

# APPENDIX

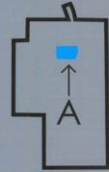
## EXISTING ZONING

### Retail Business

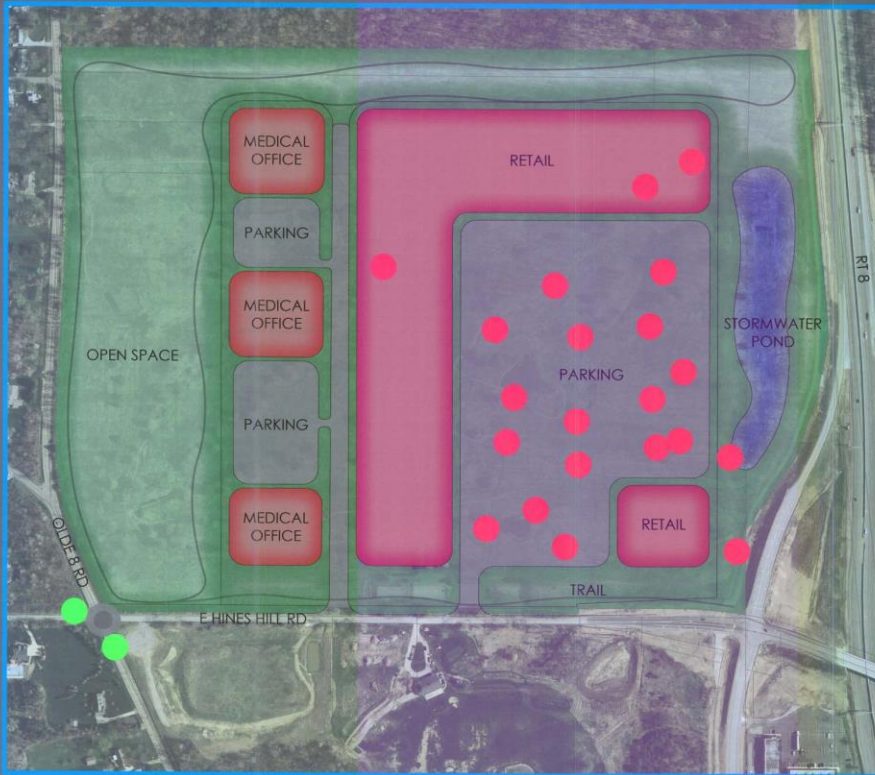
- No design standards. Some site selection criteria for conditional uses
- Crematoriums, electronic gaming facilities and sales of fireworks prohibited
- Building height cannot exceed 35 feet (chimneys, clock towers scenery loft cannot exceed 50 ft)
- Minimum 1 acre lots
- Building structure ratio cannot exceed three times the ground area of the lot
- Minimum 200 foot lot width
- Open area required for 25% of total lot
- Maximum 50,000 square foot building size
- Allows for all uses permitted in the Office/Professional and General Business Districts

### Office/Professional

- No design standards
- Somewhat flexible in permitted and conditional uses
  - o Accessory uses can occupy up to 30% of usable floor area
- Adult Entertainment Establishments prohibited
- Building height cannot exceed 40 feet (chimneys, clock towers scenery loft cannot exceed 50 feet)
- Minimum lot area of 4 acres
  - o Structures and buildings cannot occupy more than 33% of total lot area
- Buildings size cannot exceed 30,000 square feet
- Open area required for 25% of total lot



## Site Map



## Office



## Retail





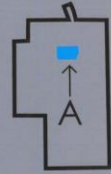
## MIXED USE

### Retail Business

- No design standards. Some site selection criteria for conditional uses
- Crematoriums, electronic gaming facilities and sales of fireworks prohibited
- Building height cannot exceed 35 feet (chimneys, clock towers scenery loft cannot exceed 50 ft)
- Minimum 1 acre lots
- Building structure ratio cannot exceed three times the ground area of the lot
- Minimum 200 foot lot width
- Open area required for 25% of total lot
- Maximum 50,000 square foot building size
- Allows for all uses permitted in the Office/Professional and General Business Districts

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- No design standards
- Somewhat flexible in permitted and conditional uses
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- Building height cannot exceed 40 feet (chimneys, clock towers scenery loft cannot exceed 50 feet)
- Minimum lot area of 4 acres
  - o Structures and buildings cannot occupy more than 33% of total lot area
- Buildings size cannot exceed 30,000 square feet
- Open area required for 25% of total lot



## Site Map



## Residential



## Retail



## Office/Retail





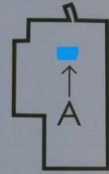
## PARK GATEWAY

### Retail Business

- No design standards. Some site selection criteria for conditional uses
- Crematoriums, electronic gaming facilities and sales of fireworks prohibited
- Building height cannot exceed 35 feet (chimneys, clock towers scenery loft cannot exceed 50 ft)
- Minimum 1 acre lots
- Building structure ratio cannot exceed three times the ground area of the lot
- Minimum 200 foot lot width
- Open area required for 25% of total lot
- Maximum 50,000 square foot building size
- Allows for all uses permitted in the Office/Professional and General Business Districts

### Office/Professional

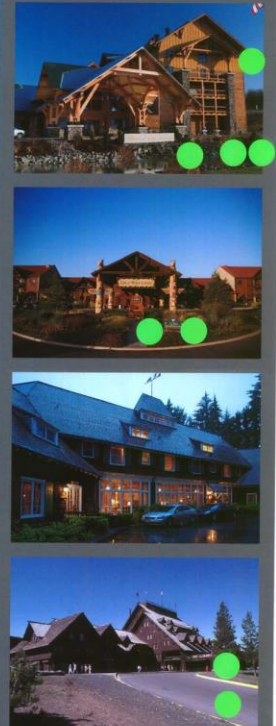
- No design standards
- Somewhat flexible in permitted and conditional uses
  - o Accessory uses can occupy up to 30% of usable floor area
- Adult Entertainment Establishments prohibited
- Building height cannot exceed 40 feet (chimneys, clock towers scenery loft cannot exceed 50 feet)
- Minimum lot area of 4 acres
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- Buildings size cannot exceed 30,000 square feet
- Open area required for 25% of total lot



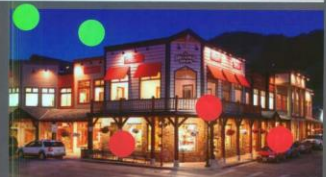
## Site Map



## Lodging



## Destination Retail



## Recreation



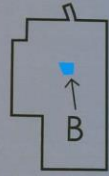


# FOCUS AREA B

BOSTON HEIGHTS, OH

## Office/Professional

- No design standards
- Somewhat flexible in permitted and conditional uses
  - Accessory uses can occupy up to 30% of usable floor area
- Adult Entertainment Establishments prohibited
- Building height cannot exceed 40 feet (chimneys, clock towers scenery loft cannot exceed 50 feet)
- Minimum lot area of 4 acres
- Structures and buildings cannot occupy more than 33% of total lot area
- Buildings size cannot exceed 30,000 square feet
- Open area required for 25% of total lot



## Site Map



## Office





### General Business

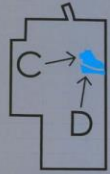
- No design standards
- Flexible in permitted and conditional uses
- All uses permitted in the Office/Professional District
- Adult Entertainment Establishments prohibited
- Building height cannot exceed 35 feet
- Minimum 1 acre lots
- Minimum 200 foot lot width
- Maximum 30,000 square foot building size
- No site plan required to build

### Retail Business

- No design standards. Some site selection criteria for conditional uses
- Crematoriums, electronic gaming facilities and sales of fireworks prohibited
- Building height cannot exceed 35 feet (chimneys, clock towers scenery loft cannot exceed 50 ft)
- Minimum 1 acre lots
- Building structure ratio cannot exceed three times the ground area of the lot
- Minimum 200 foot lot width
- Open area required for 25% of total lot
- Maximum 50,000 square foot building size
- Allows for all uses permitted in the Office/Professional and General Business Districts

### Office/Professional

- No design standards
- Somewhat flexible in permitted and conditional uses
  - Accessory uses can occupy up to 30% of usable floor area
- Adult Entertainment Establishments prohibited
- Building height cannot exceed 40 feet (chimneys, clock towers scenery loft cannot exceed 50 feet)
- Minimum lot area of 4 acres
  - Structures and buildings cannot occupy more than 33% of total lot area
- Buildings size cannot exceed 30,000 square feet
- Open area required for 25% of total lot



## Site Map



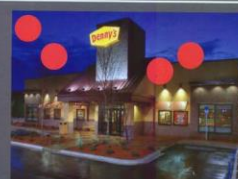
## Business



## Office



## Retail



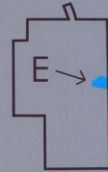


### General Business

- No design standards
- Flexible in permitted and conditional uses
- All uses permitted in the Office Professional District
- Adult Entertainment Establishments prohibited
- Building height cannot exceed 35 feet
- Minimum 1 acre lots
- Minimum 200 foot lot width
- Maximum 30,000 square foot building size
- No site plan required to build

### Office/Professional

- No design standards
- Somewhat flexible in permitted and conditional uses
  - Accessory uses can occupy up to 30% of usable floor area
- Adult Entertainment Establishments prohibited
- Building height cannot exceed 40 feet (chimneys, clock towers scenery loft cannot exceed 50 feet)
- Minimum lot area of 4 acres
  - Structures and buildings cannot occupy more than 33% of total lot area
  - Buildings size cannot exceed 30,000 square feet
- Open area required for 25% of total lot



## Site Map



## Business



## Office Professional



## Retail



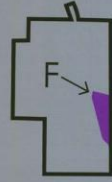


### Light Manufacturing

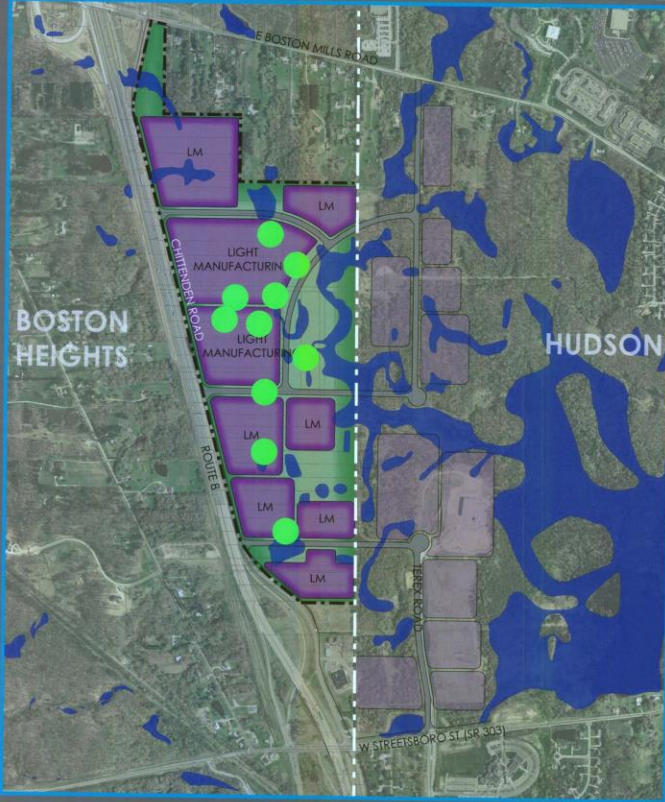
- No design standards
- Building height cannot exceed 75 feet
- Minimum 2 acre lots
- Minimum 200 foot lot width
- Maximum 50,000 square foot building size
- Site plans required to build
- Conditional uses permitted in the Office/Professional and General Business Districts
- All uses permitted in the General Business District
- Chemical processing, self-services storage facilities, sexually oriented businesses, crematoriums, electron gaming facilities and sales of fireworks prohibited

