

March 2, 2011



Mr. Paul Kowalczyk, Building Commissioner  
 City of South Euclid  
 1349 South Green Road  
 South Euclid, Ohio 44121

**Subject:** FISE LLC (Tax Parcel No. 704-27-001); Oakwood Commons; Rezoning Review #1 (R-75 to C-2); Oakwood Commons Rezoning Application (dated 1/6/11); Traffic Impact Study (dated 1/22/11); Economic Impact Analysis (dated 1/13/11); City Engineer’s report (dated 1/12/11); Comprehensive Plan, 1999 and 2010 revision; and Zoning Ordinance and Map.

Dear Mr. Kowalczyk:

At the City’s request, we have completed our review of the FISE LLC’s request to rezone a 40.7 acre portion of 1 parcel consisting of a total of 61.8 acres from R-75 (Single Family 75) District to C-2 (General Commercial) District. Based on our review of the City’s Comprehensive Plan, Zoning Ordinance/Map, various other documents noted above, and sound planning principles we offer the following for your consideration.

**I. Review of Amendments**

Per §763.01 (Circumstances Justifying Amendments; Review of Amendments) of the Zoning Ordinance, all proposed zoning amendments, text and map, “shall assure that any changes:

1. will adhere to the development plans and objectives of the City;
2. will not be detrimental to adjacent property owners, structures or uses; and
3. will maintain the health, safety, and general welfare of the community”.

When evaluating a rezoning application, the Planning Commission is charged with the determining whether a proposed rezoning would negatively impact adjacent property owners and, therefore, constitute a community detriment or benefit.

The following is an analysis of the proposed Oakwood rezoning as it relates specifically, but not exclusively, to the above requirements.

**A. City’s Development Plans and Objectives**

The development plans and objectives of the City are set forth in two documents: 1) The Comprehensive Plan; and 2) the purpose/intent statements of the Zoning Ordinance.

235 East Main Street  
 Suite 105  
 Northville, MI 48167  
**TEL** 248-596-0920  
**FAX** 248-596-0930

151 South Rose Street  
 Suite 920  
 Kalamazoo, MI 49007  
**TEL** 269-382-4443  
**FAX** 269-382-4540

30 East Mulberry Street  
 Suite A  
 Lebanon, OH 45036  
**TEL** 513-934-2345  
**FAX** 513-934-2809

2987 Meadowbrook Blvd.  
 Cleveland Heights, OH 44118  
**TEL** 330-528-3342  
**FAX** 248-596-0930

**TOLL FREE** 888-226-4326

**WEB** [www.mcka.com](http://www.mcka.com)

## 1. Comprehensive Plan

The City's Comprehensive Plan contains an overview of various land use, planning, and zoning-related elements. The Plan includes a narrative discussion and maps of existing development patterns, observations and assessments of residential and nonresidential development, as well as overall community objectives, development policies, and implementation measures.

Below is a summary of various elements of the 1999 and 2010 Update to the Comprehensive Plan that support or conflict with the proposed rezoning of the Oakwood site and our understanding of the City's current development policies and community objectives. It is our understanding and important to note that although the Planning Commission recommended approval of 2010 updates to the Plan, such Plan revisions have not been formally adopted by City Council.

### *a) Supports Proposed Rezoning*

#### **(1) Lack of Vacant Land = Locational and Economic Disadvantage**

- i. Plan Narrative: "The City is a member of the First-Ring Suburbs...In all of these "first-ring" suburbs, there is little vacant land available for new development. This makes it very difficult for these communities to compete with outlying suburbs where vacant land is more plentiful" (1999 Comprehensive Plan- Page 1)
- ii. Plan Narrative: "The Plan's policies are primarily influenced by the City's current development patterns and its context within the regional market. As a result of these influences, the Plan addresses the following:
  1. Economic Development- Ways in which the City can maintain a balanced tax base in light of:
    - **Locational disadvantages** related to major highway access and the amount of non-residential uses in surrounding communities.
    - **Limited amount of undeveloped land.**" (1999 Comprehensive Plan- Page 2)
- iii. Plan Narrative: "A plethora of employment, retail, entertainment, and cultural choices are available to South Euclid residents within a 30 minute drive. However, due to the City's distance from highway interchanges and the many established centers **beyond its boundaries**, South Euclid is **at a locational disadvantage when competing for new development.**" (emphasis added) (1999 Comprehensive Plan- Page 2)

**Comments.** The Oakwood site represents previously unavailable developable land and an opportunity to overcome locational disadvantages. As the Comprehensive Plan notes, large-scale opportunities for nonresidential development are limited in South Euclid due to forces largely beyond the City's control. The City's existing nonresidential development consists almost exclusively of stand-alone buildings on lots with minimum lot depth (average 150 feet).

