

CITY OF SEVEN HILLS

AGENDA

PUBLIC HEARING OF DECEMBER 10, 2018
COUNCIL CHAMBERS – 6:00 p.m.

CALL TO ORDER

1. ROLL CALL

2. READING OF NOTICE OF PUBLIC HEARING

The Notice of Public Hearing in reference to **The Bluffs Amendment to its Preliminary Development Plan** referral to the Planning Commission was published in The Plain Dealer on Friday, December 7, 2018

3. IN THE MATTER OF:

Referral to the Planning Commission in the matter of an application by Fairmount Properties LLC for approval of an amendment to the Rockside Crossings at Seven Hills Preliminary Development Plan approved by Council on May 22, 2017. The development is now titled “The Bluffs” in the subject application.

--- Planning Commission Report and Recommendations, dated November 20, 2018
Planning Commission recommends Approval with the stated Conditions

--- Open to the Audience

--- Council/Administration Commentary

4. SUCH OTHER BUSINESS AS MAY COME BEFORE COUNCIL

5. ADJOURNMENT

Carol L. Sekerak
Clerk of Council

CITY OF SEVEN HILLS

LEGAL NOTICE

In accordance with Section 979.08(a)(3), Preliminary Development Plan Approval Procedure, City Council Review and Action, of the Codified Ordinances of the City of Seven Hills, Ohio, public notice is hereby given that there shall be a **PUBLIC HEARING** on the following:

Application by Fairmount Properties LLC for approval of an amendment to the Rockside Crossings at Seven Hills Preliminary Development Plan approved by Council on May 22, 2017. The development is now titled "The Bluffs" in the subject application.

Said Public Hearing on the above matter shall be held on **Monday, December 10, 2018**, at **6:00 p.m.**, in the Seven Hills Council Chambers, City Administration Building, 7325 Summitview Drive, Seven Hills, Ohio, as set forth above.

A copy of said application as well as the Planning Commission's Report and Recommendations, dated November 20, 2018, regarding same, is on file in the Office of the Clerk of Council of the City of Seven Hills, Ohio, for inspection by any person interested therein.

By the Order of the Council of the City of Seven Hills, Ohio.

Carol L. Sekerak
Clerk of Council

EDITOR'S NOTE: To be published in **The Plain Dealer**, just once, on **Friday, December 7, 2018**.

**CITY OF SEVEN HILLS' PLANNING COMMISSION REPORT AND
RECOMMENDATIONS**

The Bluffs Development Preliminary
Development Plan Submission
Dated September 6, 2018 and
Submitted November 2, 2018
A Proposed Amendment to the
Rockside Crossings at Seven Hills
Preliminary Development Plan approved by
Council on May 22, 2017

November 20, 2018

IN THE MATTER of an application by Fairmount Properties LLC for approval of an amendment to the Rockside Crossings at Seven Hills Preliminary Development Plan approved by Council on May 22, 2017. The development is now titled "The Bluffs" in this application.

RELATED ACTIONS

There are no "Related Actions" to be considered and/or addressed.

BACKGROUND

Developer LSB Seven Hills LLC, presented a preliminary development plan for an area south of Rockside Road, east of Crossview. The preliminary development plan for this area is intended to encourage flexibility, innovation, and creativity in site and development design by allowing the mixing permitted and complementary uses and/or modification or variation from otherwise applicable zone district and development standards. This area, referred to as the Rockside Road South PUD District, will allow the mixing of office, residential, commercial, governmental, and retail uses.

A review of the existing zoning ordinances led to the awareness that an additional zoning classification, the "Rockside Road South Planned Unit Development District" in the City of Seven Hills, was necessary and that such mixed use would be in accordance with the policies of the City of Seven Hills' Master Plan and would promote and protect to the fullest extent possible under the powers of the Charter, the public health, safety, convenience, comfort and prosperity and general welfare of the City. Meetings were held to discuss, the purpose, intent, objective, scope and requirements of the "Rockside Road South Planned Unit Development District". Due to the special characteristics of planned unit developments and the unique provisions governing the development of land for this purpose, new Chapter 979 entitled "Rockside Road South Planned Unit Development District" was drafted and passed by Council.

