Commission as not being applicable, the following:

(a) A preliminary plan of the development area designed in accordance with the planning standards, regulations and criteria established in this Zoning Code and the Subdivision Regulations, which shall include:

- (1) Topography, at two-foot contour intervals, of the proposed development area, including property lines, easements, street right of ways, structures, trees and landscape features existing thereon,

- and a certificate of the gross area of the development area in acres and square feet;
- (2) The proposed vehicular and pedestrian traffic patterns, including the proposed location and design of public and private streets, the directional flow and location of existing and proposed storm and sanitary sewers and sewers connecting with existing or proposed Municipal interceptor, outlet or trunk sewers outside of the development area;
  - (3) The proposed assignment of use and subdivision of all land, including private land and common land, of the gross area of each use of the development area in acres and square feet;
  - (4) The proposed forms of covenants running with the land, deed restrictions, including those with respect to the use of the common land, covenants, restrictions or easements proposed to be recorded, and covenants proposed for maintenance;
  - (5) The other relevant information as the Planning Commission may require.
- (b) The preliminary plan of a development area, unless otherwise specified, shall be prepared by professional persons qualified in the planning of land development, engineering and building and landscape design.

#### REFERRAL FOR REVIEW AND REPORTS.

Upon receipt of a preliminary plan of a planned development area, the Secretary of the Planning Commission shall transmit a copy of the preliminary plan to the Village Engineer for review, report and recommendation. The Secretary shall also transmit a copy of all covenants, restrictions and easements to be recorded and covenants for maintenance to the Law Director for his review, report and recommendation. The Law Director and Engineer shall each, within thirty days from the date of receiving a preliminary plan of the development area provide and furnish to the Planning Commission a report upon their respective jurisdictions with four copies. Three copies of each such report shall be filed with the Planning Commission, one copy shall be submitted to the Mayor and one copy shall be filed with the Clerk, who shall maintain such copy open to public inspection.

#### REPORT TO COUNCIL.

Within sixty days after a preliminary plan has been filed with the Secretary, the Planning Commission shall evaluate the plan and furnish to Council its detailed report and recommendations with respect thereto. The report of the Planning Commission shall include a finding either that the preliminary plan complies with the regulations, standards and criteria prescribed by this Zoning Code for planned development areas applicable to the proposal, or a finding of any failure of such compliance and a recommendation that the preliminary plan be approved, disapproved or modified. If, in any such evaluation, the Planning Commission finds that any regulations, standards or criteria prescribed by this Zoning Code are inapplicable because of unusual conditions of the development area or the nature and quality of the proposed design, it may recommend to Council that an adjustment in such regulations, standards or criteria be made, provided, however, that

such adjustment will not be in conflict with the promotion of the public health and safety and the general welfare of the City.

#### ACTION BY COUNCIL.

Council, at its next regular meeting following receipt of the Planning Commission report, shall set a date for a public hearing on the preliminary plan of the planned development area, including the report of the Commission thereon, and give at least fifteen days notice of the time, place and purpose of such hearing by publication in two newspapers of general circulation in the City.

Following the public hearing, Council shall either approve, disapprove or modify the preliminary plan. Council may affirm any report of the Planning Commission or disapprove a favorable report of the Planning Commission by a majority vote of its members. If Council reverses a report of the Commission recommending disapproval of a preliminary plan, it shall only do so by the affirmative vote of not less than two-thirds of its members.

#### AUTHORITY TO PROCEED; REQUIRED INSPECTION FEE.

Following approval by Council, the Clerk shall notify the developer of such action, by registered or certified mail, and authorize him to proceed with the preparation of the final plan of a planned development area, in accordance with the procedures and criteria set forth in this Zoning Code and any special conditions under which this authorization to proceed was granted.

Within fifteen days after mailing the notice, unless the time is extended by Council, the developer shall deposit with the Director of Finance a cash amount to be credited to the General Fund of the City for the exclusive use of covering expenses incurred by the Municipality in reviewing the plan. Such expenses may include items such as the cost of professional services in connection with reviewing the plan and preparing reports, the publication and mailing of public notice in connection therewith and any other reasonable expenses directly attributable thereto, such cash amount to be determined by the Engineer.