The availability of the Oakwood site for development was unexpected and a similar opportunity of this scale won't likely present itself again. Future nonresidential development in other areas of the City, such as the Mayfield corridor, would require

substantial time, effort and expense on the part of the City and a willing developer to facilitate land assembly and enable development at a size and scale that would be economically feasible.

## **(2) Encourage Non-Residential Development- Tax Revenue Generation**

### **Part V- Overall Community Objectives:**

#### **Objective A. Remain Competitive in the Regional Market-**

- i. #2-“Enabling/encouraging non-residential development which meets the current needs of the developer, tenant, employee, and/or consumer” (1999 Comprehensive Plan- Page 19)

Paraphrased as follows in the 2010 Comprehensive Plan Update “Encourage Non-Residential Development to Meet Current Needs recognizing that:

- There is a plethora of Retail Choices **outside the City** to meet the needs of residents.” (emphasis added) (2010 Comprehensive Plan Update [not formally adopted by City Council]- Page 1)
- ii. #3- “Assure that Development provides Adequate Tax Revenue to Maintain Public Services.” (1999 Comprehensive Plan- Page 19; and 2010 Comprehensive Plan Update [not formally adopted by City Council]- Page 2)

#### **Objective B. Enable and Encourage Non-Residential Uses to Expand or Redevelop**

- Respond to Current Market Needs
- Increase Tax Revenue
- Overcome Functional and Locational Obsolescence
- Provide for “**Logical Extensions**” of Existing Non-Residential Areas
- Maintain and Improve Buffer between Residential and Non-Residential” (2010 Comprehensive Plan Update [not formally adopted by City Council]- Page 2)

**Comments.** Rezoning of the Oakwood site would conform to the Community Objective of enabling the City to remain competitive in the regional market. Retail development on the site would provide retail choices not currently available **inside the City**. By permitting development of regional retail within the City, the City would gain much needed property and income tax revenue, provide jobs, and offer goods to City residents that they currently must travel outside of the City to obtain.

In terms of logical extension of existing nonresidential areas, the properties fronting Warrensville Center Road, adjacent to and south of the Oakwood site, are currently zoned C-1 (Limited Commercial) and utilized for nonresidential use. Rezoning of the Oakwood site would, therefore, serve as a natural extension of existing nonresidential uses in the area and adjacent to Warrensville Center Road. It should be noted that existing nonresidential uses are also located on the east side of Warrensville Center Road, south of Mayfield Road and on both sides of the Warrensville/Cedar intersection. The proposed rezoning would not constitute the first or only nonresidential use adjacent to Warrensville Center Road.

### (3) Lack of Green Space and Park Land/Linkage

- i. Plan Narrative: “The City of South Euclid has 36 acres of parkland, which is 1.5 acres/1,000 people. National “standards” or “averages” suggest that cities should have between 6.25 – 10 acres/1,000 people. Meeting this standard would require an additional 114 to 204 acres of parkland. These standards are generally viewed as local public park requirements and are in addition to school sites and regional parks or open space.” (1999 Comprehensive Plan- Page 16)
- ii. Part V- Overall Community Objectives:

#### **Objective D. Open/Green Space Objectives-**

“To preserve and enhance the overall quality of life within the City of South Euclid by managing redevelopment in a manner that **provides and maintains a system of parks and recreation facilities** to meet the needs of the community. To advance and employ measures that will make **land use decision-making, coordinate conservation and growth** thereby insuring that each area preserves its unique character and sense of place by **providing for growth and prudent use of natural resources...**”(emphasis added) (2010 Comprehensive Plan Update [not formally adopted by City Council]- Page 4)

- iii. Part VII- Development Policies:

#### **D. Development of Open/Green Space Policies-**

##### 1. Open/Green Space Character.

“It shall be the policy of the City to encourage creation and preservation of open and green space as an important element in shaping The City of South Euclid’s development pattern and in preserving its aesthetic and environmental quality. The City’s open space system has two components:

- Definite Elements of Open Space – public lands permanently protected from development such as dedicated parkland, nature preserves, cemeteries, etc.
- Areas of Open Space Character – **parcels not permanently protected from development (e.g. golf courses,** campuses, or private/public schools), which contribute to the open space character of an area.

The city will **give high priority** to maintaining open space elements that:

- a) **Provide space for active and passive recreation and encourage site development that is sensitive to the areas natural characteristics.** (emphasis added) (2010 Comprehensive Plan Update [not formally adopted by City Council] - Page 10, to be added to Page 34 of the 1999 Comprehensive Plan)

2. Linkages. “It shall be the policy of the City to provide open space linkages that form a connected system of parklands within the City.