### General Business

- No design standards
- Flexible in permitted and conditional uses
- All uses permitted in the Office Professional District
- Adult Entertainment Establishments prohibited
- Building height cannot exceed 35 feet
- Minimum 1 acre lots
- Minimum 200 foot lot width
- Maximum 30,000 square foot building size
- No site plan required to build



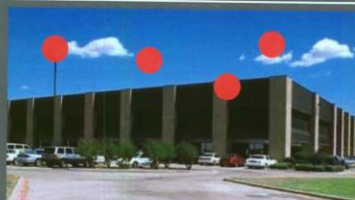
## Site Map



## Office Professional



## General Business



## Light Manufacturing



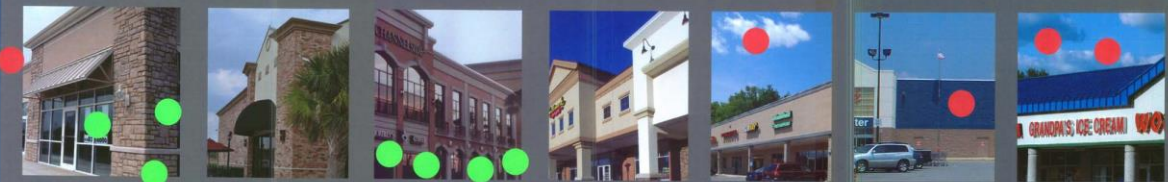


## BUILDING MATERIALS

### Style



### Materials



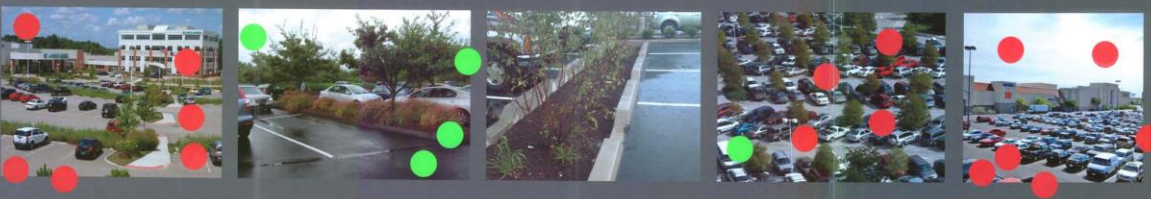
### Pavement



### Street Lighting



### Parking



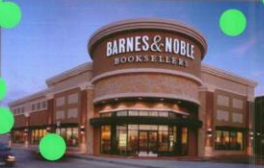


## COMMERCIAL/RETAIL

### Large Format Retail (Greater than 100,000 SF)



### Medium Format Retail (30,000 to 100,000 SF)



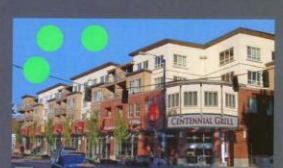
### Attached Retail (Strip)



### Free Standing/Out Lot Retail



### Mixed Use Retail





## RESIDENTIAL HOUSING

### Single Family Housing



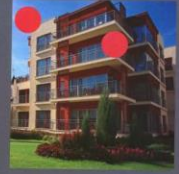
### Cluster Homes



### Townhomes



### Multi-Story Residential



### Mixed Use Residential





## OFFICE/INDUSTRIAL

### Office



### Light Manufacturing



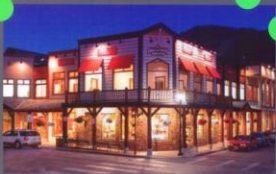


## PARK GATEWAY THEME

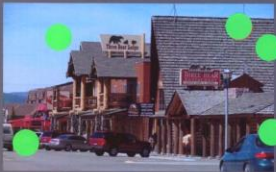
### Lodge



### Retail



### Streetscape



### Activities





## SITE SIGNAGE

### Building



### Electronic



### Interchangeable



### Monument



### Pole



### Multi-Tenant



### Temporary



# VILLAGE OF BOSTON HEIGHTS

45 E. Boston Mills Road • Boston Hts., Ohio 44236  
Phone 330.650.4111 or 330.656.2575 Fax 330.655.9578

## Village of Boston Heights Comprehensive Zoning Plan Committee

To: Village Council  
From: Comprehensive Zoning Plan Committee (VBHCPC)  
Subject: Results of the Community Survey

As a first step toward the creation of a Comprehensive Plan (as identified in the Committee's Charter - attached), the committee solicited input from the Village residents in the form of a Community Survey. This survey was conducted during the summer of 2009 and the results of that survey are included in this memo. The survey was sent by mail to 463 Village residences and the Committee received 190 total responses. In terms of typical surveys, this is an outstanding response and far exceeded the expectations of the Committee. It is important to note that the results of this survey are intended to serve as a guideline for long-term planning, not a referendum - and especially not a mandate for immediate action.

The total cost incurred by the Village for the survey:

\$486.15	Postage
\$ 32.84	Envelopes
\$ 98.95	Color copies
\$ 21.94	B&W copies
<u>\$ 23.15</u>	<u>Paper</u>
\$663.03	Total (or \$1.43 per survey)

The survey contains 4 parts:

Part A: Quality of Life – Community improvements  
Part B1: Land Use – Development of property with ready access to State Route 8  
Part B2: Land Use – Residential Housing outside of State Route 8 corridor  
Part C: Funding – Paying for services

Attached to this memo are the questions contained in the survey and the responses received. The respondents were asked to rank the items provided in each question in terms of preference, providing a “1” for their highest preference, a “2” for their second, and so on. The data from each survey was then compiled into a large spread sheet. Each response then received a weighting in accordance to its preference with a “1” having more weight than a “2” and so on. The final results were then scaled so that the item with the highest preference in each part received a ranking of “10”. Each of the other responses for the same question is then shown in order of declining preference.

The committee consists of volunteer residents and Village officials. All meetings are open to the public. All the surveys and the work products of the committee are a matter of public record and are available from Village Hall. I want to thank the residents of the Village for their overwhelming response and the Committee for the many hours they spent creating and compiling the survey results. The individuals responsible for the survey are:

Ted Chandler	Paul DuMont	John Codrea	Michael Bush
William Hinkle	Michael Cheung	Bill Goncy	

Respectfully submitted,  
Michael A. Bush, Chairman



# VILLAGE OF BOSTON HEIGHTS

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## Village of Boston Heights Comprehensive Zoning Plan Committee

### PART A Quality of Life

**Here is a list of things that could make this a more ideal community. At the end, you can add other items that you would desire. Among all of these (including the ones you've added), place a number "1" for your first choice, a "2" for your second, and so on. If you feel it's unnecessary, leave it blank.**

improve current park (e.g. larger playground, tennis courts, improve pool)

provide bike/pedestrian lane on major roads

add new parks or green space

build a community center

create community garden

other items \_\_\_\_\_

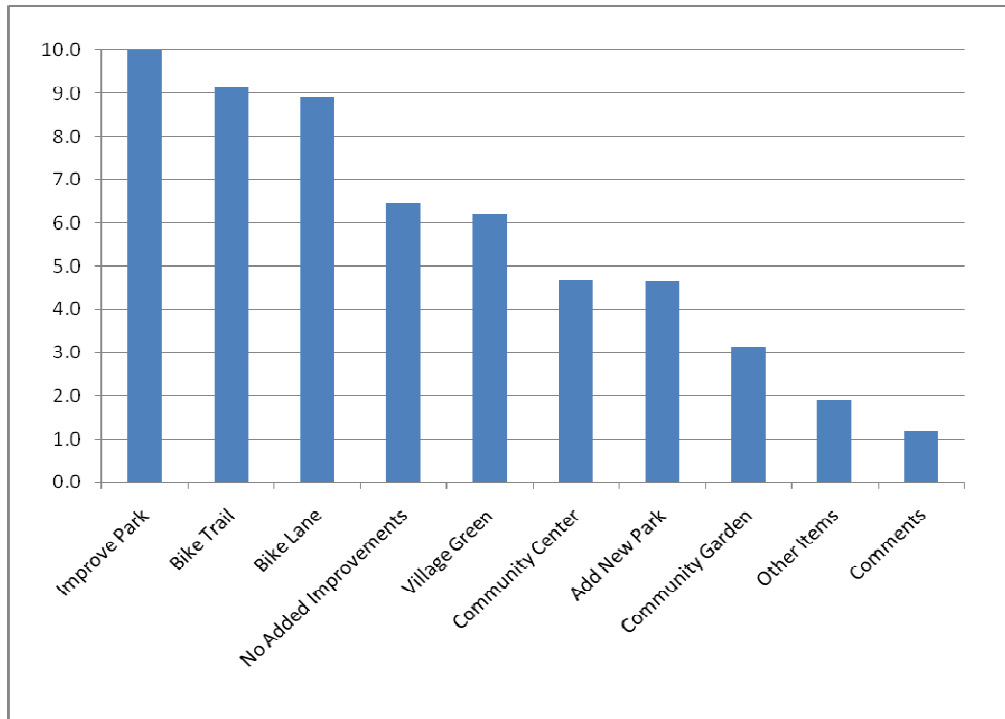
establish village green or village square

no additional improvements necessary

construct feeder bicycle trail to main trail

additional comments?  
 \_\_\_\_\_

Desirability



Improvement



# VILLAGE OF BOSTON HEIGHTS

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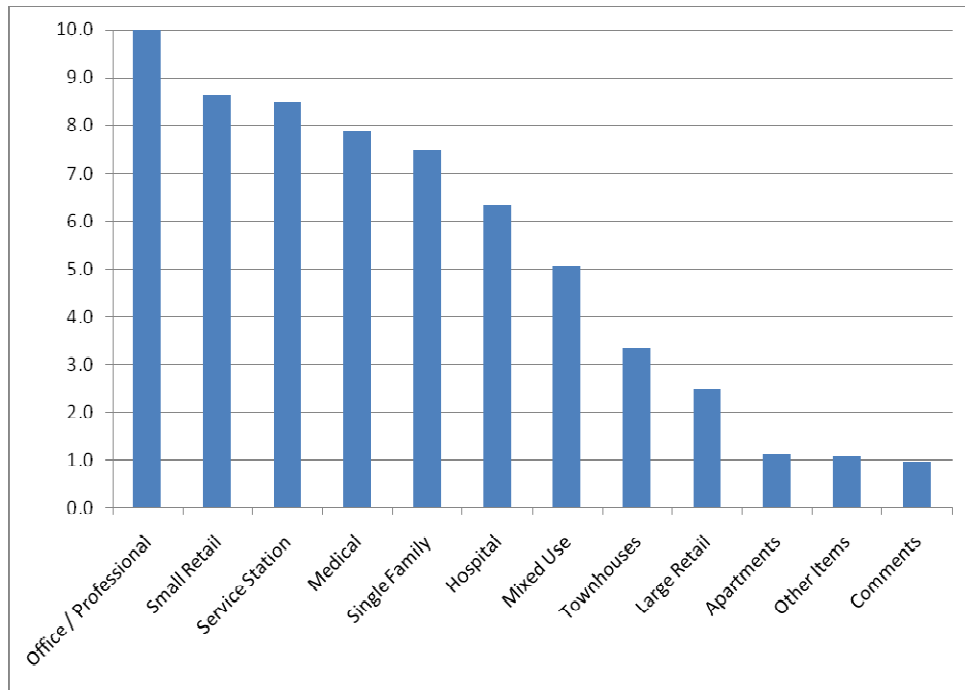
## Village of Boston Heights Comprehensive Zoning Plan Committee

### PART B1 Land Use

What is your preference for the development of property with ready access to State Route 8? Among all of these (including the ones you've added), place a number "1" for your first choice, a "2" for your second, and so on.

