



Memorandum

TO: The Mayor and Council,
Village of Boston Heights

FROM: David B. Hartt

SUBJECT: Evaluation of the Proposed Commercial Zoning @ Hines Hill Road and State
Route 8

DATE: October 10, 2007

Pursuant to your request I am summarizing, in writing, my opinions regarding the proposed rezoning at the northwest corner of Hines Hill Road and State Route 8. The subject property is approximately 164 acres; sixty-five (65) of these acres are proposed to be rezoned from single family residential to commercial; ninety-nine (99) acres are proposed as a residential conservation development. The land for this residential development would remain in the RES Residence District and would not be rezoned. These opinions were initially presented orally to council and the public at a public meeting on April 10, 2007.

In formulating these opinions I have reviewed:

1. The existing zoning and land use patterns in the vicinity of the subject site;
2. The highway plans for the limited access and interchange improvements;
3. The material submitted with the applicant's rezoning application; and
4. Minutes of Village meetings related to this rezoning application.

In addition, I am very familiar with the corridor and this location as I routinely travel on this portion of Route 8. And, as part of this assignment, I specifically stopped and deliberately viewed the site and surrounding areas prior to formulating these opinions

A resume summarizing my qualifications and experience, which are the basis for these opinions, is attached to this report.

RELEVANT BACKGROUND INFORMATION

Construction along Route 8 is underway that upgrades the segment from Route 303 to I-271 to a limited access highway to match the “freeway” status along the rest of the Route 8/I-271 corridor. Part of this construction includes an entrance/exit ramp to and from Route 8 at Hines Hill Road and reconfiguring the entrance/exit from Route 8 with the Ohio Turnpike. While the improvements are being constructed in two (2) phases – the north section now, followed by the southern Boston Heights section – it is my understanding that the construction of both phases will be completed in “a few years.”

Three (3) of the existing quadrants (at Route 8 and Hines Hill Road) are zoned and at least partially developed for non-residential purposes. The southwest quadrant (across from the subject site) is zoned RB-Retail Business and OP-Office Professional. Currently in this quadrant are: a Holiday Inn and attached conference facility, a gasoline service station, and the driving range with a clubhouse that includes a restaurant. An office development has been recently contemplated at the corner of Hines Hill and Olde Eight.

On the east side of Route 8, both the north and south sides of Hines Hill Road are zoned Retail Business. Further to the east the land on both sides of Hines Hill is zoned GB General Business. North of Hines Hill the RB zoning extends along the entire east side of Route 8 to the northern village limits.

FACTORS CONSIDERED

With any rezoning request several factors need to be considered to determine whether or not the proposed rezoning is appropriate and reasonable. With respect to the subject request there are, in my opinion, five (5) fundamental factors that should receive important consideration. These factors and my findings and opinions related to each are:

- 1. The existing nature of the Route 8 corridor and the extent to which the potential development may change based on the road improvements now being constructed.***

Route 8 is substantially a commercial corridor when considering the entire segment from Rout 303 to I-271. This commercial nature is particularly true at the intersection of the subject property. Furthermore, because of the strategic location of this intersection, the potential for commercial development will increase once the road/interchange improvements are completed.

- 2. The specific characteristics of the interchange area and what can currently occur as a “matter of right;”***

Based on the current zoning and the existing developments, the Hines Hill intersection with Route 8 is already established as a small commercial hub or “node.” Furthermore, in addition to the existing level of development, the Village, as a deliberate public policy, has

zoned a substantial amount of land for commercial purposes that is currently vacant or underutilized. Over time the Village must anticipate, and make its future decisions on the basis that all, or most, of this land will be developed according to the current zoning and that the commercial character of this intersection will be significantly increased. It is also likely that the rate of development on land currently zoned for non-residential purposes could increase once the road construction is completed. It even should be anticipated that at least some of the large land areas on the east side of Route 8, despite the existing environmental constraints, could be developed.

3. *The community's responsibility to treat "equally located properties" equally.*

It is a generally accepted planning and zoning principle that properties that have equal, or approximately equal, location characteristics should receive similar zoning considerations. In this instance the portion of the subject property that is proposed for commercial development is very similar to the adjacent property south of Hines Hill Road that is zoned for both retail and office development. Additionally, the remainder of the applicant's land, intended for residential development and open space, buffers the proposed commercial development from the existing residential areas and the lower intensity, open characteristics along Olde Eight Road. This is in contrast to the existing office zoning on the south side of Hines Hill Road that extends westerly to include the Olde Eight Road frontage.