- a) Properties, which create or enhance linkages or linear parks or serve as open space routes connecting to state and municipal parks for pedestrians, bicyclists, or similar uses within the City.”

**Comments.** If the Oakwood site is rezoned, the applicant has indicated that 21.1 acres of permanent undeveloped greenspace west of the site would be donated to the City.

According to conceptual plans, the eastern portion of the green space would contain green infrastructure (i.e. stormwater management facilities) intended to create wetland habitat and provide for natural filtration of stormwater runoff from the proposed retail development.

In addition to donating significant open space acreage to the City, if the Oakwood site is rezoned, the applicant has agreed to make improvements such as paved and landscaped access, parking (constructed with permeable paving), trails throughout, native plantings, and an entrance feature with signage. The applicant has also indicated that site layout would respect and enhance portions of Nine Mile Creek that run adjacent to the site.

Although final programming and improvements for the greenspace would be up to the City, the addition of 21 acres of park land/open space would provide the City with a new neighborhood park/wetland habitat natural area. In addition, the park would enable access and linkage from adjacent residential neighborhoods to new municipal greenspace.

The new greenspace would address a stated City deficiency and meet several Overall Community Objectives and Development Policies noted above.

It should also be noted that, item 4(iii), above, which was included in the 2010 Plan Update [not formally adopted by City Council], specifically characterizes golf courses as parcels that provide open space character but are “not permanently protected from development”.

## ***b) Conflicts with Proposed Rezoning***

### **(1) Prescribes Residential Development of Oakwood Site**

#### **Residential Area Assessment/Development Policies**

The 1999 Comprehensive Plan includes an analysis of various residential areas of the City. Each area is assigned a rating from 1 to 3, with 1 being areas in greatest need of revitalization and 3 being the most stable neighborhoods. These ratings are used to formulate long range strategies set forth in the Plan’s Development Policies.

- i. According to **Map 4- Target Areas for Planning and Development Policies** ( Pg. 23 of the 1999 Comprehensive Plan), the following areas are proposed for future “residential development/is encouraged at approximately existing densities for both senior or non-senior housing.” (1999 Comprehensive Plan- Page 24)
  1. **Oakwood site,**
  2. Area east of Warrensville Center Road to Wrenford between Mayfield and Cedar; and
  3. Northern portion of the Lower 5 neighborhood, west of Warrensville Center, south of Oakwood to approximately Eastway.
- ii. According to **Map 5- Application of Development Policies** (Pg. 28 of the 1999 Comprehensive Plan), **the Oakwood site is proposed for infill residential development at existing densities**, the entire West 5 area, excluding property fronting on Warrensville is displayed as a High Priority for Residential

Redevelopment. Properties fronting portions of both sides of Warrensville Center are shown as High Density Residential.

iii. **Part VII- Development Policies**

**B-1 Cedar Road Corridor Policies**

1. “(h): Expand Multi-Family along Warrensville Center Rd and to the West of Cedar Center; **Discourage Commercial Expansion along Warrensville Center Road Corridor.**” (2010 Plan Update [not formally adopted by City Council]- Page 8; 1999 Comprehensive Plan- Page 32)

**B-1 Area 3. Priority Locations for Infill Housing at Density Permitted in Code**

2. “(a): Oakwood County Club Site. Consistent with [this policy\*] consideration could be given to permitting development at R-50 densities. This would be consistent with the prevailing zoning along Warrensville Center Road. Currently the Oakwood Site is zoned R-75.” (2010 Plan Update [not formally adopted by City Council]- Page 9; 1999 Plan- Page 33)

\* The policy being referenced in the 2010 update above, as stated on Page 33 of the 1999 Plan, is as follows “The Oakwood County Club site if the Club moves. It is important to note that **this policy** reflects that position that **this site should not be developed for retail uses**. Instead, **the City desires to focus all non-residential development/redevelopment in the priority locations addressed in Area 1** [as displayed on Map 4].

The 2010 Plan Update [not formally adopted by City Council] also includes the following comment: “This policy should be re-evaluated to determine if the zoning should be consistent with the existing (or anticipated) zoning on the Cleveland Heights portion of Oakwood.”

**Comments.** The above 1999 and 2010 Plan Update references are in conflict with the proposed rezoning and should be revised to reflect the City’s current community objectives and development policies. We believe that the scale and unexpected nature of the Oakwood property becoming available for development constitutes a significant enough change in conditions to warrant a revision to the Comprehensive Plan Update. We recommend that a Plan revision take place in conjunction with Council’s consideration of the Planning Commission’s recommendation regarding the proposed rezoning.