- |  |   |
|--|---|
| ___ office/professional                          | ___ small retail shopping               |
| ___ single family housing                        | ___ large retail shopping               |
| ___ townhouses/condominiums                      | ___ mixed use: residential & commercial |
| ___ apartments                                   | ___ other items? _____                  |
| ___ medical offices                              | ___ additional comments? _____          |
| ___ hospital and / or medical emergency facility | _____                                   |
| ___ service station                              | _____                                   |

Preference



Land Use – w/Access to Rt8



# VILLAGE OF BOSTON HEIGHTS

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Village of Boston Heights Comprehensive Zoning Plan Committee

## PART B2 Land Use

What type of additional residential housing do you prefer outside of the State Route 8 corridor? Among all of these (including the ones you've added), place a number "1" for your first choice, a "2" for your second, and so on.

\_\_\_ single family (1.5 acre or more – current standard)

\_\_\_ other items? \_\_\_\_\_

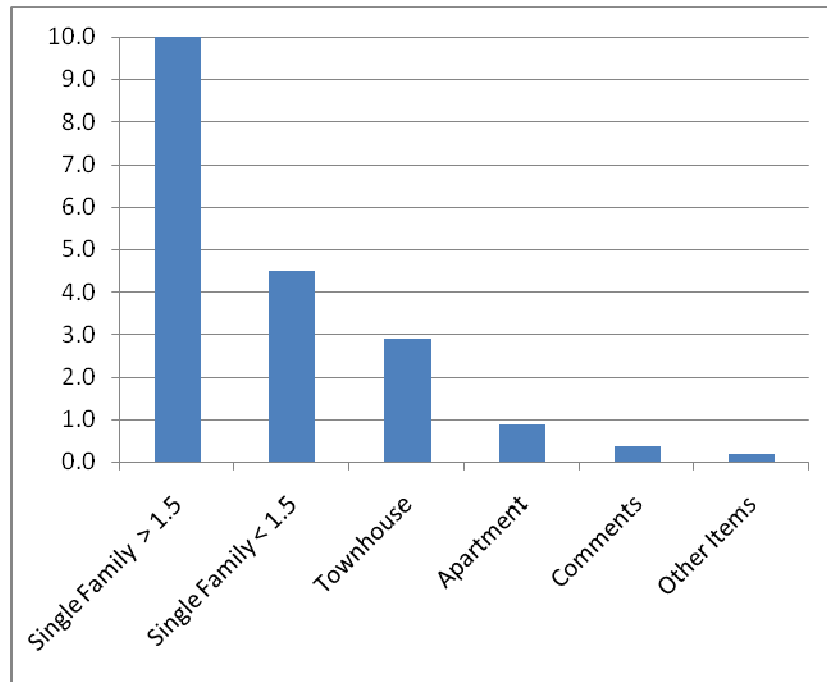
\_\_\_ single family (less than 1.5 acre)

\_\_\_ additional comments?  
\_\_\_\_\_

\_\_\_ townhouses / condominiums

\_\_\_ apartments

Preference



Land Use – Residential



# VILLAGE OF BOSTON HEIGHTS

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## Village of Boston Heights Comprehensive Zoning Plan Committee

### PART C Funding

**Keeping or increasing services for the community may require additional revenue at some point in the future. Among all of these possibilities (including the ones you've added), place a number "1" for your first choice, a "2" for your second, and so on.**

\_\_\_\_ income tax (currently 2%)

\_\_\_\_ commercial development

\_\_\_\_ special real estate assessments (currently none)

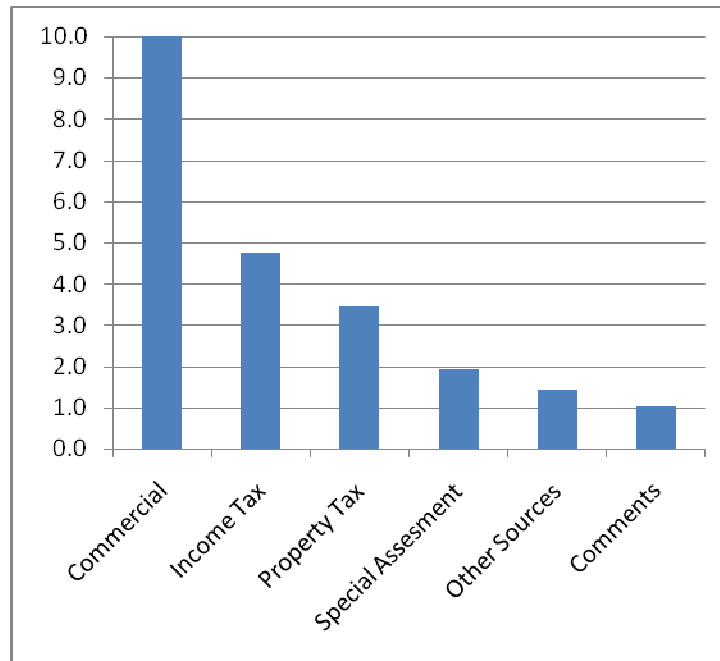
\_\_\_\_ other sources? \_\_\_\_\_

\_\_\_\_ property tax  
(currently \$205 per \$100,000 of market value\*)

\_\_\_\_ additional comments?  
\_\_\_\_\_

\*Village taxes only, not including School or County taxes

Preference



Funding Options



# VILLAGE OF BOSTON HEIGHTS

45 E. Boston Mills Road • Boston Hts., Ohio 44236  
Phone 330.650.4111 or 330.656.2575 Fax 330.655.9578

## Village of Boston Heights Comprehensive Zoning Plan Committee

### CHARTER

#### I. Mission

The Village of Boston Heights Comprehensive Zoning Plan Committee (VBHCPC) purpose is to develop a comprehensive land-use planning document providing a framework to the Village government to guide future legislation and policy decisions governing land-use patterns, management and preservation of natural resources, housing conditions, population densities, roadways, and other infrastructure issues that impact the Village of Boston Heights.

#### II. Vision

Clearly articulate a comprehensive plan document for the Village of Boston Heights which provides general guidelines to create a community:

1. That children and adults of all ages will want to live in;
2. That reflects the ideal combination of affordable and pleasing housing, desirable recreational opportunities, abundant green spaces, broad scope of services, and desired commercial areas that are aesthetically pleasing and revenue producing.

#### III. Objective

Over the next year, develop a Comprehensive Plan that uses resident input and concludes with a set of recommendations established by the VBHCPC. The recommendations will be in the form of goals and land use policies for the Village.

#### IV. Strategies

1. Quality of life issues are paramount.
2. The plan shall reflect values and philosophy for the community good.
3. Physical and economic development shall address the basic needs of the Village.
4. The plan shall be a policy instrument.
5. The plan must be based upon input from Village residents and other stakeholders via formats which assure that all have an opportunity to express their expectations, hopes, and dreams for the Village.
6. The planning process shall include reviewing relevant comprehensive plans used in similar communities.
7. The planning process will be cognizant of the attributes and resources of:
  - a. Our neighboring communities, and
  - b. The Cuyahoga Valley National Park.
8. The plan shall reflect a long-range vision.

**IN THE COURT OF COMMON PLEAS  
SUMMIT COUNTY, OHIO**

STATE OF OHIO ex rel. BOSTON HILLS	)	CASE NO.: CV-2007-07-4696
PROPERTY INVESTMENT LLC, et al.,	)	
	)	JUDGE PATRICIA COSGROVE
Plaintiffs,	)	
	)	
vs.	)	
	)	<b><u>AGREED JUDGMENT ENTRY</u></b>
VILLAGE OF BOSTON HEIGHTS,	)	
OHIO,	)	
	)	
Defendants.	)	
	)	

Plaintiff, State of Ohio ex rel. Boston Hills Property Investment LLC (“Plaintiff” or “BHPI”), and Defendant Village of Boston Heights (“Defendant” or “Village”), by and through their respective counsel of record, hereby agree and stipulate to this Agreed Judgment Entry (“Agreed Entry”). This Agreed Entry resolves all issues arising out of this action and all other issues that may have been raised by the Parties in this action, relating to the development of Plaintiff’s approximately ± 160 acres of undeveloped real estate (the “Property”) in the northwest quadrant of the SR 8/E. Hines Hill Road intersection.

The Parties hereby agree, and this Court does so order, that this matter be reduced to a judgment upon the terms of this Agreed Entry.



I. **DEFINITIONS**

A. **“Village”**: The Village of Boston Heights, Summit County, Ohio.

B. **“Zoning Code”**: The Planning & Zoning Code of Village of Boston Heights, Summit County, Ohio, as amended through the 2006 Replacement Supplement, all relevant and incorporated provisions of which are attached hereto as Exhibit “B.”

C. **“Plaintiff”**: BOSTON HILLS PROPERTY INVESTMENT LLC, Plaintiff herein.

D. **“Action”**: This lawsuit entitled *State of Ohio ex rel. Boston Hills Property Investment LLC v. Village of Boston Heights, Ohio*, Summit County, Ohio Court of Common Pleas Case No. 05 CIV 1680.

E. **“Property”**: Refers collectively to the entire approximately ± 160 acres of undeveloped real estate described and depicted in Exhibit “A” hereto.

F. **“Use Designation Plan”**: Refers to the plan prepared by Donald G. Bohning & Associates, Inc., attached hereto as Exhibit “C,” generally depicting the intended uses for the primary land areas within the Property.