#### CHANGE IN ZONE MAP.

Upon depositing the inspection fee, the Clerk shall cause a notation to be made on the Zone Map to reflect the area which is included in the preliminary plan in a Planned Development Area District and shall return the preliminary plan to the Planning Commission with a report of the action of Council thereon. If the developer does not complete and file a final plan of the development area or take out building permits or commence construction, he shall forfeit the inspection fee, the approval of the preliminary plan shall lapse and the notation of such approval shall be removed from the Zone Map.

#### FINAL PLAN OF DEVELOPMENT AREA.

The developer of any parcel or parcels of land for which a preliminary plan has been approved by Council, may submit a final plan of the planned development area. Any such plan shall be filed with the Building Commissioner and, upon payment of the appropriate fees, shall be submitted by him to the Planning Commission.

The final plan of the development area shall contain and be accompanied by the following:

(a) A site plan, including the proposed public and private street system with right of ways, easements, the use and subdivision of all land, including common and private land, and the location of each existing structure to be retained.

(b) A plat of the development area showing street right of ways, subdivided and common land and easements in accordance with the requirements of the Subdivision Regulations, which shall be in form for recording;

(c) Detailed plans and specifications for all streets, sidewalks storm and sanitary sewers, water mains, street illumination and all other site features of the development area or that portion of the development area to be developed, designed in accordance with the Subdivision Regulations and the Building Code;

(d) The final form of covenants running with the land, deed restrictions, including the use of common land, covenants, restrictions or easements to be recorded, declaration of covenants, restrictions and bylaws of a homeowner association and its incorporation, declaration of condominium ownership and other covenants, if any, for maintenance;

(e) Estimated project cost, including estimates for all public and private improvements;

(f) Construction schedule; and

(g) In the event the final plan of a development area includes the subdivision of land, any map, plat or other data required for compliance with the provisions of the Subdivision Regulations.

The Planning Commission may require additional drawings to supplement the above when more information is needed or special conditions occur.

#### CONDITIONS FOR APPROVAL BY COMMISSION.

If the Planning Commission finds that a proposed final plan of a planned development area is in substantial accordance with and represents a detailed expansion of the preliminary plan heretofore approved by Council, that it complies with all of the conditions which may have been imposed in the approval of such preliminary plan, that it is in accordance with the design criteria and provisions of this Zoning Code which apply particularly to any plan of a planned development area, the Commission shall then approve such final plan of a planned development area and certify its approval to the Clerk of Council.

#### BUILDING PERMITS.

Following the approval of a final plan of a planned development area, the Building Commissioner shall be so notified and building and other permits may be issued upon payment of the required fees.

#### PROGRESSIVE DEVELOPMENT.

A developer, having obtained final approval of any preliminary plan of a planned development area, may accomplish the development in progressive stages as may be approved by the Planning Commission.

#### AMENDMENTS TO PLANS.

At any time after the approval of a preliminary plan or a final plan of a planned development area, the owner or owners may request an amendment of their plans. The request for such amendment shall be filed with the Planning Commission and one copy filed with the clerk of Council. If such amendment is in substantial agreement with the approval of a preliminary or final plan of a development area, it shall be processed by the

Planning Commission. Should such amendment represent a departure from the intent of a prior approval, such amendment shall then be subject to the same procedure and conditions of approval as the original application.

## PDA District Uses, Criteria, Standards and Regulations

### INTENT.

Uses, criteria, standards and regulations are established in this chapter with respect to planning of land and the arrangements of buildings and open spaces for those areas in standard Residential and Business Districts which are included in a planned development area and which are covered by preliminary and final plans for their development. The application of the criteria, uses, standards and regulations set forth in this chapter are intended to result in the optimum development and use of land in the Village. They are intended to ensure full consideration of every planning element pertinent to the objective of preserving the present character of the Village and enhancing its amenities in order that in the ultimate result all improvement values will have been considered and planning objectives will be fully explored.

### PERMITTED BUILDINGS AND USES.

Buildings and land shall be used, and buildings shall be erected, altered, moved and maintained, in a Planned Development Area District, only in accordance with the following uses:

- (a) Main Buildings and Uses.
  - (1) PDA
    - A. All types of one-family dwellings;
    - B. Townhouses
- (b) Accessory Buildings and Uses.
  - (1) A private garage attached to or located in a one-family dwelling; parking area for the use of guests of the occupants of one-family dwelling units;
  - (2) Storage garages accessory to groups of town-houses; and
  - (3) Gardens, fences, walls, pools and other recreation facilities on private or common land.