**(2) Park Land/Green Space**

Plan Narrative: “Nevertheless, based on interviews with the City administration, Council, and Planning Commission, expanding the amount of the City’s public open space does not appear to be a high priority.” (1999 Comprehensive Plan- Page 16)

**Comments.** The addition of new Open/Green Space Objective in the 2010 Comprehensive Plan Update indicates that the Planning Commission considers additional open/green space as a Community Objective. This change from the 1999 to 2010 Comprehensive Plan also speaks to the flexibility and fluid nature of long-range land use planning objectives and associated documents.

**c) *Comprehensive Plan Flexibility***

To paraphrase from Resolution 58-99, the adopting resolution for the 1999 Plan, “WHEREAS, it is the intention of the City of South Euclid, Ohio...to develop a Comprehensive Master Plan as a **broad guide** to provide direction and purpose and aid the community in making land use and development decisions while providing framework for legislative and administrative action; (emphasis added)”

A Comprehensive Plan is designed to provide a flexible roadmap for future development in order to respond to changing development trends, patterns and opportunities. From a land use planning perspective, the sudden availability of 40+ contiguous acres of land to potential development in an otherwise built-out, first-ring suburb is a significant change. No one could have predicted, even a year ago when the last Comprehensive Plan Update was undertaken, that an opportunity for new development at the scale of the Oakwood site would be presented to the City (regardless of whether residential or nonresidential development were being proposed). That being said, we believe that the availability of a site the size of Oakwood would justify a revision to the Comprehensive Plan.

In addition to being flexible, a Comprehensive Plan is also intended to ensure that growth is consistent with the City’s goals and objectives. As a result, and as noted previously, we recommend that the Planning Commission and City Council revisit and revise the Comprehensive Plan, and specifically those goals and objectives noted above that may be in conflict with the City’s current development plans and community objectives.

**2. Zoning Ordinance**

**a) *Circumstances Justifying Amendments***

Section 763.01 of the Zoning Ordinance states, “Recognizing the dynamic character of an urban area, **both the Zoning Map** and the text of this Planning and Zoning Code may be amended periodically in order to keep it abreast of new zoning techniques; whenever a general hardship prevails throughout a given zoning district; **whenever a change occurs in land use**, transportation or sociological trends either within or surrounding the community; and **whenever extensive developments are proposed** (emphasis added).”

**b) *Commercial and Business Objectives***

Per Section 730.01, “The primary purposes of this Planning and Zoning Code are to encourage proximity in the development of compatible and related uses of land and buildings and to **discourage development of uses which are incompatible or detrimental to each other and to adjacent areas.**

(a) District regulations are established in this Title to carry out the purposes which are stated in Title One and especially to achieve the following objectives:

- (1) To provide **sufficient but not excessive land area** for the business and commercial needs of the community.

- (2) To foster the continuation of commercial, business and similar establishments now present within the community in conformity with recognized and reasonable standards in order that they be compatible with the primarily residential character of the community.
- (3) **To allow, where appropriate, for the expansion and development of commercial, business and similar uses, thereby meeting future needs within the community for such activities.**
- (4) To prohibit commercial, business and similar development which would create conditions detrimental to the public health, safety and general welfare and which would be incompatible with and detrimental to adjacent and surrounding uses, by regulating and controlling the types of commercial uses which would create hazards, noise, odors or other objectionable influences.
- (5) To insure **the availability of suitable areas for commercial, business and similar uses** by discouraging any undesirable mixture of unrelated uses in such areas.
- (6) To protect permitted development from congestion by limiting the bulk and density of development in relation to adjacent buildings and available land, by requiring sufficient off-street parking and loading facilities and by requiring buffers and screening to protect adjacent areas from objectionable influences.
- (7) To promote the most desirable use of land and buildings in accordance with a **well considered plan** in order to **stabilize residential and business development and enhance property values.**
- (8) To encourage the tendency of business to group in centers for the **mutual advantage of customers and commercial establishments.”**

**Comments.** We would consider the proposed Oakwood project as conforming with the above commercial and business objectives in the following manner:

- City-Wide Commercial Land Area. As noted above, the Comprehensive Plan states several times that the City lacks undeveloped land and commercial development opportunities **within the City of South Euclid**. We believe that, if rezoned, the proposed Oakwood site would provide sufficient, but not excessive, commercial property in South Euclid.
- Expansion of Commercial Uses to meet Future City Needs. In terms revenue generation, development of the Oakwood site for commercial development would provide much needed property and income tax revenue to the City. If rezoned, the site would also help to balance the tax base and alleviate some of the existing over-dependence on residents for tax revenues.
- Public Support for Rezoning. In response to project information mailed by the developer to all South Euclid residents and Cleveland Heights residents adjacent to the project site (more than 13,000 mailers distributed), respondents have shown significant support for the proposed rezoning and subsequent commercial development of the Oakwood site. To date, 169 or 90% of respondents approve the proposed rezoning, while 19 or 10% of respondents disapprove of rezoning. Public support for a proposed rezoning is important whenever proposed changes to land use and the Comprehensive Plan are being contemplated.