G. **“Integrated Commerce Center” or “ICC”**: A land use designed to integrate retail, medical, hospital, and/or office uses and structures to provide a broad range of goods, services, and commercial activities in one location, for projects requiring a large area of land, proximity to adequate roads, and a marketing area sufficient to support its potential, subject to the provisions of this Agreed Entry.

H. **“Hospital”**: An institution providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity, and other abnormal physical or mental conditions and including, as an integral part of the

institution, related facilities, such as laboratories, outpatient facilities, training facilities, medical offices, and staff residences.

## II. DEVELOPMENT GUIDELINES FOR THE PROPERTY

A. General Zoning Requirements: The Parties stipulate and agree that Plaintiff may develop the Property in accordance with the following development guidelines (“**Development Guidelines**”), including, where indicated, and with only those Zoning Code provisions expressly incorporated herein. No Zoning Code provision is incorporated into this Agreed Entry unless expressly identified as incorporated into this Agreed Entry. Zoning Code provisions that are incorporated by reference within the Zoning Code provisions that are expressly incorporated in this Agreed Entry shall be applicable to the Property if and only if those incorporated provisions are themselves expressly identified as also being applicable to the Property.

B. Uses: The Property shall be developed as follows. All uses listed hereunder, including all site and area requirements associated with such uses, regardless of their characterization in the current or any future Zoning Code or otherwise, shall for all future purposes, and except to the extent otherwise expressly qualified herein, be deemed permitted uses of the Property as stated herein, and may hereafter be altered, expanded, completed, constructed, re-constructed, substituted, and/or modified, as a permitted use in accordance with the provisions of this Agreed Entry. Notwithstanding the foregoing, although nothing in this Agreed Entry shall, or shall be construed to, deprive the Village of its discretion or authority to rezone the Property legislatively in the future, based upon changed circumstances. Such discretion and authority shall not be used to deprive Plaintiff of the benefits of this Agreed Entry.



1. Development Areas Within the Property: The Property shall for development purposes be segmented into two (2) Development Areas, the sizes and boundaries are provided in this Agreed Entry:

a. Development Area 1: shall refer to the approximately  $\pm 100$  acres situated in the northwest quadrant of the intersection of E. Hines Hill Rd. and SR 8, as reflected on the Use Designation Plan attached as Exhibit "C" hereto; and

b. Development Area 2: shall refer to the remaining land (i.e., approximately  $\pm 60$  acres) along the western and northern boundaries of the Property, as reflected on the Use Designation Plan attached as Exhibit "C" hereto.

2. Uses of the Property: Except as modified in this Agreed Entry, the permitted uses of the Property shall include the following:

a. Development Area 1: All "Permitted Uses" and "Conditionally Permitted Uses" described in the Zoning Code in:

i) Chapter 1157 (Office/Professional District), including hospital uses, except that bed and breakfast establishments described in §1157.03(a) shall remain a Conditionally Permitted Use and that although permitted uses herein, the aggregate floor area of all uses denominated as "Conditionally Permitted Uses" in Chapter 1157.03(a) shall not exceed thirty percent (30%) of the aggregate usable floor area of all office buildings in Development Area 1;

ii) Chapter 1159 (General Business District), except that dry cleaning and laundry services described in §1159.03(a), quasi-public institutions and organizations and/or operation, instructional and meeting

facilities for non-profit uses described in §1159.03(g), laundromats described in §1159.03(j), funeral homes described in §1159.03(l), and other compatible uses described in §1159.03(m) shall remain Conditionally Permitted Uses, and that temporary buildings for uses incidental to construction work described in §1159.03(d), although a permitted use herein, may remain on the Property only until substantial completion of construction has occurred, and that sporting goods stores described in §1159.03(h), although a permitted use herein, must comply with the provisions of §1159.03(h); and

iii) Chapter 1160 (Retail Business District), except that taverns described in §1160(d) and automobile sales described in §1160(e) shall remain Conditionally Permitted Uses, and that, although a Permitted Use, only one vehicle service station described in §1160(a) may be constructed and/or operated in Development Area 1; and

b. Development Area 2: Permanently deed restricted green/open space, in accordance with paragraph C(3) below.

3. ICC District Uses: The term “ICC District Uses,” shall refer collectively to permitted uses of the Property described in paragraph B(2) above.

4. Accessory Uses: All uses, structures, and activities that are necessarily and customarily incidental and subordinate to the principal (either permitted or conditionally permitted) uses allowed in the ICC District shall be deemed to be included within the meaning of “permitted uses” for purposes of this Agreed Entry.



C. General Area Parameters:

Notwithstanding anything to the contrary in the Zoning Code or the specific provisions of it incorporated in this Agreed Entry, the ICC District shall include and be subject to the following area parameters:

1. Limitation of Area of Retail Business District Uses: Not more than sixty five (65) acres in Development Area 1 shall be devoted to Retail Business District uses, provided, however, that retail sales and service uses permitted within a hospital or office building shall not be deemed a Retail Business District use for purposes of calculating the aforesaid sixty five (65) acre Retail Business District use limitation.

2. Building Height: The maximum height of buildings in the ICC District shall be as follows:

a. Retail Store Buildings: The maximum height for any retail store building in the ICC District shall be thirty-five (35) feet measured from finished grade at the first floor level of the main entrance of the building, provided, however, that HVAC and other mechanical equipment and architectural accent features such as skylights, towers, parapet walls and entry features, may extend higher; and

b. Office Buildings:

i) The height of office buildings shall be governed by Section 1157.05;

ii) Subject to the provisions of Section 4 of this Agreed Entry, the maximum height for any medical office building or hospital in

Development Area 1 shall be seventy-five (75) feet measured from finished grade at the first floor level of the main entrance of the building;

iii) HVAC and other mechanical equipment and architectural accent features such as skylights, towers, parapet walls and entry features, on any building in Development Area 1, may extend higher than the limits stated in this paragraph C(1)(b).

3. Intensity of Use: Sections 1157.07, 1159.07, and 1160.07, shall not apply in the ICC District, and the following shall apply:

a. Limitation of Building Coverage: The aggregate area of footprints of all buildings constructed in Development Area 1 shall not exceed thirty three percent (33%) of the total land area contained in Development Area 1.

b. Retail Stores:

i) Building Size: One retail store shall be permitted to have a maximum footprint of 125,000 square feet, a maximum of two-stories, and a maximum of 215,000 total square feet, and a second, single-story retail store shall be permitted with a maximum of 125,000 square feet; as modified by and subject to the foregoing;

ii) All remaining retail stores shall be limited to a single-story and shall not exceed 50,000 square feet per store. Multi-tenant buildings, accommodating multiple stores, shall be expressly permitted; and

iii) Notwithstanding the foregoing, if and only if a full-service hospital facility is constructed in Development Area 1, then Building Size regulations in Development Area 1 shall be modified to delete permission



for a second, single-story retail store with a maximum of 125,000 square feet.

c. Office Buildings Other Than Hospitals:

i) Building Size: Office buildings, except for hospitals, shall be governed by Section 1157.07(c); and

ii) Hospital/Medical Office Buildings: The maximum occupiable area of a hospital or hospital/medical office complex shall be 450,000 square feet, and no more than one such hospital or hospital/medical office complex shall exist in Development Area 1.

Notwithstanding the foregoing, other buildings may exist in Development Area 1 devoted to similar medical and medically related purposes which comply with this Agreed Entry and the provisions of the Zoning Code, where applicable.

4. Open Space: Approximately sixty (60) acres of the Property shall be devoted to permanent open space, by deed restriction (the “Deed Restriction”), as shown approximately on the Use Designation Plan attached hereto as Exhibit “C” and referred to herein as Development Area 2. Except as provided below, the Deed Restriction shall limit the use of Development Area 2 to park land, including only passive recreational activities such as walking paths. The Deed Restrictions shall not prohibit the Village from planting trees on the property in Development Area 2 after the completion of the mounding as described in Section C(3)(a). BHPI and the Village will negotiate in good faith to determine the precise language of the Deed Restrictions. In the event the Village, after such time as BHPI obtains a building permit for the construction of any building in

Development Area 1, desires to own the property comprising Development Area 2, BHPI shall, upon the Village's written request, contribute to the Village the property comprising Development Area 2 by delivering to the Village a General Warranty Deed conveying such property, free and clear from all encumbrances, except easements, covenants, restrictions of record, taxes and assessments not yet due and payable, and the Deed Restrictions, whereupon the Village shall acknowledge receipt, in form reasonably satisfactory to BHPI, of the voluntary contribution of such property.

a. Notwithstanding the foregoing, the Village and BHPI agree that they will negotiate in good faith to determine a location or locations on the property in Development Area 2 in which BHPI may deposit and permanently mound top soil, provided that the mounding will not result in a diversion of water from the drainage areas in which such mounds are located, and provided further, that upon completion of such mounding, BHPI will plant ground cover.

5. Setbacks and Yards:

a. Front Yards: No buildings shall be constructed within seventy-five (75) feet from the right-of-way line of any dedicated roadway adjoining or within the ICC District. Parking shall be permitted in front yards.

b. Interior Roads: Subject to paragraph C(4)(a) above, Sections 1157.06, 1159.06, and 1160.06 of the Zoning Code shall have no application to the yards around buildings or structures adjacent to private interior roads within the ICC District, except that Sections 1157.06(d), 1159.06(d), and 1160.06(d) shall apply in such District.



c. Setback of Buildings From the Westerly Boundary of Development

Area 1: No retail building shall be constructed within four hundred (400) feet from the westerly boundary of Development Area 1 as depicted on Exhibit “C” (the “Western Boundary Setback”), and in the event that any office or hospital building exceeds forty (40) feet in height, measured from finished grade at the first floor level of the main entrance of the building, such building shall be setback three (3) feet from the westerly boundary of Development Area 1 for each one (1) foot of height of such building in excess of forty (40) feet.

6. Streets: Private streets shall be permitted, but not required and, in either case, streets shall be designed within a minimum Right-of-Way width of sixty (60) feet, except for circulation drives in parking lots, and constructed in accordance with applicable engineering standards.

7. Off Street Parking: The following parking regulations shall apply in the ICC District, and shall be in lieu of the regulations under Sections 1151.07 and 1151.08 of the Zoning Code:

a. Parking shall be provided at the minimum ratio of five (5) spaces for every 1,000 square feet of aggregate floor space of sales area of all retail store and office buildings in Development Area 1;

b. Parking shall be provided at the rate of one (1) space for each bed in any hospital and at the minimum ratio of five (5) spaces for every 1,000 square feet of gross floor area of all medical office space in medical office buildings or hospitals, excluding stairwells, elevators, restrooms, janitorial storage space, and mechanical rooms;

c. The width of any parking unit consisting of two traffic lanes and two adjacent 90 degree-angle parking stalls shall be at least sixty (60) feet, and each lane shall conduct traffic in one direction only;

d. All parking stalls shall be nine (9) feet by eighteen (18) feet; and

e. Sections 1157.09 shall not apply in the ICC District.