4. *The validity of the public objective for a community to increase its non-residential tax base.*

It is a valid public purpose for a community to promote economic development. Therefore, based on my experience, most communities strive to devote some land to achieve non-residential development. This is because non-residential development typically has a higher tax return to a community and typically lower service costs than residential development. With non-residential development a community's service requirements can be met with a lower tax burden on the community's residents.

In my opinion, the subject intersection is a suitable location for Boston Heights to concentrate non-residential development to meet a valid economic development objective.

While the Village may prefer to confine the non-residential development to offices or industrial uses, this is not a realistic limitation. In the regional market it is generally acknowledged that there is an oversupply of industrial and office buildings and available land compared to the limited demand. Conversely, even though many people believe there is an oversupply of retail as well, the market for retail continues to be substantially greater than for offices or industrial.

5. *Conversely, the community's presumed desire to preserve the low density and open character away from Route 8.*

Economic development and the rights of property owners are always balanced with other (and perhaps competing) community objectives. In this case, at the time of the public meeting in April, I presumed that the community valued the predominant low density open character along Olde Eight Road and farther to the west. Even if the proposed commercial zoning is granted, this "open character" objective continues to be achieved because:

- a. The commercial zoning does not extend to Olde Eight Road;
- b. The commercial development will be bounded on the west and north by residential, open space, and existing and proposed landscaping/vegetation on the applicant's own property;
- c. Open natural areas will be preserved immediately adjacent to the Route 8 frontage; and
- d. The topography of the subject site, which slopes down significantly from Olde Eight to Route 8, substantially minimizes the impact of the commercial development on Olde Eight.

SUMMARY OF OPINIONS

Based on the foregoing background data and considerations it is my opinion that the proposed commercial rezoning, coupled with the proposed residential conservation development, is a reasonable development plan for the subject site and advances several public and private interests. Specifically the development:

- Will permit reasonable economic use of the property and recognize that equally located properties should receive similar development consideration;
- Is consistent with the existing (and expected increase) in the commercial characteristics of this strategic interchange location;
- Achieves non-residential economic development which is a valid public purpose for the Village to pursue; and
- Can be accomplished in a manner that protects the lower density and more open characteristics of the Village along Olde Eight Road and beyond.

I have appreciated the opportunity to assist the Village as it considers this matter. If you have any questions or require any additional information, please feel free to contact me.

David B. Hartt

President

education

Master of City Planning, 1967
University of Michigan

Bachelor of Architecture, 1965
University of Michigan

experience

D.B. Hartt, Inc.; Cleveland, Ohio
President and Principal, 1979 to Present

Henshaw, Hartt and VanPetten, Inc.; Cleveland, Ohio
Vice President and Principal, 1972 - 1979

Washtenaw County Metropolitan Planning Commission; Ann Arbor, Michigan
Chief Planner, 1970 - 1972
Associate Planner, 1966 - 1968

William A. Gould & Associates; Cleveland, Ohio
Project Planner, 1968 - 1970

overview

David B. Hartt is president of D.B. Hartt, Inc. He formed the firm in 1979 with a vision of providing innovative planning and development services. Today, the firm's professional planning and support staff continues to provide creative planning and development consulting services to public and private clients throughout Ohio.

Mr. Hartt's nearly 40 years of professional experience includes public and private planning and development positions. He has managed and worked on projects involving clients with specialized needs in comprehensive planning, zoning consultation, zoning code development, and expert witness testimony. Client services provided have been as varied as developing and writing a comprehensive plan for a community to assisting industries in fulfilling their often delicate expansion requirements.

Mr. Hartt is also a regular volunteer speaker at numerous planning and zoning workshops throughout the state.

professional and civic affiliations

American Planning Association

Historic Warehouse District Development Corporation
Trustee and Design Review Committee

Home Builders Association

Meals on Wheels

Ohio Planning Conference
Board President,
Vice-President &
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Shaker Heights Planning Commission