**c) Residential Objectives**

Per Section 720.01, “The primary purposes of this Planning and Zoning Code are to encourage proximity in the development of compatible and related uses of land and buildings and to **discourage development of uses which are incompatible or detrimental to each other and to adjacent areas.**

District regulations are established in this Title to carry out the purposes which are stated in Title One and especially **to achieve the following objectives:**

- (a) To regulate the bulk and spacing of buildings in order to obtain proper light, air, privacy and useable open spaces as appropriate for each district;
- (b) To protect residents from nuisances and objectionable influences such as **abnormal vehicular traffic, offensive noises, noxious fumes, odors and dust;**
- (c) To provide proper spacing between structures to assure adequate access for fire and other emergency vehicles and equipment;
- (d) To regulate density and distribution of population **in scale with existing and proposed community facilities and services;**
- (e) To foster a variety of residential living types through various lot sizes and densities; and
- (f) To promote, in accordance with a **well considered plan, the most desirable and beneficial use of the land,** stability and **protection of the character of existing residential developments, enhancement of land values** and conservation of the values of existing and future buildings.

**Comments.** If rezoned, and provided that site development conforms to the setback, buffering, parking, and other applicable requirements of the Zoning Ordinance and sound site planning principles, we believe that commercial development of the Oakwood site would not be incompatible or detrimental to adjacent areas; would be in scale with the City’s existing infrastructure; and would not create abnormal vehicular traffic or other nuisances.

**B. Negative Impacts on Adjacent Property Owners, Structures or Uses**

There always exists the potential for negative impacts associated with development, whether residential or nonresidential. Such impacts can be broad-ranging and include elements such as traffic, noise, safety, and stormwater (i.e. flooding). Below is a discussion of some of the potential negative impacts associated with the proposed commercial rezoning, many of which have been discussed by the Planning Commission at recent meetings and work sessions.

**1. Traffic and other Infrastructure-related concerns**

A primary consideration when evaluating the merits of a rezoning application is the ability of the City’s infrastructure (road, water, sewer) and municipal services (school district, police, fire) to accommodate the uses permitted in the requested district without compromising health, safety, and welfare.

**a) Traffic**

According to the applicant’s Traffic Impact Study, if rezoned, the proposed Oakwood project would generate 999 vehicle trips during peak hours. As noted in the City

Engineer's review, commercial development would generate more traffic than residential development at densities permitted in the R-75 (existing zoning) or R-50 zoning districts (existing zoning east of Warrensville Center and as noted in the 2010 Comprehensive Plan Update).

In terms of road infrastructure, the City Engineer's review indicates that Warrensville Center Road is capable of dealing with the expected increased traffic loads. The current traffic volumes utilizing Warrensville Center Road are below previous levels and expected increases would not approach traffic volumes that Warrensville Center was designed to safely and adequately accommodate.

The Traffic Impact Study recommends various traffic engineering improvements in order to safely accommodate proposed commercial development such as a new light at Stonehaven Road, 2 northbound left turn lanes, exclusive southbound left and right turn lanes, and traffic signal control at East Antisdale.

In a 1/10/11 memo sent to the Building Commissioner, the City's traffic commissioner indicated no objections to the proposed rezoning.

The Planning Commission has expressed concerns regarding neighborhood traffic to areas east and south of the Oakwood site if the property were to be rezoned. We have met with City officials, the City Engineer, and representatives of the developer to discuss and brainstorm strategies designed to address these concerns. The results of those conversations and suggested strategies to address cut-through traffic are forthcoming and will be presented by the City Engineer to the Planning Commission prior to the March 10, 2011 public hearing.

***b) Water and Sewer***

In terms of water and sewer capacity, it is our understanding that the City's existing infrastructure is capable of safely and adequately servicing commercial uses permitted in the C-2 District, which include but are not limited to: retail sales; food stores; restaurants; drug stores; hardware stores; general merchandise sales; cultural and educational institutions; personal service establishments; banks; gas stations; nurseries; hotels motels and other related uses.

The City Engineer's review indicates that the estimated water and sewer usage for the Oakwood site would be nearly two times greater when developed under R-75 residential densities than for proposed commercial uses.

***c) Municipal Services (school district, fire)***

It is our understanding that, from a municipal services perspective, the proposed commercial development would not be overly burdensome to the City's fire services. In a 1/10/11 Departmental Correspondence sent to the Building Commissioner, the City's Fire Marshall indicated no objections to rezoning of the Oakwood site.