LSB Seven Hills LLC then obtained Council approval of its initial application for preliminary development plan in 2016. In March 2017, LSB Seven Hills LLC, submitted an application for amendment for the approved preliminary development plan which council approved on May 22, 2017. This is the approved preliminary development plan which Fairmount Properties LLC now seeks to amend.

Fairmount Properties LLC entered into an agreement with LSB Seven Hills LLC allowing Fairmount to proceed with the application for amendment of the previously approved Rockside Crossings at Seven Hills preliminary development plan to develop the 54-acre planned unit development parcel formerly titled "Rockside Crossings in Seven Hills". The project will now be known as "The Bluffs". Fairmount Properties LLC, the Developer, requested a joint meeting of Planning Commission and Council pursuant to 979.08(a) prior to their submission of The Bluffs Development Preliminary Development Plan Submission for approval.

LAND USE REVIEW

At the present, the parcel of land that is south of Rockside Road and east of Crossview Road is classified/zoned as Rockside Road South Planned Unit Development district with guidelines for use under Chapter 979 of the City's Codified Ordinances. The purpose of this District is to provide for the mixing of office, residential, commercial, governmental, and retail uses. Prohibited for this area is big box retail, free-standing fast food and automotive sales, service and repair uses. In return for the maximum flexibility in site design and development, all development in the Rockside Road South PUD District is expected to deliver exceptional quality while preserving critical environmental resources; provide above average amenities; incorporate creative design in the layout of buildings, open space and circulation; assure compatibility with surrounding land uses and upscale character; provide greater efficiency in the layout and provision of roads, utilities, and other infrastructure. Because of the large scale and complex nature of a planned unit development, the Commission recognizes that development of such infrastructure and improvements may take several years and be constructed in parts or phases during which time initial approvals and rights shall remain in full force and effect subject to the restrictions provided in Chapter 979. Also, because of the special characteristics of planned unit developments, unique provisions governing the development of the land for this purpose are required. It is the intent of Chapter 979, Rockside Road South PUD District, to conform to existing code. However, there may be instances where Chapter 979 will supersede and/or override other sections in the City's Codified Ordinances. The existing zoning set forth in City Codified Ordinance Chapter 975, Sections 975.01 to 975.13 continues to also be applicable and available to all parcels of property within the boundaries of the Rockside Road south PUD District until a Final Development plan has been approved under Chapter 979 for those parcels.

CITY PLANNING COMMISSION PUBLIC MEETINGS

The City of Seven Hills' Planning Commission held meetings to discuss Developer Fairmount Properties' The Bluffs Development Preliminary Development Plan submission dated September 6, 2018 and submitted November 2, 2018 as a proposed amendment of the previously approved Rockside Crossings at Seven Hills preliminary development plan for an area south of Rockside

Road, east of Crossview and located in the Rockside Road South Planned Unit Development District on

August 27, 2018 (joint meeting with Planning Commission and Council)

November 19, 2018(special Planning Commission meeting and work session)

The meetings were duly held and there were speakers from the audience:

A full discussion on the meetings and work sessions appears in the respective Planning Commission meeting minutes which are on file with the Planning Commission Secretary.

PLANNING COMMISSION CONSIDERATION - VOTE

The Planning Commission believes that the development of the Bluffs Development, an approximately 54-acre planned unit development which is currently planned to consist of mixed-uses: (a) mixed-use (integrated retail, residential, and office); (b) freestanding office and retail; (c) attached town and cluster homes; and (d) detached single family dwellings all within the Rockside Road South Planned Unit Development District in the City of Seven Hills with guidelines for use and design standards found in proposed Chapter 979 entitled Rockside Road South Planned Unit Development District of the Codified Ordinances of the City of Seven Hills is appropriate.

The Planning Commission members feel that the Developer, Fairmount Properties LLC, has worked to refine and present an application for approval of a preliminary development plan according to the City of Seven Hills' Codified Ordinance 979.07. After review of this application for preliminary approval, it is found to be in full compliance with the submittal requirements found in Rockside Road Planned Unit Development District Chapter 979 which was enacted September 20, 2016. There are two Development principles that are part of this submittal. They are (1) a Development Agreement and (2) an economic model to understand projected revenue from the project and economic support and expense from the City. The City and Developer acknowledged that this project must make financial sense to both. The city established a significant net economic benefit as the number one principle in the project NEXT study.