D. Other Zoning Standards: The following additional standards from the Zoning Code shall apply to the development of the Property:

1. Site Plan Review: Except to the extent modified in this Agreed Entry, site plans for a proposed ICC District or any change thereto shall be submitted for review and approval in accordance with Sections 1151.05 and 1151.06 of the Zoning Code.

a. Conformity with the Agreed Entry: Notwithstanding anything to the contrary in this Agreed Entry, any site plan that is found to substantially conform to the provisions of this Agreed Entry shall be deemed in compliance with and as satisfying all discretionary standards stated in Sections 1151.05 and 1151.06, and/or any other standards deemed applicable to the site plan under the Zoning Code. No site plan that substantially complies with this Agreed Entry shall require or be deemed to require any variance or legislative accommodation as a condition to its approval.

2. Other Provisions: The ICC District shall be subject to the provisions of Chapter 1171 (Additional Use, Height, and Area Regulations), Chapter 1177 (Trees and Timber Cutting Regulations and Restrictions), and Chapter 1181 (Riparian Setbacks) of the Zoning Code, except that the Village agrees that the requirements of Chapter 1181 shall be deemed satisfied by the issuance to BHPI of any required environmental permits

issued by the United States Army Corp of Engineers (“Army Corp”) and the Ohio Environmental Protection Agency (“OEPA”), and that the Village will not oppose the issuance by the Army Corp or OEPA of any environmental permits required for the development of Development Area 1.

E. Central Water and Sanitary Sewer Facilities: The Parties intend that the Property shall be serviced by central water and central sanitary sewer facilities. Accordingly, the Parties covenant to exercise due diligence and to cooperate fully in undertaking, in a timely manner, all actions required or helpful to secure the provision of central sanitary sewer and water services to the Property.

### III. MISCELLANEOUS PROVISIONS

A. Hierarchy of Governing Regulations: This Agreed Entry shall prevail over any conflicting provisions in the Zoning Code and shall be liberally construed to effect the ICC District Uses contemplated herein. A conflict between the Zoning Code and this Agreed Entry shall be deemed to exist whenever any provision of the Zoning Code not incorporated into this Agreed Entry would, if applied to development of the Property, prohibit, impair, diminish, condition, limit, or otherwise reduce the effect of any right conferred under this Agreed Entry. If no such conflict exists, and if this Agreed Entry is silent on the issue, the Zoning Code shall control.

B. Permitted Uses and Structures: The uses and structures authorized under this Agreed Entry, including but not limited to all of the provisions of Article II(B) hereof, are and shall be regarded as permitted uses and structures. However, nothing contained herein shall preclude the Plaintiff, or its successors or assigns, from obtaining any variance in the future for



any proposed future use of any part or all of the Property, and neither the existence nor the content of this Agreed Entry shall create or be deemed to create self-created unnecessary hardship or self-created practical difficulties with respect to such future variances.

C. Development Authorized by This Agreed Entry: Development and construction activities undertaken by Plaintiff, and its successors and assigns, which conforms to, and is reviewed and approved in accordance with, this Agreed Entry, shall not require any further or additional administrative or legislative review, approval, recommendations, or action by the Village, or its boards and commissions, to be deemed authorized. So long as development of and construction on the Property complies with this Agreed Entry and these Development Guidelines, the Village shall issue as warranted all certificates authorized or required under its Codified Ordinances, including its Zoning Code, with respect to such development, construction, and ultimate occupancy of the ICC District Uses.

D. Succession: This Agreed Entry shall be binding upon and inure to the benefit of the Parties hereto and to their successors in interest to, or in jurisdiction over, the Property. Such successors shall be deemed fully vested as Parties to this Agreed Entry.

E. Interpretation, Application, and Modification of this Agreed Entry: The following procedures shall constitute the exclusive remedial framework to resolve all questions concerning the interpretation, application, and/or modification of this Agreed Entry and concerning the use of the Property, or any portion thereof, pursuant hereto:

1. Consensual modifications to this Agreed Entry, including all consensual resolution of questions of interpretation and/or application hereof, may be executed at any time by a stipulation signed by both Plaintiff and the Zoning Inspector, which shall be submitted to the Court for approval and filing with the clerk of courts.

2. All questions involving the interpretation and/or application of this Agreed Entry, as to which the Parties hereto are unable to agree, shall first be submitted in writing to the Zoning Inspector. The Zoning Inspector may confer with any persons, parties, officials, boards, or others deemed necessary to assist in responding to any submitted questions. The Zoning Inspector shall within twenty-one (21) calendar days of submission to him/her issue to the Parties a decision concerning any such unresolved question(s).

3. Any Party hereto aggrieved by a decision of the Zoning Inspector made under paragraph (E)(2) of Article V of this Agreed Entry shall seek redress as follows:

a. first, by appealing the matter to the Village's Board of Zoning Appeals, pursuant to Chapter 1145 of the Zoning Code; and

b. then thereafter by motion to this Court seeking enforcement of this Agreed Entry.

4. If redress concerning the Zoning Inspector's decision is first sought from the Board of Zoning Appeals under paragraph (E)(3)(a) of Article V of this Agreed Entry, then any Party hereto aggrieved by the Board of Zoning Appeals' decision may seek redress by way of motion to this Court, in accordance with the provisions of this Agreed Entry, filed within thirty (30) days from the date the minutes of the Board of Zoning Appeals' decision are formally approved and adopted.

5. The Parties hereto agree that the Court, in addition to and without limiting all other relief it is empowered to grant, may at either Party's request modify any part of this Agreed Entry in a manner the Court deems reasonable in order to effect the ICC District Use objectives hereof, and to hold in contempt any Party that fails to comply with

the terms of this Agreed Entry. All modification(s) hereof by the Court shall be binding upon the Village and the Plaintiff.

6. All decisions by this Court concerning this Agreed Entry and the use of all or any part of the Property hereunder shall be final.

7. The rights and remedies set forth in this Agreed Entry are in lieu of all other rights and remedies otherwise available to the Parties, including without limitation all rights under Revised Code Chapter 2506. To the extent not specifically provided for in this Agreed Entry, all other and further rights of appeal are hereby expressly waived by the Parties.

F. Dismissal of Claims: Except as provided elsewhere in this Agreed Entry, all claims asserted by the Plaintiff against the Village in this action, including all claims for declaratory relief and all claims which could have been asserted against the Village, including any claims for loss or damage resulting from a deprivation of Plaintiff's use of the Property, are hereby released by Plaintiff and are dismissed with prejudice. This Agreed Entry resolves all remaining claims by the Plaintiff against the Village.

G. Continuing Jurisdiction: The Court of Common Pleas for the County of Summit, Ohio, shall retain jurisdiction concerning all matters relating to or arising out of the validity, interpretation, breach, and/or enforcement of this Agreed Entry.

H. Waiver of Appeal: The Parties hereto expressly waive all rights of appeal from this Agreed Entry.

I. Hospital Uses in Development Area 1: The parties hereto jointly agree to exercise reasonable diligence and work in good faith to secure a commitment from a hospital to locate within Development Area 1.



**IT IS SO STIPULATED.**

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Sheldon Berns (0000140)  
Gary F. Werner (0070591)  
Berns Ockner & Greenberger, LLC  
3733 Park East Drive, Suite 200  
Beachwood, Ohio 44122  
(216) 831-8838  
(216) 464-4489 fax  
[sberns@bernssockner.com](mailto:sberns@bernssockner.com)  
[gwerner@bernssockner.com](mailto:gwerner@bernssockner.com)

*Attorneys for Plaintiff*

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John T. McLandrich (0021494)  
Roland J. De Monte (0081129)  
Mazanec, Raskin, Ryder & Keller Co., L.P.A.  
100 Franklin's Row  
34305 Solon Road  
Cleveland, OH 44139  
(440) 248-7906  
(440) 248-8861 – Fax  
Email: [jmclandrich@mrrklaw.com](mailto:jmclandrich@mrrklaw.com)  
[rdemonte@mrrklaw.com](mailto:rdemonte@mrrklaw.com)

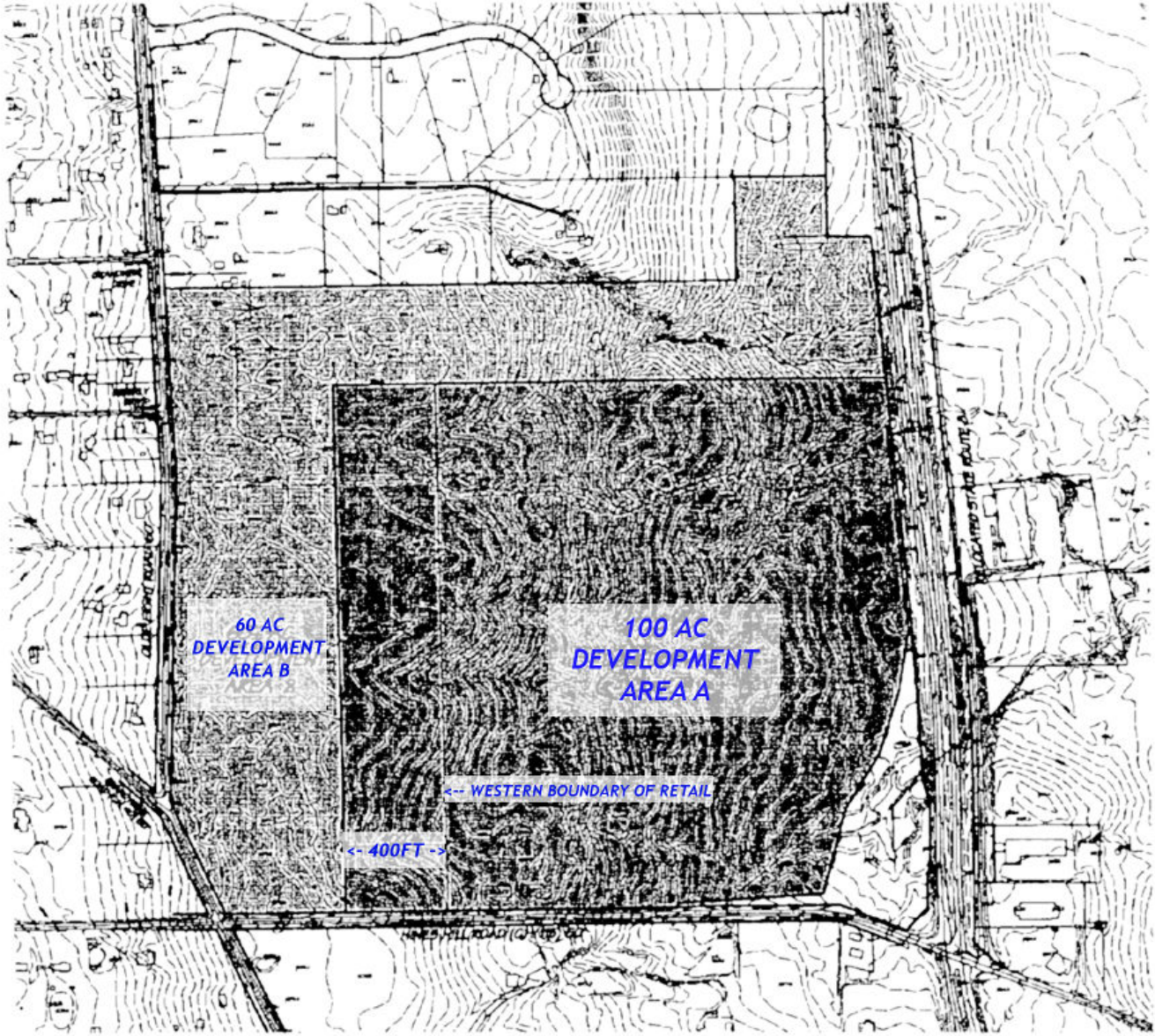
*Counsel for Defendant Village of Boston Heights*