In terms of impacts on the school district, if rezoned, the proposed project would benefit, as opposed to burden the local school district. If rezoned, estimated annual school district revenue would be in excess of \$1,000,000. Generally, commercial development provides more revenue than the cost of services demanded. The net result is a revenue generator for the City. The opposite would be true if the Oakwood

site were to be developed for residential use, as residential uses demand more in community services than tax revenues generated.

## **2. Noise, Fumes, Odor and Dust**

The precise impacts of noise, fumes, odor, and dust associated with rezoning of the Oakwood site are difficult to estimate, however, various requirements contained in the Zoning Ordinance are designed to lessen such impacts. The C-2 zoning district's requirements regarding minimum setbacks, screening in yards adjoining residential districts, and screening of refuse and pick up facilities are all intended to minimize impacts associated with noise, fumes, odor and dust.

It should be noted that per Section 736.02(b)(3), a minimum 15 foot side yard, exclusive of accessways, is required for all boundaries of a zoning lot that are coincident with the boundary of a residential district. The applicant has indicated that, if rezoned, a minimum 50 foot buffer, exclusive of accessways, would be provided. In addition, the applicant has stated that, if rezoned, they would work with the Planning Commission to determine the most suitable form of buffer (brick wall or landscaped berm) to ensure year-round buffering of the Oakwood site from adjacent residential districts.

If the property is rezoned, and provided that the applicant conforms to Zoning Ordinance requirements, the negative impacts associated with noise, fumes, odor and dust should be fully negated or mitigated to within reasonable levels.

## **3. Safety**

At the 2/22/10 Planning Commission meeting, the Police Chief provided input regarding safety concerns associated with the proposed greenspace as it relates to adjacent neighborhoods in South Euclid and Cleveland Heights.

Improvements to the greenspace west of the Oakwood site are outside of the purview of the Planning Commission, and would instead be addressed by the City Administration and staff. Decisions regarding greenspace programming and various safety-related improvements, such as closing the park between dusk to dawn, methods for limiting park access, and techniques to accommodate police patrolling would not impact the proposed rezoning as the applicant is not requesting rezoning for the proposed greenspace portion of the former Oakwood property.

It is our understanding that safety-related issues, beyond those already noted above, are normally addressed during site plan review. The Planning Commission would consider any additional safety-related concerns at that time if the Oakwood site were to be rezoned.

## **4. Stormwater**

The City Engineer's report provides a comparison of the amount of impervious area associated with development promulgated under R-75 zoning and previously requested C-3 zoning (the applicant has since changed his request to C-2, however, this change would result in nominal, if any, impact to impervious area associated with proposed commercial development).

The Engineer's analysis indicates a general increase in total square footage of impervious surfaces when developed for commercial uses as compared to residential uses on an acre-

to-acre basis. However, when the donation of 21.1 acres of greenspace is taken into account, the acre-to-acre comparison is similar.

If rezoned, the applicant would be creating public greenspace, as opposed to exclusively private property associated with single family residential development under existing R-75 zoning. In addition, if rezoned, the applicant has indicated natural stormwater retention basins, thereby creating natural wetland habitat and filtration of surface water runoff. The use of pervious pavement in scattered areas throughout the site, native plantings, and LEED-certified buildings would further serve to decrease the development's stormwater impact.

Similar low impact design-related best management practices could be incorporated into residential development, as is being displayed through the City's Green Neighborhoods Initiative. However, the use of rain gardens, rain barrels, and pervious pavement by individual residents on private property in a residential development is voluntary. If rezoned, the developer would commit to utilizing such best management practices and would market the sustainable elements to prospective tenants.

## C. Health, Safety, and General Welfare

### 1. Planning and Zoning Code: Purposes and Intent

Per Section 710.01, "The purposes of this Planning and Zoning Code and the intent of Council in its adoption are **to promote and protect the public health, safety, convenience, comfort and prosperity, and the general welfare of the City**, by regulating the use of buildings, other structures and land for residences, public facilities, institutions, business services, industry or other purposes, by regulating and restricting the bulk, height, design, percent of lot occupancy and location of buildings and by regulating and limiting population density, and, for the aforesaid purposes, to divide the land within the City into zones or districts of such number and dimensions as are in accordance with the objectives of a comprehensive plan, and to provide procedures for the administration, interpretation, amendment and enforcement of this Planning and Zoning Code." (emphasis added)

**Comments.** We believe that the above Purpose and Intent statement, and the previous references to Zoning Ordinance objectives, setbacks and screening requirements are intended and specifically designed, as with all zoning regulations, to maintain the health, safety, and general welfare of the community.