### LAND PLANNING CRITERIA.

The following planning criteria are established to guide and to control the planning, development and use of land in a Planned Development Area (PDA) District

(a) Building Arrangements. The design criteria set forth in this section are intended to provide considerable latitude and freedom to encourage variety in the arrangement of the bulk and shape of buildings, open space and landscape features. The dwellings may be arranged in various groups, courts, sequence or clusters with open spaces organized and related to the dwellings so as to provide privacy and to form a unified composition of buildings and space.

Although latitude in design is provided and encouraged, the following design conditions should be assured in planned development areas:

- (1) The adjoining properties shall be protected from loss of light, air and view because of the proximity of the bulk or shape of a neighboring building.
- (2) Through skillful design, usability and accessibility of an open space on an adjoining lot shall be obtained, while privacy is assured within such adjoining dwelling.

- (3) Required yards and setbacks should not be excessive so as to prevent the reasonable development of open land for landscaped features, recreation or other private uses.
- (4) The latitude in design should also apply to the planning of landscape features, such as walls, fences, hedges and other features, to create a variety of common open spaces and private areas.

(b) Local Circulation System. Each dwelling shall be served by a local street or driveway. The vehicular circulation system and parking facilities shall be designed to fully accommodate the automobile with safety and efficiency without allowing it to dominate and destroy the form of the area.

Driveways for group developments and local streets shall be connected to major collector and local collector streets at locations where the traffic can be controlled and operated effectively with minimum interference to the capacity of the major and collector streets.

(c) Topography and Site Appearance. It is a requirement of this Zoning Code that such developments shall be designed to take advantage of the topography of the land in order to utilize the natural contours, to economize in the construction of utilities, to reduce the amount of grading and to maximize the conservation of trees and topsoil. The natural features and other distinctive characteristics of the site shall be integrated into the plan other distinctive characteristics of the site shall be integrated into the plan to create functional variations in the arrangements of buildings, open spaces and site features.

The service to a development area of all utilities shall be entirely underground and shall be installed in compliance with appropriate ordinances and regulations of the Village.

(d) Private Land. In the planning of one-family and townhouse developments in a variety of groups or cluster, land should be provided for the private outdoor use of the occupants at such locations as the entrance and garden side of the dwelling.

(e) Common Land. The common land shall be readily accessible and of such condition, size and shape as to be usable for recreation, natural and landscaped areas. The integrity of the common land shall be guaranteed from further division or other changes through deed indenture by explicit prohibition of other than the intended uses and exempt from further amendment except upon prior approval by Council.

**AREA AND DENSITY REGULATIONS.**

The various area, yard and height regulations of a planned development area in a Planned Development Area (PDA) District are defined and set forth in this section.

(a) Development Area. The minimum area to qualify as a planned development area shall be not less than 150 contiguous acres for a PDA District.

(b) Development Area Density. The overall residential density in standard Residential Districts shall be in accordance with the following schedule:

<u>District</u>	<u>Density</u> <u>(Maximum Dwelling Units Per Acre)</u>
Single Family	2.0
Detached Cluster	4.0
Townhouse	5.0

(c) Dwelling Unit Area Requirements. In any PDA District, the minimum area of a one-family dwelling shall be:

Single Family	1,800 sq. Ft.
Cluster	1,300 sq. ft.
Townhouse	900 sq. ft.

LAND PLANNING REGULATIONS FOR MULTI-FAMILY DWELLINGS IN DEVELOPMENT AREAS.

The following regulations shall control the planning, development and use of multi-family dwellings in a planned development area:

(a) Development Area Occupied Exclusive by Multi-Family Dwellings. In the portion or portions of a development area in which townhouses and apartment dwellings are constructed and maintained, it is intended that such portion or portions are to be used exclusively for multi-family dwellings and no one-family dwellings shall be constructed.