**IT IS SO ORDERED.**

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The Honorable Patricia Cosgrove  
Judge of the Court of Common Pleas  
County of Summit, State of Ohio

Date: \_\_\_\_\_



**EXHIBIT C**  
**BOSTON HEIGHTS VILLAGE**  
**SUMMIT COUNTY, OHIO**

*Developer:*  
Boston Hills Property Investment LLC  
10474 Broadview Road  
Broadview Heights, Ohio 44147  
(440) 546-9000

*Prepared By:*  
DONALD G. BOHNING & ASSOCIATES, INC.  
7979 HUB PARKWAY  
VALLEY VIEW, OHIO 44125  
(216) 642-1130

OR NO. 3780 DATE: APRIL 12, 2008  
W:\dohm\p\3780.dwg 3/10/2008 10:43:46 AM EDT



# VILLAGE OF BOSTON HEIGHTS

45 E. Boston Mills Road • Boston Hts., Ohio 44236  
Phone 330.650.4111 or 330.656.2575 Fax 330.655.9578

Village of Boston Heights Comprehensive Zoning Plan Committee

## Overarching principles and policies

### Maintain the character of community

The purpose of this Comprehensive Plan is to maintain the rural residential character of the Village of Boston Heights, while permitting appropriate development upon land suited for such development in a manner that has the minimal adverse impact upon this rural residential charter.

In furtherance of this general purpose, this plan provides that future development in the Village will be done with the aim of:

1. Maintenance of existing residential neighborhoods.
2. Permit commercial development on parcels adjacent to Rt8 interchanges including Chittenden Rd corridor
3. Maintenance of buffer zones and other measures between residential neighborhoods and properties used for commercial purposes
4. Establish open space conservation principles to protect and preserve geologic, riparian, botanic, and historic features
5. Provide for walking and bicycling along all major arteries and access to trails and park systems.
6. Commercial development should exist for the benefit of the community
7. Land use should be considerate of neighboring communities.
8. Provide for aesthetic consistency of commercial development
9. Maintain logical and orderly traffic patterns
10. Neighboring land usage should be complementary

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## Greening Boston Hts.

**Ted Chandler**

**Website (18Seconds.org) pits town against town in the battle to get greener.  
(Ex. light bulbs)**

1. Walkable / Bikeable community
2. All village vehicles converted to natural gas
3. Develop local chapter of Sierra Club
4. Composting leaves & returning to the residents
5. Limit car use: car club/sharing; bus/van
6. Local food market (organic?)
7. Green your heating: lower thermostat/insulation/energy efficient
8. Make art from recycled items
9. Recycle water: rainwater/watering with leftover water
10. Community garden (use composting)
11. Recycle unworkable appliances (trade schools/repair shops
12. Cooperative use of equipment (lawnmowers, saws, etc.
13. Monitor congestion corridors (time traffic lights, etc.)
14. Environmentally friendly products
15. Explore green websites (e.g. SmartGroup.com)
16. Green Businesses
17. Encourage Businesses to meet or exceed green standards
18. Coordination with neighboring communities to connect to the park



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Village of Boston Heights Comprehensive Zoning Plan Committee

## Overall Guiding Principles for Residential District

### Bill Goncy

1. The intention of this revision of the RES zoning regulations in the Village of Boston Heights is to align residential RES areas with the revisions already reviewed and drafted for the OP, GB, RB and LM districts.
2. Continue the single family household guideline on at least one and a half acres
3. Allow a Residential Conservation District configuration that promotes preservation of sensitive land configurations and allows for resident enjoyment of a dwelling in the Village without the sometimes burdensome maintenance of larger parcels of land. This would provide improved preservation for the village lands and enjoyment to the residents who wish to live here and enjoy the area.
4. Areas in RES that deserve a needed review are those uses listed beneath presently permitted uses.
  - a. Agricultural uses today are greatly diversified from the previous standards and should be allowed surrounding property owner input before a PC decision is cast. Consideration to moving Agricultural usage to conditional use.
  - b. Government and quasi-government uses too need that surrounding property owner input that can be brought forth during a conditional use review by the Planning Commission.
5. Present conditional uses in RES such as churches, schools, cemeteries and the like should have increased buffer to single family dwellings if allowed at all in RES. Many have parking and building size considerations that would better be addressed in OP or GB.
  - a. Limiting the size and location of Churches in RES. Provide for accommodation of larger Churches in GB and RB
  - b. Add private schools clause with conditions
6. Attention needs to be given to conforming lot sizes that do not consider storm water issues that dictate placement of the dwelling in non-conforming placements that benefit neither the property/homeowner and sometimes impact the surrounding properties. Encouragement of on site water retention structures and retention of natural foliage should be followed to avoid future runoff and noise buffering issues. The present conservation district promotes these traits and perhaps some of its attributes should be encouraged throughout the RES area. Therefore, if the conditions

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can be met, residential conservation development practices should be utilized on single-family dwelling lots.

7. Building size lots having compliance issues in any of the areas listed above should have preliminary site approval beforehand in order to facilitate the decision to proceed any further knowing the obstacles present. A mechanism needs to be developed to attain this goal.

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Village of Boston Heights Comprehensive Zoning Plan Committee

## Overall Guiding Principles for General Business District

**William J Hinkle**

1. The General Business (GB) zoning district is intended to allow small-footprint retail uses in appropriate areas of the Village, alongside office and professional uses. The current GB code chapter states the purpose explicitly as “This district is established to provide for uses principally to accommodate the sale of convenience retail goods and personal services purchased frequently for daily and weekly needs servicing the residents of the Municipality. It is intended that this district will encourage the development of small businesses in wholly enclosed buildings located in a uniform manner.” *(N.B. This preface has been under discussion with an eye toward clarification of intent on building requirements, and updating of the language.)*
2. The General Business district, like the Retail Business district, is intended to permit reasonable economic use of commercial land in the Village. The GB district is specifically orientated toward serving local retail and service requirements, as opposed to the more regional draw of the larger-scale facilities allowed in RB.
3. The public discussions that guided the Village’s omnibus Zoning Code changes of 2003 concluded that General Business areas are to be retail and office areas with lower visual impact, and lower direct traffic impact, than the larger-scale business envisioned for the Retail Business (RB) districts. To that end, the GB designation was applied to areas that are:
  - a. already designed for retail commercial business;
  - b. not very near existing residential areas;
  - c. directly fronting existing conduit roadways, and/or
  - d. clustered around minor intersections
4. The General Business district permitted and conditional uses are, for these reasons, restricted with respect to those listed for the Retail Business districts. Intentionally excluded from GB are high-volume, high-traffic, or otherwise intrusive uses such as hotels, service stations, retail and amusement use categories tending toward large-scale facilities, and the like. Toward those same ends, maximum building size is restricted to a smaller 30,000 square feet as opposed to the 50,000 square feet permitted in RB.
5. As some General Business district areas are necessarily near residential development, parkland, or essential watershed features, or along roadways leading thereto, the GB district is intended only for businesses with a low impact on those uses and features. In some cases, an Office/Professional district acts as a buffer to existing residential areas.

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6. It is recognized that typical jobs in such retail districts are not the most productive in terms of tax revenue, while retail districts tend to have higher community service costs than office or manufacturing/industrial districts. To address those points, the Village reserves a portion of its commercial land area for such office and manufacturing development and discourages additional retail encroachment into those other districts.
7. The Village groups Office/Professional and Light Manufacturing districts near GB and RB districts, so that the latter can provide supporting businesses such as business services, restaurants, and personal services.
8. Areas zoned General Business have diverse characteristics, and may be best utilized in different ways, targeting different specific types of permitted businesses. The areas currently zoned GB are:
  - a. Eastern side of south Akron-Cleveland Road (south of the bridge);
  - b. South end of Olde Eight Road at Route 303 (both eastern and western sides);
  - c. North Chittenden Road (*under discussion as to a change to LM*);
  - d. South Alnola area, south of the Turnpike, east of Route 8, north of OP band along Boston Mills;
  - e. Minor remnant portions of the former Route 8 - Boston Mills Road intersection;
  - f. East Hines Hill Road, lying east of the RB district at Route 8, south of the RB district along the western bank of Brandywine Creek, west of the OP district at Walters Road;
  - g. The former Lucerne Co. building and compound on Olde Eight Road (Brandywine Dev.);
  - h. The front 50 feet of the Rainbower Gallery parcel.
9. As far as is practical, the areas zoned General Business should be adjacent to compatibly zoned areas, whether in the Village or within adjacent municipalities.
10. The Village administration should make reasonable efforts to coordinate development of areas zoned General Business with adjacent municipalities, in order to reduce conflict and encourage compatible and productive development.



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Village of Boston Heights Comprehensive Zoning Plan Committee

## Overall Guiding Principles of Light Manufacturing District

### William J Hinkle

1. The Light Manufacturing (LM) zoning district is intended to allow industrial and office uses in appropriate areas of the Village. The LM code chapter states the purpose explicitly as “to provide for uses for manufacturing operations, assembly of prefabricated components, light machining and storage as is required for operations, excluding chemical processing, heavy machining, casting, warehousing and storage.” *(N.B. The warehousing and storage clause may be considered for removal or amendment by the PC.)*
2. The LM district is intended to provide opportunities for manpower-intensive commercial operations that will provide industrial and office job opportunities. The goal of the LM district zoning is to encourage development that provides a range of good-paying jobs, with the added benefit of substantial income tax revenue to the Village.
3. The LM district is intended primarily for businesses that are “low-impact”; that is, such businesses require relatively low levels of Village services (safety, administrative, roadwork).
4. As virtually every part of Boston Heights is near residential development, parkland, or essential watershed features, the LM district is intended only for “light” industrial operations -- those that have relatively low levels of noise, vibration, fumes, dust, risk of pollution or hazardous materials.
5. Areas zoned LM may have diverse characteristics, and may be best utilized in different ways, targeting different specific types of permitted businesses. The areas currently zoned LM are:  
South Chittenden Road; Western side of South Akron-Cleveland Road; the Northern tip (“Adessa”).
6. As far as is practical, the areas zoned LM should be adjacent to compatibly zoned areas, whether in the Village or within adjacent municipalities.
7. The Village administration should make reasonable efforts to coordinate development of areas zoned LM with adjacent municipalities, in order to reduce conflict and encourage compatible and productive development.