As a result, if it is determined that the proposed rezoning would substantially adhere to the City's development plans and objectives (either in their current form or as revised) and that the proposed rezoning would not be detrimental to adjacent properties, structures or uses, then the Planning Commission can be reasonably assured that the health, safety and general welfare of the residents of South Euclid is being maintained.

## II. Community Benefits

Similar to potential negative impacts associated with development, community benefits associated with a proposed development can be wide-ranging and circumstantial in nature. Below is a summary of potential community benefits associated with the proposed Oakwood site, if rezoned.

## A. Pedestrian Circulation

If rezoned, the proposed development would include a number of pedestrian circulation improvements not only between the development site and adjacent neighborhoods, but also to the public transportation network, which has wide-ranging City benefits.

If rezoned, the applicant has committed to providing the following pedestrian circulation and public transportation-related improvements:

- New sidewalks on the west side of Warrensville Center along the entire parcel frontage, with the offer to initiate a “sidewalks to nowhere” fund to assist the City with cooperative efforts to finish the sidewalk along frontage within the City of Cleveland Heights. The new sidewalk would provide a link to the existing sidewalk on East Antisdale, which would accommodate direct pedestrian access to the proposed City-owned greenspace
- A bike friendly development that includes bike racks and designated bike parking areas
- Safe pedestrian crosswalk access at a signalized intersection allowing pedestrian access across Warrensville Center Road to/from neighborhoods to the east
- Construction of an improved bus shelter and public transportation access in close proximity to the Oakwood site.

## B. Increase/Diversify Tax Base

As noted in the 1999 Comprehensive Plan, South Euclid is primarily a bedroom community, with 81% of the real estate tax base derived from residential property for the 1997 tax year. Although this figure is dated, there has not been enough commercial redevelopment in the City to have a substantial impact on the City’s tax base.

“A high percentage of residential valuation indicates that a high level of the community’s tax burden is borne by its residents, as opposed to being more equally shared with business, office and industrial establishments.” (1999 Comprehensive Plan- Page 11)

“In order to achieve a 10% shift in tax burden from residential to non-residential, and move closer to the suburban county percentage [65%], approximately 175 to 250 acres of non-residential development would be needed.” (1999 Comprehensive Plan- Page 13)

The Plan indicates that as a result of a lack of developable land, “confining [development] efforts to the existing non-residential areas will not result in a significant increase to the City’s non-residential tax base or a shift of the tax burden from residential to non-residential.” (1999 Comprehensive Plan- Page 13)

The 1999 Comprehensive Plan states, “The City’s tax base can be increased in the following ways (moving from item “1” to item “4” requires an increasing amount of public revenue but may also **have greater community benefit**.):

1. By maintaining property and thus preserving property values;
2. By enabling and encouraging expansion of existing homes and businesses;
3. By promoting infill development on small, vacant parcels – both residential and non-residential;
4. By promoting **redevelopment that either expands the non-residential tax base** or creates higher-value residential homes. This can be achieved by either:
  - **Expanding non-residential uses into existing residential areas;** and/or

- Increasing the density or intensity at the time of redevelopment – whether residential or commercial.” (bold text added, underlined text existing) (1999 Comprehensive Plan- Page 14)

“The City’s other funding options are limited as well...Second, the **City has no surplus operating funds to invest heavily in the Plan’s implementation.** Third, the City can not and should not expect to generate additional property tax revenue specifically for the implementation of this Plan because the tax revenues should be reserved to meet current needs and the **tax burden on residential property owners is already greater than desired.**” (emphasis added) (1999 Comprehensive Plan- Page 16)

**Comments.** As noted previously, if rezoned, the Oakwood site would provide commercial development that would diversify the City’s tax base. In addition and unlike the assumption noted above regarding requiring larger amounts of public revenue, the applicant has indicated that, if rezoned, the applicant would not be seeking any form of public subsidy.

According to information included in the rezoning application’s Executive Summary, and supported by the Economic Impact Analysis, the proposed rezoning and subsequent retail development would generate at least 400 jobs and associated income tax revenue. Annual City real estate tax revenue would be \$250,000 plus approximately \$400,000 in income tax revenue.

In any economic climate, but particularly in today’s economy, the community benefits from a revenue generating perspective would be substantial and cannot be overlooked. In addition, the diversification of the tax base associated with the proposed rezoning would support a community objective stated in the Comprehensive Plan.

### **C. Sustainability**

As touched upon previously, if rezoned, the proposed development would include LEED certified buildings, native plantings, permeable pavement, LED parking lot lighting, and low-impact bioswale/bioretention stormwater management with subsequent wetland habitat creation. The applicant has stated that the development would serve as a model for sustainable design concepts in a commercial project, which would strengthen the City’s Green Neighborhoods Initiative and marketing the sustainable aspects of the City. The Green Neighborhoods initiative is focused in the West 5 neighborhood, just south of the Oakwood site.