A Memorandum of Understanding (MOU) is the vehicle or bridge to a concrete Development Agreement. Fairmount Properties LLC has worked with the City to create a draft MOU for consideration and potential agreement. This draft MOU contains a number of significant points. In addition, it contains points that must be addressed in the Developer's Agreement including, but not limited to:

1. Verification of the assumptions used in the economic model that will be used to confirm a minimum net recurring economic revenue to the City;
2. A ratio of arriving at the revenue that reinforces the mixed use or mixture of uses that are required for a mixed use development such as this;
3. Establishing a City Safety Station within the development;
4. Identification of private and public roads;

5. Working through the Tax Increment Financing (TIF);
6. A sequencing plan to support balanced mixed use development of the site; specific design standards for the site;
7. Space for gatherings, events, promotion, and marketing;
8. Interconnectivity through walkways.

The Planning Commission further finds that the Developer is carefully planning The Bluffs Development to meet the overall purpose and intent of the PUD by creating a combination of commercial, residential and retail uses in a setting that enhances the amenities currently offered to City residents both inside and outside the Development and that The Bluffs will meet the City's expectations for an exceptional development including creativity, quality and character of design, materials and construction, and revenue generation, while simultaneously providing open-space and preserving critical environmental resources.

The City Planning Commission finds that the development of the The Bluffs as proposed for this district will encourage, with City approval, private or public development which is substantially in accord with the goals and objectives of the Master Plan.

At the November 19, 2018 Special Planning Commission meeting a motion was made to grant Fairmount Properties LLC approval of a preliminary development plan, as the proposed amendment to the previously approved Rockside Crossings at Seven Hills preliminary development plan, per City of Seven Hills Codified Ordinance Chapter 979, project referenced as "The Bluffs Development PDP Submission" contingent upon:

1. The MOU being finalized to include the mentioned points, and fully executed by the City of Seven Hills;
2. Verification of the Economic model referenced as an exhibit in the MOU;
3. A Development Agreement, referenced in the MOU, being negotiated to include the mentioned points, and agreed to between the Developer and the City of Seven Hills;
4. Continued Compliance with Chapter 979-Rockside Road South Planned Unit Development District (PUD);
5. Re-establishing an emergency access road on to Crossview Road if deemed necessary by the City of Seven Hills Fire Department;
6. A Development Agreement being finalized prior to or as at the same time as council approving the final development plan.

The City Planning Commission members voted 5 yea and 0 nay in favor of approving The Bluffs Development Preliminary Development Plan Submission.

RESOLVED AND RECOMMENDATION

The Bluffs Development Preliminary Development Plan Submission, as the proposed amendment to the previously approved Rockside Crossings at Seven Hills preliminary development plan was duly approved by the Planning Commission on November 19, 2018 with the following conditions:

1. The MOU being finalized to include the mentioned points, and fully executed by the City of Seven Hills;
2. Verification of the Economic model referenced as an exhibit in the MOU;
3. A Development Agreement, referenced in the MOU, being negotiated to include the mentioned points, and agreed to between the Developer and the City of Seven Hills;
4. Continued Compliance with Chapter 979-Rockside Road South Planned Unit Development District (PUD);
5. Re-establishing an emergency access road on to Crossview Road if deemed necessary by the City of Seven Hills Fire Department;
6. A Development Agreement being finalized prior to or as at the same time as council approving the final development plan

This report and recommendation of the Planning Commission is being forwarded to the Council of the City of Seven Hills for further action pursuant to Seven Hills Charter Section V-7 and City of Seven Hills' Codified Ordinance Section 941.04(b)-(f) (with references therein to "this Chapter" meaning Chapter 979 and the reference to the review standards of Section 941.06 meaning Section 979.05). Planning Commission recommends approval with the stated conditions of The Bluffs Development Preliminary Development Plan Submission, as the proposed amendment to the previously approved Rockside Crossings at Seven Hills preliminary development plan

Respectfully submitted,

Ed Foley, Chairman

Jeff Bryda, Chairman Pro-tem

Jeff Bazzo

David Sporar

Terry McCafferty