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Village of Boston Heights Comprehensive Zoning Plan Committee

## Overall Guiding Principles for Office/Professional Services

### Ted Chandler

1. To ensure the availability of appropriate areas for office/professional uses while at the same time promoting the most desirable and beneficial use of land that will protect the character and value of the residential area.
2. To promote creative high quality office/professional services that reflect good taste in architectural design, pleasant signage, and construction that articulates with the character of the community. No particular style or design will be excluded as long as it meets certain aesthetic standards.
3. To protect fragile environmental conditions that presently exist, protect natural resources, and to integrate with open space amenities.
4. To provide off-street parking, preferably on the sides and rear of property with appropriate green spaces.
5. To improve and enhance basic office/professional services beyond the mundane (e.g. integrating art/crafts/cultural displays, etc. in waiting rooms).
6. To minimize traffic congestion by providing innovative transport patterns.
7. To provide sidewalks at least 5' wide with internal pedestrian walkways that are visually attractive and built with low maintenance materials (e.g. pavers, brick, scored concrete).
8. To limit heights of buildings that might impact or impede scenic views.
9. To plant appropriate horticultural specimens that will improve the beauty of the exterior, provide a buffer, and to preserve significant trees & vegetation.
10. To eliminate adverse impact on contiguous residential areas in terms of noise, pollution, traffic congestion, etc.

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Village of Boston Heights Comprehensive Zoning Plan Committee

## Overall Guiding Principles for Retail Business

### Ted Chandler

1. To ensure the availability of appropriate areas for retail business uses while at the same time promoting the most desirable and beneficial use of land that will protect the character and value of the residential area.
2. To promote creative high quality retail business that reflects good taste in architectural design, pleasant signage, and construction that articulates with the character of the community. No particular style or design will be excluded as long as it meets certain aesthetic standards
  - a. Recommend architectural review within RB, LM, OP, and GB
  - b. Provide a framework for planning commission to come up with architectural guidelines for each zoning district
3. To protect fragile environmental conditions that presently exist, protect natural resources, and to integrate with open space amenities.
  - a. Preserve trees and other natural resources, wooded buffer, open space, green space, etc.
  - b. Brandywine Creek and National Park
4. To provide off-street parking, preferably on the sides and rear of property with appropriate green spaces.
  - a. Screening all parking from public view
5. To improve and enhance basic retail services beyond the mundane (e.g. art galleries, artisan studios, indoor recreational & cultural activities, unique restaurants, etc.).
  - a. Attract a mix of retail and beyond the redundant
6. To minimize traffic congestion by providing innovative transport patterns.
  - a. Maximum bike lanes and bike paths (non-automotive)
  - b. Traffic circles vs. stop signs
7. To provide sidewalks at least 5' wide with internal pedestrian walkways that are visually attractive and built with green friendly materials (e.g. pavers, brick, scored concrete).
8. To limit heights of buildings that might impact or impede scenic views
  - a. stepped height requirement
9. To plant appropriate horticultural specimens that will improve the beauty of the exterior, provide a buffer, and to preserve significant trees & vegetation
  - a. Landscaping review including general landscaping recommendations
10. To eliminate adverse impact on contiguous residential areas in terms of noise, pollution, traffic congestion, etc.
  - a. Sound and sight buffering from residential
  - b. Location of entrances
11. Encourage usage of development agreement as tool to enforce the guidance provided by the Comprehensive Plan

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Village of Boston Heights Comprehensive Zoning Plan Committee

## Overarching Principles for Aesthetics/Design

### Ted Chandler

1. Maintain & enhance the guardianship of CVNP
2. Preserve the rural character of the Village
3. Provide commercial-free visual screening/landscape buffers to address incompatibility of zones, monotony, eyesores
4. Provide at least 25% of commercial area in landscaping
5. Construct visually pleasing hike/bike trails to connect to existing ones
6. Planting of diverse trees & plants to beautify, improve quality of life & address environmental issues, such as run off
7. Encouragement of decorative fencing
8. Plant materials should be indigenous, non-invasive, moderately fast growing, & require minimal maintenance
9. Preference for variety of plants with year round appeal
10. Use of trees, shrubs & decorative fencing for buffering
11. Architectural style, bulk, shape, massing, height, scale, rhythm of openings, roof shapes, directional expression shall be consistent with the character of the area & be in harmony with neighboring buildings
12. Earth tone colors and natural building materials are encouraged
13. Emphasis is upon a green orientation (See separate list)
14. To the extent possible existing trees shall be preserved
15. Reduction of noise, air, visual pollution & headlight glare
16. Artificial lighting should be integrated with the design of buildings & be glare-proof & diffusion-proof



# VILLAGE OF BOSTON HEIGHTS

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Village of Boston Heights Comprehensive Zoning Plan Committee

## Input to consider

3/9/2010 Bill Hinkle:

I would like to see us exert a focused effort to lay out a skeleton plan, and enumerate our town's planning principles and goals for each area, before we decide whether to seek professional help to create a "final product". Or before we ask Council for a change in mandate.

Paul's comments about explicitly encouraging 'CVNP Gateway' uses are exactly the sort of considerations I was referring to, earlier. Further to Paul's thoughts, here are a few other examples, in no particular order:

\* The VBH Zoning Code for "Light Manufacturing" (ie. Industrial use) currently has a built-in override that lets such areas automatically qualify for high-density Retail Business build out, as well as GB and OP. Is this really desirable in all LM areas, or any? Consider that any place that gets water/sewer will almost certainly be pushed toward retail build out. The "Hudson memorandum of understanding" area at the south end of Chittenden is a primary example of this issue.

\* Office/Professional zoning, perpetual greenspace, and staged height restrictions are all factors that have been introduced into the zoning code as (among other things) buffering between highly commercial and residential areas. These, and perhaps other related principles, should be expressed explicitly in the Plan, along with guidelines for application, if feasible.

\* Should the Plan commit to perpetuating existing residential areas, or encourage encroachment or conversion to commercial under certain circumstances? The Committee might want to have a look at the Omni development agreement for an example of some of the issues involved.

\* The Plan might consider establishing a principle that commercial development pay for itself in terms of professional planning and engineering review by the Village.

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3/9/2010 Paul DuMont

We do not have that much free land to deal with. It seems to me that we have 3 E-W corridors (303, Boston Mills, and Hines Hill). And we have three N-S corridors (Chittenden, Old 8, and Brandywine). There are very few spaces for us to "play" with. Most of the land is already developed and the survey indicates, to me anyway, that residents want to retain as much residential space as possible. There were some calls for park improvements and for "bike or hike" trails. But the residents want business taxes to pay for any improvements. So improvements (bike/hike paths) are counterbalanced by the VBH need for revenue.

The net result is that we can approach this neighborhood by neighborhood, which I view as a waste of time, or we can look at the CPC as a system. This latter approach would blend what is desired with what is needed in terms of safety (bike/hike paths would be an aid here even if only mowed grass strips) and in terms of revenue generation. Do we need help to conclude that Chittenden should be revenue generating from end to end? Do we need guidance to conclude that the old golf course and the complementary south side of Hines Hill and Hines Hill east of State Rt. 8 needs to also be revenue generating? Likewise, we have a short length of State Road in the same situation (the "speed trap area"). And finally we have the new "connector road between Boston Mills and Hines Hill (currently carrying Rt. 8 southbound traffic. These should all be revenue generating areas. I think we have answered these questions already. The question is what classes of revenue generation would best fit.

Our E-W corridors are entries into the CVNP. Perhaps we could suggest commercial enterprises along these routes that highlight the NP gateways. For example, on the corner of 303 and Olde 8 we have a vacant auto sales site. Could this be zoned into something Commercial/Park related ... a bicycle shop? State Road has a motel and restaurant, could this area be designated as an entertainment area, perhaps tying VBH to Peninsula and to Hudson. This could be our tie-in to "regionalism". I think these are the kinds of questions we need to address. Most of the village would remain single family dwellings, with some variation in acreage requirements. I don't think we want to get into what should be 1-2 acres, 2-5, over 5, etc. The present zoning already complies with a broader overlay such as I just suggested. We probably would want to retain the parcel on the corner of Olde 8 and Richards as revenue generating, but require façade improvements when the property changes owners.

Let's not make this into an expensive consultant project, nor a 4-5 year citizen effort. We have the survey results. Let's move forward.

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## Village of Boston Heights Comprehensive Zoning Plan Committee

3/24/10

### Guiding principles

- Define clear guiding principles for each district independent of current use in the Village
- Consistency with neighboring communities
- All uses within a district should be consistent within the district – eliminate automatic granting of lower use
- Guiding principles for Office/Professional zoning, perpetual greenspace, and staged height restrictions are all factors that have been introduced into the zoning code as (among other things) buffering between highly commercial and residential areas
- The Plan should consider establishing a principle that commercial development pay for itself in terms of professional planning and engineering review by the Village
- Apply the guiding principles as overlays and compare to the actual zoning as a method to define possible future use
- The plan shall reflect a long-range vision.

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Village of Boston Heights Comprehensive Zoning Plan Committee

## PART A Quality of Life

Here is a list of things that could make this a more ideal community. At the end, you can add other items that you would desire. Among all of these (including the ones you've added), place a number "1" for your first choice, a "2" for your second, and so on. If you feel it's unnecessary, leave it blank.