### **D. Fair Housing Considerations**

One of the primary aspects of promoting fair housing and eliminating barriers to housing choice is access to jobs within ¼ mile of public transportation lines. If rezoned, the Oakwood site would provide direct access from a public transportation line to newly created jobs.

If rezoned, the Oakwood site would also provide enhanced appeal and value to the Green Neighborhoods Initiative target area, an area that the City is being marketed to young professionals and seniors as providing affordable, green bungalows, renovated using universal design principles.

### **E. Multi-Use District**

After analyzing the City’s existing Zoning Map and Comprehensive Plan, and based upon comments from City staff, if rezoned, the City should consider revising the Comprehensive Plan

and Zoning Ordinance to address current development goals for the east and west side of Warrensville Center Road (i.e. Warrensville Road Corridor).

Creation of a Warrensville Center Road Corridor Plan and subsequent Multi-Use District would capitalize on the momentum resulting from substantial public and private investment in this area of the City. Development of a multi-use district would facilitate linkage between the Cedar Center project to the south, the Green Neighborhoods Initiative in the West 5 Area in between and, if rezoned, the Oakwood project to the north. Cedar Center and the Oakwood site could act as “virtual anchors” to the West 5 neighborhood. Providing mixed-use zoning would allow low-income residents to obtain groceries, education, jobs, and other basic services without a vehicle. Mixed use development is also an inherently “green” and “smart growth” approach to development- sustainability concepts that the City already embraces.

As noted on Pg. 34 of the 1999 Comprehensive Plan, “The appearance and economic health of major commercial corridors significantly influences the resale marketability of adjacent residential areas.” A multi-use district would create a node or corridor of concentrated activity along the City’s western boundary and serve to increase property values in surrounding residential neighborhoods on both sides of Warrensville Center Road. This would further increase the City’s potential to market existing and potential assets to young professionals and seniors. Furthermore, the district would accommodate pedestrian linkage and provide a cohesive vision and framework for the Warrensville Road Corridor. The overall vision for the multi-use district could link the Warrenville Road Corridor to the Mayfield Road Corridor and other areas of the City.

### **III. Conclusion**

We recommend that the Planning Commission recommend **approval** of the proposed rezoning of the Oakwood site from R-75 to C-2 for the following reasons:

1. The proposed rezoning would not be detrimental to adjacent property owners, structures or uses, provided that the proposed development conforms to Zoning Ordinance requirements and sound site planning principles;
2. The proposed rezoning would be consistent with many of the City’s development plans and objectives, as set forth in the overall concepts expressed throughout the Comprehensive Plan;
3. The proposed rezoning would maintain the health safety and general welfare of the community;
4. The proposed rezoning would serve as a natural extension of existing nonresidential uses in close proximity to the subject site and adjacent to Warrensville Center Road. The proposed rezoning would not constitute the first or only nonresidential use adjacent to Warrensville Center Road;
5. The City’s existing capacity of infrastructure and municipal services are adequate to accommodate uses in the C-2 district without compromising health, safety, and welfare; and
6. The economic, environmental, and social benefits associated with the proposed rezoning would outweigh any potential negative impacts. The positive impacts would be realized by not only adjacent property owners, but also the residents and City of South Euclid as a whole

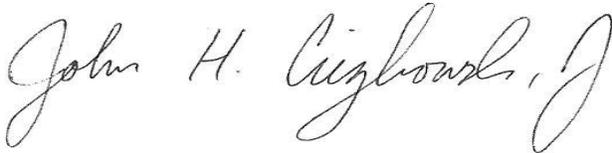
In conjunction with a recommendation to approve the proposed rezoning, and to account for recent and significant changes in conditions since the Comprehensive Plan and Update was developed, we would also recommend that the Planning Commission revise the Comprehensive Plan text and map to

eliminate existing conflicts as noted herein and to ensure that the Plan aligns with the City's current development plans and objectives of the City.

Should you have any questions regarding this review, please feel free to contact us.

Respectfully submitted,

McKENNA ASSOCIATES

A handwritten signature in black ink that reads "John H. Cieszkowski, Jr." The signature is written in a cursive style with a large, stylized initial 'J' at the end.

John H. Cieszkowski, Jr.  
Principal Planner

Cc: Planning Commission  
Hon. Georgine Welo, Mayor  
Michael Lograsso, Director of Law  
Ed Gallagher, Economic Development  
Andrew Blackley, P.E.  
FISE, LLC