(c) Density. Townhouse dwellings in a development area need not be distributed at a uniform density throughout the townhouse portion of a development area. The number of dwelling units located in the townhouse portion of the development area shall not exceed Five (5) per acre. Townhouses in a Planned Development Area (PDA) District shall be designed in such a manner that each townhouse unit shall abut and have access to private or common open space.

(c) Distribution of Dwelling Units. In any PDA District, the distribution of townhouse units shall not exceed the following:

1. Townhouse 35%

(d) Buildings Permitted on Zoning Lot. Any multi-family development shall abut upon a public street. However, each multi-family dwelling of a group, sequence or cluster need not so abut so long as each dwelling is accessible to service and emergency vehicles.

PERIPHERAL SETBACKS.

Along the boundary of any Planned Development Area (PDA) District, each residential building shall be set back at least fifty feet from adjoining private property outside the PDA District.

REQUIRED OPEN SPACE.

In any Planned Development Area (PDA) District, the total public or common space shall be not less than twenty percent of the gross acreage of the Planned Development Area.

Common open space shall be protected by recorded covenants and restrictions to assure that such open space will be permanently preserved and maintained.

LAND PLANNING REGULATIONS FOR ONE-FAMILY DWELLINGS IN A DEVELOPMENT AREA.

The following regulations shall control the planning, development and use of one-family dwellings in a planned development area.

(a) Development Area Occupied Exclusively by One-Family Dwellings and Single Family Cluster Dwellings. In the portion or portions of a development area in which one-family dwellings are constructed and maintained, it is intended that such portion or portions are to be used exclusively for one-family use and no townhouse or multi-family dwelling shall be constructed.

(b) Variation in Area, Yard and Height Regulations. In any Planned Development Area (PDA) District, minimum area, yard and height regulations for any one-family detached dwelling shall be in accordance with the development guidelines.

- (1) Minimum lot area. The minimum lot area per dwelling unit shall be 6,600 square feet.
- (2) Minimum width of lot. Each one-family zoning lot within a PDA District shall abut upon a dedicated street for a minimum distance of sixty feet. On curved streets, the lot width at the front lot line may be less, provided the lot width at the building line is at least sixty feet.
- (3) Minimum front yard depth. The minimum front yard depth on a local street shall be twenty-five feet, as measured from the street right-of-way line.
- (4) Side yards. The side yards in a PDA District shall be ten feet between units.

#### SIGNS.

Signs in any Planned Development Area (PDA) District shall be limited to traffic control signs, signs identifying a permitted use conducted on the parcel and street signs. Not more than one free-standing sign identifying the development shall be permitted for each 300 feet of frontage of public street abutting the development area parcel, and such sign shall not exceed seventy-five square feet in area. No sign visible from a public street or from adjoining property used for residential purposes shall be illuminated except with indirect white light.

#### PARKING AND GARAGE FACILITIES.

Private and storage garages and open off-street parking areas shall be permitted in Planned Development Area (PDA) Districts if accessory to a dwelling or group of dwellings in accordance with the standards and regulations.

#### SCHEDULE OF PARKING REQUIREMENTS.

Accessory off-street parking facilities shall be provided in quantities not less than set forth in the following schedule:

Building Use	Minimum Spaces Required
(a) Residential.	
(1) One-family dwellings	2 per dwelling unit
(2) Cluster	2 per dwelling unit
(3) Townhouse	2 per dwelling unit

## **Summary of Proposed PDA Criteria**

1. Building Types
  - a. One Family Dwellings
  - b. Townhouses
2. Development Area - 150 acres
3. Development Density
  - a. Single Family            2.0 DU/Ac
  - b. Detached Cluster        4.0 DU/Ac
  - c. Townhouse                5.0 DU/Ac
4. Minimum Size
  - a. Single Family            1800 Sq Ft
  - b. Cluster                    1300 Sq Ft
  - c. Townhouse                900 Sq Ft
5. Maximum Distribution of Townhouses - 35% of total number of Units
6. Peripheral Buffers - 50 Ft minimum
7. Minimum Open Space - 20%
8. Minimum Lot - 6600 Sq Ft
9. Minimum Lot width - 60 Ft
10. Minimum Front Yard - 25 Ft
11. Minimum Side Yard - 10 Ft
12. Parking - 2 off street spaces/unit