\_\_\_ improve current park (e.g. larger playground, tennis courts, improve pool)

\_\_\_ provide bike/pedestrian lane on major roads

\_\_\_ add new parks or green space

\_\_\_ build a community center

\_\_\_ create community garden

\_\_\_ other items \_\_\_\_\_

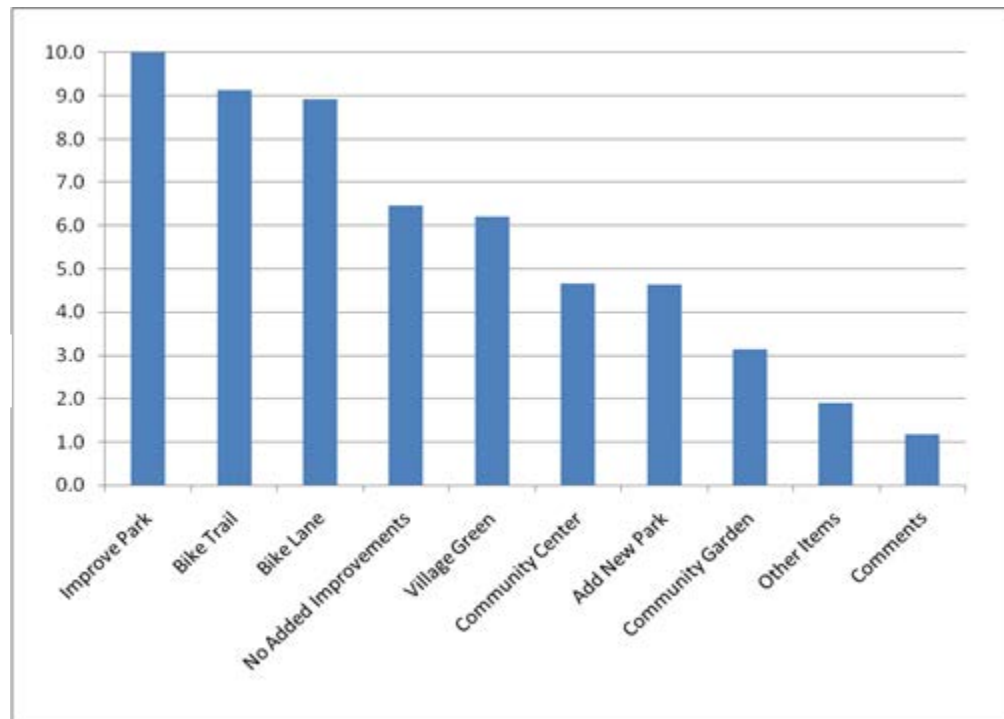
\_\_\_ establish village green or village square

\_\_\_ no additional improvements necessary

\_\_\_ construct feeder bicycle trail to main trail

\_\_\_ additional comments?  
\_\_\_\_\_

Desirability



Improvement



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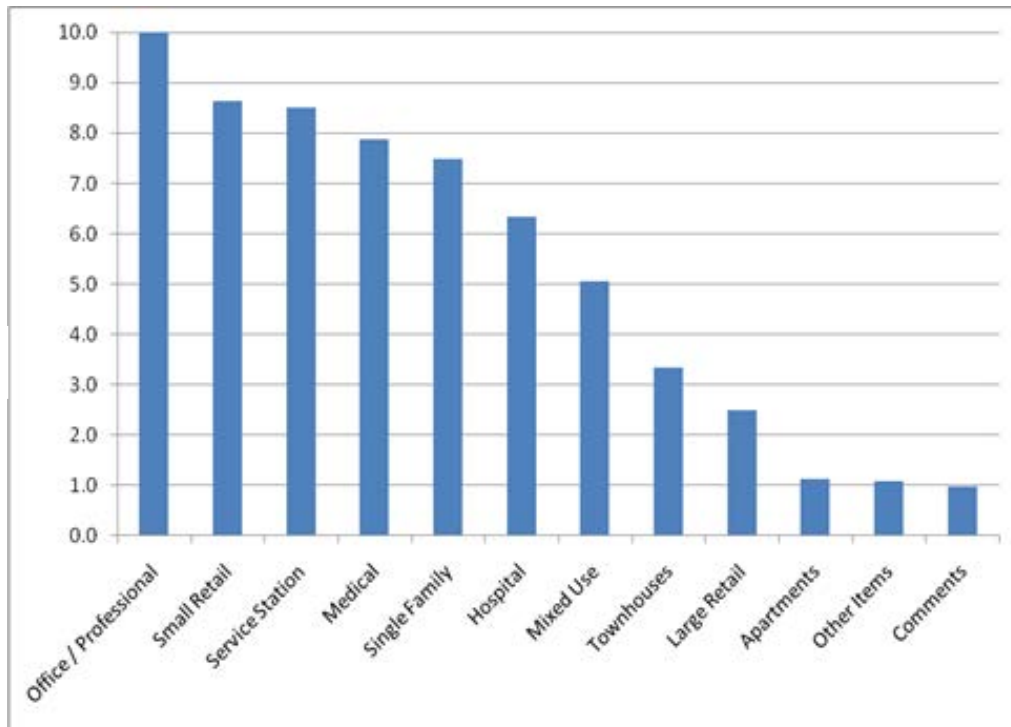
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## PART B1 Land Use

What is your preference for the development of property with ready access to State Route 8? Among all of these (including the ones you've added), place a number "1" for your first choice, a "2" for your second, and so on.

- |  |   |
|--|---|
| ___ office/professional                          | ___ small retail shopping               |
| ___ single family housing                        | ___ large retail shopping               |
| ___ townhouses/condominiums                      | ___ mixed use: residential & commercial |
| ___ apartments                                   | ___ other items? _____                  |
| ___ medical offices                              | ___ additional comments? _____          |
| ___ hospital and / or medical emergency facility | _____                                   |
| ___ service station                              |   |

Preference



Land Use – w/Access to Rt8

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## PART B2 Land Use

What type of additional residential housing do you prefer outside of the State Route 8 corridor? Among all of these (including the ones you've added), place a number "1" for your first choice, a "2" for your second, and so on.

\_\_\_ single family (1.5 acre or more – current standard)

\_\_\_ other items? \_\_\_\_\_

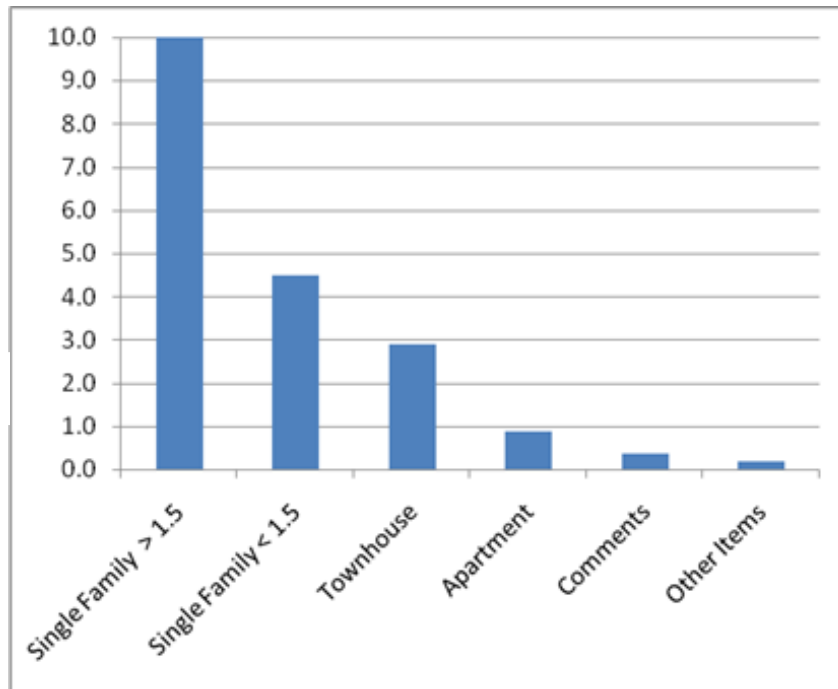
\_\_\_ single family (less than 1.5 acre)

\_\_\_ additional comments?  
\_\_\_\_\_

\_\_\_ townhouses / condominiums

\_\_\_ apartments

Preference



Land Use – Residential

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## Village of Boston Heights Comprehensive Zoning Plan Committee

### PART C

### Funding

Keeping or increasing services for the community may require additional revenue at some point in the future. Among all of these possibilities (including the ones you've added), place a number "1" for your first choice, a "2" for your second, and so on.

\_\_\_ income tax (currently 2%)

\_\_\_ commercial development

\_\_\_ special real estate assessments (currently none)

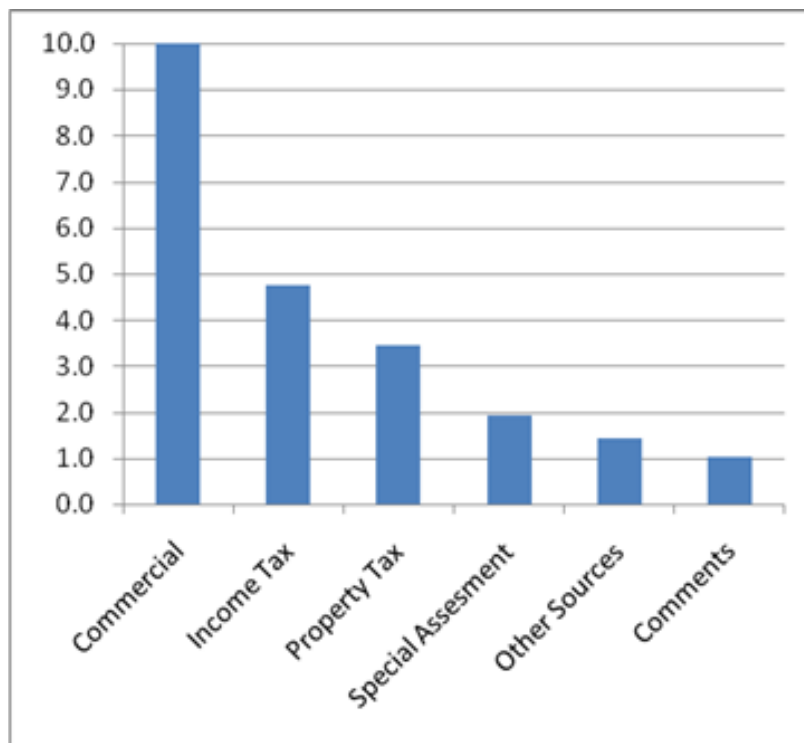
\_\_\_ other sources? \_\_\_\_\_

\_\_\_ property tax  
(currently \$205 per \$100,000 of market value\*)

\_\_\_ additional comments?  
\_\_\_\_\_

\*Village taxes only, not including School or County taxes

Preference



Funding Options

# VILLAGE OF BOSTON HEIGHTS

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## Village of Boston Heights Comprehensive Zoning Plan Committee

### CHARTER

#### I. Mission

The Village of Boston Heights Comprehensive Zoning Plan Committee (VBHCPC) purpose is to develop a comprehensive land-use planning document providing a framework to the Village government to guide future legislation and policy decisions governing land-use patterns, management and preservation of natural resources, housing conditions, population densities, roadways, and other infrastructure issues that impact the Village of Boston Heights.

#### II. Vision

Clearly articulate a comprehensive plan document for the Village of Boston Heights which provides general guidelines to create a community:

1. That children and adults of all ages will want to live in;
2. That reflects the ideal combination of affordable and pleasing housing, desirable recreational opportunities, abundant green spaces, broad scope of services, and desired commercial areas that are aesthetically pleasing and revenue producing.

#### III. Objective

Over the next year, develop a Comprehensive Plan that uses resident input and concludes with a set of recommendations established by the VBHCPC. The recommendations will be in the form of goals and land use policies for the Village.

#### IV. Strategies

1. Quality of life issues are paramount.
2. The plan shall reflect values and philosophy for the community good.
3. Physical and economic development shall address the basic needs of the Village.
4. The plan shall be a policy instrument.
5. The plan must be based upon input from Village residents and other stakeholders via formats which assure that all have an opportunity to express their expectations, hopes, and dreams for the Village.
6. The planning process shall include reviewing relevant comprehensive plans used in similar communities.
7. The planning process will be cognizant of the attributes and resources of:
  - a. Our neighboring communities, and
  - b. The Cuyahoga Valley National Park.